

立法會
Legislative Council

LC Paper No. CB(2)1152/16-17(06)

Ref : CB2/PL/SE

Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 11 April 2017**

Anti-drug efforts in Hong Kong

Purpose

This paper provides background information on the Administration's anti-drug efforts and summarizes the discussions of the Panel on Security ("the Panel") on the subject.

Background

2. According to the Administration, its 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 ("ACAN") and its sub-committees.

3. The Chief Executive appointed in October 2007 the former Secretary for Justice to lead the Task Force on Youth Drug Abuse ("the Task Force") to tackle the youth drug abuse problem. The Task Force published a report in November 2008 with some 70 recommendations. An inter-departmental working group chaired by the Commissioner for Narcotics was set up in early 2009 to steer, coordinate and monitor the implementation of the recommendations of the Task Force.

4. The Chief Executive announced in his Policy Address 2011-2012 that stakeholders and the public would be consulted on the way forward in introducing the community-based drug testing¹ scheme. In September 2013,

¹ The community-based approach was named as compulsory drug testing in the report the Task Force on Youth Drug Abuse.

ACAN launched a four-month public consultation exercise on the RESCUE² Drug Testing Scheme ("RDT Scheme"), which proposed for the community to consider RDT as an additional measure to help identify drug abusers as early as possible, and to refer them to social workers or healthcare professionals for counselling and treatment programmes. After the consultation period, ACAN published a report on the results of its public consultation exercise and ACAN's recommendations, and briefed the Panel on the report in July 2014.

Deliberations of the Panel

Statistics on drug abusers and drug abuse situation

5. Noting that the Central Registry of Drug Abuse ("CRDA") was set up to provide drug statistics for monitoring changes in drug abuse trends and characteristics of drug abusers, some members queried why the reporting of statistics on drug abusers under CRDA was voluntary instead of mandatory. The Administration explained that the reporting of such information was voluntary because of the sensitive nature of information about drug abusers. Apart from CRDA statistics, the Administration would monitor different sources of information to ensure a more comprehensive picture of the drug trend in Hong Kong. An example was a large-scale survey conducted once every three years on the drug abuse situation of all students in Hong Kong.

6. Members also noted from the statistics reported to CRDA in 2015 that there was a continued decline in the total number of reported drug abusers in 2015 (at 8 598), which was 5% lower than that in 2014 (at 9 059). However, half of the newly reported abusers had a drug history of at least 5.8 years, compared with 5.2 years in 2014. Members were concerned that despite a decline in the number of drug abusers, the drug history of newly reported cases had continued to rise. They considered that as drug abuse could cause serious and irreversible harm to the health of a person, there was a need for early identification and intervention.

7. Members were advised that the drug history of newly reported drug abusers was only one of the indicators of hidden drug abuse. According to the findings of a previous research study, the actual number of drug abusers was around 2.7 to 3.3 times the number of reported drug abusers under CRDA.

8. The Administration further advised that the mainstay of the drug prevention efforts included measures to facilitate early identification of drug

² "RESCUE" is an acronym for "Reasonable and Early Screening for Caring and Universal Engagement".

abusers and intervention through 11 Counselling Centres for Psychotropic Substance Abusers and district youth outreaching social work teams. Furthermore, some non-governmental organizations ("NGOs") had adopted novel means to reach hidden drug abusers (e.g. through online platforms, mobile phone applications as well as outreach work). NGOs were also encouraged to make funding applications to the Beat Drugs Fund for launching new programmes to identify hidden drug abusers.

Healthy School Programme with a Drug Testing Component ("HSP(DT)")

9. Members noted that the Administration had launched HSP(DT) in 2011 to all secondary schools in Hong Kong upon the completion of the two-year Trial Scheme on School Drug Testing in Tai Po District. HSP(DT) comprised two parts, namely preventive anti-drug activities and voluntary drug testing.

10. Pointing out that many parents had to work very long hours, members were concerned about how the Administration would identify hidden youth drug abusers and outreach their parents. There was a view that the problem of hidden drug abuse among the youth should be addressed by strengthening the service of school social workers and assisting the youth to lead a healthy life. Instead of allocating funds for carrying out drug testing on students, the Administration should use the funds for strengthening the social work service.

11. According to the Administration, the objectives of HSP(DT) were to help students develop healthy habits and a positive outlook on life, thereby enhancing their resilience to adversity and resolve to stay away from drugs. It was not intended for identifying individual drug abusers. The Administration was collaborating with various sectors, including NGOs, schools and parents to identify hidden drug abusers. The Administration stressed that students with drug problems could always seek help from school social workers. Drug testing in schools and the work of school social workers were not mutually exclusive, but were rather complementary to each other.

