

# 立法會 *Legislative Council*

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## **Panel on Security**

### **Background brief prepared by the Legislative Council Secretariat for the meeting on 2 March 2010**

#### **Progress of implementation of the trial scheme on school drug testing in Tai Po District**

#### **Purpose**

This paper summarizes the major concerns and views of members of the Panel on Security and Panel on Education on the trial scheme on school drug testing in Tai Po District.

#### **Youth drug abuse situation**

2. In the past few years, Hong Kong had seen a significant increase 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%. The mean age of first-time abusers aged under 21 was 15.

#### **Recommendations of the Task Force on Youth Drug Abuse**

3. In his 2007-2008 Policy Address, the Chief Executive announced the appointment of the 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. An inter-departmental working group was set up in early 2009 to steer, coordinate and monitor the implementation of the recommendations. The working group identified the following tasks as its priority areas of work in 2009-2010 : commissioning the research study on voluntary school-based drug testing, conducting public consultation on compulsory drug testing, tackling cross-boundary drug abuse and institutionalization of a "Healthy School Policy".

## **Major views and concerns of members on school-based drug testing**

4. In the Legislative Council, the school-based drug testing are the areas of concern of both the Panel on Security and the Panel on Education. The major views and concerns raised by members during previous deliberations are summarized in the following paragraphs.

### *School-based voluntary drug testing scheme*

5. Some members sought clarification on whether a test would be conducted under the school-based voluntary drug testing scheme only when there was reasonable suspicion or by means of random sampling. They considered that in devising the voluntary drug testing scheme, the Administration should avoid possible stigmatization of schools and students.

6. The Administration advised that drug testing in schools had attracted considerable discussion within the school sector. Given the host of issues of concern identified, the Administration would undertake a more in-depth study into the relevant issues and suggest model schemes for reference, in order to assist schools in considering the feasibility of introducing drug tests on campus. The Administration assured members that wide consultation would be conducted, especially in the school sector.

### *Trial scheme on school drug testing in Tai Po District*

7. In August 2009, the Administration announced the launch of a trial scheme on school drug testing in Tai Po District (the Scheme) in December 2009. The four guiding principles of the Scheme were as follows -

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

8. Members in general welcomed the implementation of the Scheme. Nevertheless, some members highlighted the concern of parents about students' refusal to participate in the Scheme which might create family conflict and the impact on their right of guardianship if parents could not represent their children to give consent to the drug test. Members also raised the concern of possible stigmatization of students who did not give consent to participate in the Scheme. They called on the Administration to take precautionary measures to avoid stigmatization, such as not disclosing the names of students who agreed or did not agree to participate in the Scheme.

9. The Administration explained that the requirement of seeking students' written consent for drug testing was to facilitate the smooth implementation of the Scheme. While acknowledging the concern about possible stigmatization of students, the Administration

stressed the severity of drug abuse in schools which warranted the launch of the Scheme as soon as practicable. The Administration considered it important to address but not over-play the negative aspects associated with the Scheme.

*Protection of personal information*

10. Members were in support of the guiding principle of the Scheme to protect the information obtained as confidential, and noted that the information would only be released to those persons who had been given consent to access it, and the Police would not be provided with the personal information of the students obtained under the Scheme for follow-up action. Members were concerned that some students might be confused as to whether they should report to the Police and their schools if they found their school mates dealing with drugs.

11. The Administration clarified that while the Police would not be provided with the personal information of the students obtained under the Scheme, any information concerning drug-related offences such as drug trafficking in schools should and would be reported to the Police and the Police would continue with its law enforcement duties. The Administration emphasized that there should be no misunderstanding of any exoneration for criminal acts committed by students.

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

13. The Administration stressed that -

- (a) CRDA, which was a database on drug abuse statistics maintained by the Security Bureau, 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 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 students 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 students to decide whether or not to disclose to any other parties their participation in the Scheme.

