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Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 5 June 2012**

Drug testing scheme

Purpose

This paper gives an account of the past discussions by the Panel on Security ("the Panel") on the Administration's proposal for a compulsory drug testing scheme.

Background

2. In October 2007, the Task Force on Youth Drug Abuse ("the Task Force") was set up under the chairmanship of the Secretary for Justice to tackle the youth drug abuse problem. The Task Force concluded its work and published a Report and an Executive Summary on 11 November 2008. In its Report, the Task Force has recommended, inter alia, compulsory drug testing.

3. The Task Force considers that compulsory drug testing is potentially a very effective means of screening and identifying drug abusers for crime investigation, treatment and prevention. However, it may be argued as an interference with human rights, in particular the right to privacy, comprising the right to human dignity and bodily integrity (including right to refuse medical treatment). 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.

Deliberations of the Panel

4. At its meeting on 2 December 2008, the Panel was briefed by the Administration on the Task Force's Report published on 11 November 2008. Among the recommendations in the Report, members expressed strong reservations about the proposed compulsory drug testing scheme. Members were concerned that the proposal would cause impairment to the privacy, human rights and freedom of people. The Administration assured members that the primary purpose of the proposed compulsory drug testing scheme was to enable early intervention for treatment and rehabilitation, instead of facilitating prosecution. The proposal would be set out in a detailed consultation paper and public views would be invited before rolling out the scheme.

Latest development

5. The Chief Executive announced in his Policy Address 2011-2012 that stakeholders and the public would be consulted on the way forward in introducing community-based drug testing. The Administration will seek the views of the Panel on its plan for public consultation at the meeting on 5 June 2012.

Relevant papers

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

Relevant papers on drug testing scheme

Meeting	Date of meeting	Paper
Panel on Security	2.12.2008 (Item IV)	Agenda Minutes Report of the Task Force on Youth Drug Abuse CB(2)261/08-09(01) CB(2)347/08-09(03)

Council Business Division 2
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