Community-based drug testing ("CDT")

12. Some members expressed concern that although drug consumption was a criminal offence, there was currently no legal basis in Hong Kong to mandate suspected drug abusers to undergo drug testing. Members were advised that to enable more effective identification of those endangered by drugs in a bid to enhance early intervention and rehabilitation, the Task Force had proposed the Administration to examine the introduction of legislation to implement drug testing at community level and empowering law enforcement officers to require a person reasonably suspected of having consumed dangerous drugs to undergo drug test.

13. Some other members, however, expressed concern about whether prosecution would be instituted against drug abusers identified in drug testing under CDT. The Administration pointed out that the main objective of CDT was to identify drug abusers at an early stage so as to allow timely intervention with treatment and rehabilitation to reduce as far as practicable the adverse health impact on the drug abusers due to prolonged drug abuse. Prosecution against drug abusers was not the main objective. Whether prosecution would be instituted against drug abusers would be subject to the availability of evidence and the circumstances at scene.

The proposed RDT Scheme

14. Some members expressed grave concern that under the proposed RDT Scheme, when there were reasonable grounds based on strong circumstantial conditions to suspect that a person had taken dangerous drugs, law enforcement officers would require that person to undergo a drug test. These members were concerned that the mandatory approach of RDT would result in more cases of hidden drug abuse and infringe the privacy and human rights of individuals. Some other members, however, expressed support for RDT. These members considered that RDT would provide an extra entry point of intervention before the drug had inflicted irreversible damage on the body of drug abusers, hence reducing the long-term medical and social cost associated with disability arising from drug abuse.

15. Members noted that upon completion of the public consultation exercise on RDT conducted between September 2013 and January 2014, ACAN submitted in July 2014 its report and recommendations on the proposed RDT Scheme to the Administration, which was accepted by the Administration. In its report, ACAN recommended that, inter alia, the Administration should follow up its recommendations immediately and roll out the proposed operational details for a second stage public consultation exercise. Having regard to the fact that divergent views were collected during the four-month public consultation exercise, some members were concerned about the Administration's proposed way forward on RDT and the timetable for the second stage public consultation. At the policy briefing cum meeting of the Panel on 7 February 2017, members were advised that the Administration did not have any timetable at present for the second stage consultation on the proposed RDT Scheme.

Relevant papers

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

Council Business Division 2
Legislative Council Secretariat
7 April 2017

**Relevant papers on
Anti-drug efforts in Hong Kong**

Committee	Date of meeting	Paper
Panel on Security	2.12.2008 (Item IV)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	18.3.2009	<u>Official Record of Proceedings</u> <u>(Question 16)</u>
Panel on Security	5.5.2009 (Item VIII)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	13.5.2009	<u>Official Record of Proceedings</u> <u>(Question 9)</u>
Panel on Education	8.9.2009 (Item I)	<u>Agenda</u> <u>Minutes</u>
Panel on Security	25.11.2009 (Item I)	<u>Agenda</u> <u>Minutes</u>
Panel on Security	2.3.2010 (Item V)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	10.3.2010	<u>Official Record of Proceedings</u> <u>(Question 2)</u>
Panel on Security	11.11.2010 (Item II)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	19.1.2011	<u>Official Record of Proceedings</u> <u>(Question 12)</u>
Panel on Security	7.2.2012 (Item V)	<u>Agenda</u> <u>Minutes</u>
Panel on Security	5.6.2012 (Item V)	<u>Agenda</u> <u>Minutes</u>

Committee	Date of meeting	Paper
Panel on Security	28.1.2013 (Item I)	<u>Agenda Minutes</u>
Panel on Security	5.4.2013 (Item IV)	<u>Agenda Minutes</u>
Legislative Council	30.10.2013	<u>Official Record of Proceedings (Question 9)</u>
Panel on Security	5.11.2013 (Item IV)	<u>Agenda Minutes</u>
Panel on Security	7.1.2014 (Item IV)	<u>Agenda Minutes</u>
Panel on Security	8.4.2014 (Item IV)	<u>Agenda Minutes</u>
Panel on Security	8.7.2014 (Item III)	<u>Agenda Minutes</u>
Panel on Security	5.5.2015 (Item IV)	<u>Agenda Minutes</u>
Legislative Council	28.10.2015	<u>Official Record of Proceedings (Question 18)</u>
Panel on Security	3.5.2016 (Item V)	<u>Agenda Minutes</u>

Council Business Division 2
Legislative Council Secretariat
7 April 2017