#### *Arrangements of the Scheme*

14. The Administration advised that urine specimen would be collected for drug testing. A non-governmental organization would 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 would give one-week advance notice to the school principal before the school visit. On average, each school would be visited twice a month and about 5% of the participating students would be randomly selected and tested during the two visits. It was estimated that one screening test would last for about 15 minutes, and the SDT team would be able to carry out 20 screening tests in the morning of the visit. From December 2009 to June 2010, about 30% of the participating students would be selected for drug testing. As regards a suggestion for using hair specimen for drug testing, the Administration advised that this technology was currently not available in Hong Kong and the cost of testing was much higher than that of urine drug testing.

#### *Reliability of screening test*

15. Some members expressed concern about the reliability and accuracy of the screening test. They were concerned about the possible harm of false-positive results to participating students. They 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.

16. The Administration 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 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.

#### *Resources for support services*

17. Members noted that apart from the formation of a SDT team, the counselling centre for psychotropic substance abusers in Tai Po would be responsible for dealing with confirmed drug abuse cases uncovered in the Scheme. A registered social worker of the centre would be assigned as the case manager to coordinate counselling treatment and rehabilitation services. Members expressed concern that as at September 2009, the Administration was still assessing the additional resources required for implementing the Scheme. Members stressed that there should not be any limit on resources allocated for support services for the Scheme.

#### *Assessing the effectiveness of the Scheme*

18. Some members asked about the yardsticks to be applied by the Administration in assessing the effectiveness of the Scheme.

19. The Administration advised that it 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 Administration had no definite plan or timetable to extend the Scheme to more schools. The Administration would study the report by the research organization and determine the way forward.

#### *Extension of the Scheme to other districts*

20. Members were concerned about the timetable for extending school-based drug testing to other districts. The Administration advised that it would focus its efforts on the implementation of the trial scheme in Tai Po District for the time being, and would consider extending school-based drug testing to other districts at a later stage. A research project aiming to devise similar schemes for voluntary adoption by other schools would be carried out in the 2009-2010 school year in parallel with the Scheme.

### **Related information**

21. At the Council meeting on 11 November 2009, Hon CHEUNG Kwok-che raised a question on measures taken by the Administration to combat the youth drug abuse problem. The question and the Administration's reply is available on the Government website at <http://www.info.gov.hk/gia/general/200911/11/P200911110140.htm>.

### **Relevant papers**

22. Members may wish to refer to the following minutes of meetings and papers for further details of the discussions -

#### Minutes

- (a) Minutes of the meeting of the Panel on Security held on 2 December 2008 [LC Paper No. CB(2)738/08-09];
- (b) Minutes of the meeting of the Panel on Security held on 5 May 2009 [LC Paper No. CB(2)2055/08-09];
- (c) Minutes of the meeting of the Panel on Education held on 8 September 2009 [LC Paper No. CB(2)2637/08-09];
- (d) Minutes of the meeting of the Panel on Security held on 25 November 2009 [LC Paper No. CB(2)938/09-10];

#### Papers

- (e) Administration's paper for the meeting of the Panel on Security on 2 December 2008 entitled "Report of the Task Force on Youth Drug Abuse" [LC Paper No. CB(2)261/08-09(01)];
- (f) Administration's paper for the meeting of the Panel on Security on 5 May 2009 entitled "Progress on Implementation of Recommendations of the Task Force on Youth Drug Abuse" [LC Paper No. CB(2)1419/08-09(07)];
- (g) Administration's paper for the meeting of the Panel on Education on 8 September 2009 entitled "Trial Scheme on School Drug Testing in Tai Po District" [LC Paper No. CB(2)2424/08-09(01)]; and

- (h) Administration's paper for the meeting of the Panel on Security on 25 November 2009 entitled "Overall Progress of Anti-drug efforts and the Trial Scheme on School Drug Testing in Tai Po District" [LC Paper No. CB(2)320/09-10(01)].

23. The above minutes and papers are also available on the website of the Legislative Council (<http://www.legco.gov.hk>).

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