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Panel on Security

Background brief prepared by the Legislative Council Secretariat for the special meeting on 25 November 2009

Progress of implementation of the recommendations of the Task Force on Youth Drug Abuse and the trial scheme on school drug testing in Tai Po District

Purpose

This paper summarizes the major concerns and views of Members on the recommendations in the Report of the Task Force on Youth Drug Abuse and the trial scheme on school drug testing in Tai Po District.

Current anti-drug policy

2. The Administration's anti-drug policy is embodied in a "five-pronged" approach, namely, preventive education and publicity, treatment and rehabilitation, law enforcement and legislation, external cooperation and research. It has been drawn up on the advice of the Action Committee Against Narcotics and its sub-committees, with members from various fields including youth, social work, medicine, academia and Legislative Council Members. The Fight Crime Committee and the District Fight Crime Committees also discuss the youth drug abuse problem from time to time.

3. The Administration regularly reviews its treatment and rehabilitation programmes and formulates a "Three-year Plan on Drug Treatment and Rehabilitation Services in Hong Kong" every three years in consultation with the anti-drug sector. It also keeps in touch with anti-drug workers from subvented and non-subvented treatment centres, youth groups, social welfare organizations, etc through the Drug Liaison Committee.

Youth drug abuse situation

4. 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

5. 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

6. In the Legislative Council, the subjects of youth drug abuse and 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 below.

Combating cross-boundary drug abuse

7. Some members were of the view that the Administration should combat the youth drug abuse problem at source, and should endeavour to reduce the supply and availability of illicit drugs within the territory. These members were concerned about the cooperation with the Mainland authorities on law enforcement against cross-boundary drug abuse and drug trafficking.

8. The Administration advised that law enforcement agencies (LEAs) had all along been maintaining close cooperation with their Mainland and overseas counterparts in combating drug trafficking. Intelligence was exchanged, and operational directions for joint enforcement actions had been drawn up to combat drug trafficking activities.

Compulsory drug testing

9. Regarding the proposal in the Report of introducing compulsory drug testing, some members cautioned that it might interfere with human rights, in particular the right to privacy, and provide LEAs with excessive powers. Some members took the view that this approach would only result in confrontation and even radical response from the youngsters.

10. The Administration's position was that the primary purpose of compulsory drug testing was to enable early intervention for treatment and rehabilitation, instead of

facilitating prosecution. The Task Force fully recognized the sensitive issues and wide implications involved in seeking to introduce compulsory drug testing, particularly from human rights and privacy perspectives. As the proposal was controversial, there was a need for consultation and consensus before proceeding. Against this background, the proposal for a compulsory drug testing scheme would be set out in a detailed consultation paper and public views would be invited before the proposal was taken forward. The Administration was working for the launching of a public consultation exercise in 2010.

School-based voluntary drug testing scheme

11. Regarding the school-based voluntary drug testing scheme, some members sought clarification on whether a test would be conducted 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.

12. 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

13. 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.

14. 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.

15. 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

16. 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.

17. 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.

Arrangements of the Scheme

18. 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.

Resources for support services

19. 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.

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];

Papers

- (d) 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)];
- (e) 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)]; and
- (f) 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)].

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

Council Business Division 2
Legislative Council Secretariat
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