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Panel on Security

Background brief prepared by the Legislative Council Secretariat for the special meeting on 11 November 2010

School drug testing

Purpose

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

Background

Youth drug abuse situation

2. According to the 2008-2009 survey on drug abuse among secondary school students, Hong Kong has observed a significant increase in the number of young people under the age of 21 abusing psychotropic substances in recent years. Compared with findings of the 2004-2005 survey, the age of drug abusers has lowered and psychotropic substances, such as ketamine, have become the predominant substance of abuse among drug-taking students, with abuse of heroin becoming less significant. The problem of youth drug abuse tends to become much more "hidden" as a majority of drug-taking students take drugs at homes of friends or schoolmates or at their own homes, and they have low motivation to seek help.

Anti-drug strategies and measures

3. In view of the worsening situation, the Chief Executive ("CE") appointed in October 2007 the Secretary for Justice to lead a high level Task Force to tackle the youth drug abuse problem. The Task Force on Youth Drug Abuse ("the Task Force") published a report in November 2008 with some 70 recommendations spanning over the five prongs of the anti-drug policy, namely community mobilization, community support, drug testing, treatment and rehabilitation, and law enforcement. An inter-departmental working group was also set up in early 2009 to steer, coordinate and monitor the implementation of the Task Force's recommendations. Additional resources were allocated in 2008-2009 and 2009-2010 financial years to take forward a host of new anti-drug initiatives. Among

others, the Administration announced the launch of a trial scheme on school drug testing in Tai Po District ("the Scheme") in December 2009.

Trial scheme on school drug testing

4. Following intensive consultations since mid-2009, the 23 public sector secondary schools in Tai Po District launched the Scheme in the 2009-2010 school year. The Scheme is a joint initiative by the Government and public sector secondary schools in Tai Po District, supported by parties in the social welfare, healthcare and other sectors.

5. According to the Administration, the purposes and imperatives of the Scheme are as follows -

- (a) the Scheme will boost the determination of those students who have not taken any drugs to stay away from drugs, and to say no to their peers even when they are tempted to try drugs. This will help prevent the spread of drugs in schools; and
- (b) the Scheme will trigger the motivation of those students abusing drugs to quit drugs and seek help, especially those who have tried drugs at an early stage. The Scheme will also ensure that appropriate support services are provided to those students who wish to pull themselves out of the drugs environment.

6. The Scheme is designed in accordance with the following four guiding principles -

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

7. As at the end of January 2010, a total of 12 439 students participated in the Scheme, representing 61% of all students in the 23 schools. As at 11 February 2010, a total of 482 students had been randomly selected for the screening test, of which 399 students took the test. No confirmed positive case was found.

Members' views and concerns on school-based drug testing

8. 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

9. 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.

10. 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

11. 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.

12. 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

13. 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 schoolmates dealing with drugs.

14. 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.

15. 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").

16. 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 form to participate in the Scheme 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

17. 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

18. 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.

19. 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

20. Members noted that apart from the formation of a SDT team, the counselling centre for psychotropic substance abusers in Tai Po, notably the Hong Kong Lutheran Social Service Cheer Lutheran Centre, 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.

21. Members were concerned whether the Administration would be able to cope with the increasing demand for downstream support services, such as rehabilitative treatment provided for identified drug abusers at residential drug treatment and rehabilitation centres ("DTRCs") run by NGOs. The Administration advised that it would take into account the views of relevant parties when implementing support measures for rehabilitation of students abusing drugs. The Education Bureau ("EDB") would collaborate with various government departments and organizations, with a view to strengthening and enhancing the education services for student drug abusers. The drug treatment programmes in DTRCs usually lasted for about six to 12 months. Since 1995, non-profit making voluntary agencies running DTRCs could apply for subvention from EDB to operate education programmes for young drug abusers aged 18 or below, preparing them for continuation of schooling or employment upon full rehabilitation. EDB and DTRCs would provide appropriate support to students who wished to resume schooling in mainstream schools or pursue other programmes.

Assessing the effectiveness of the Scheme

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

23. The Administration advised that in parallel with the implementation of the Scheme, it would appoint a research organization 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

24. 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, taking into consideration the findings of the review report submitted by the research organization.

Latest developments

25. In his 2010-2011 Policy Address, CE announced that the Administration would extend the Scheme to school year 2010-2011 to gain more experience. The consultancy research report on evaluating the effectiveness would be completed and released later. CE also announced that the school social work service in secondary schools would be strengthened by a 20% increase of professional manpower, to help prevent and tackle the student drug abuse and other related problems. The reinforced school social work service would not only enhance early identification of drug-taking students and provision of timely support, but also engagement of parents of at-risk students in extending help to those in need. This would facilitate a positive change in those students and foster their healthy development.

Relevant papers

26. 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];
- (e) Minutes of the meeting of the Panel on Security held on 2 March 2010 [LC Paper No. CB(2)1407/09-10];

Papers

- (f) 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)];
- (g) 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)];
- (h) 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)];

- (i) 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)]; and
- (j) Administration's paper for the meeting of the Panel on Security on 2 March 2010 entitled "2008/2009 Survey of Drug Use among Students and Implementation Progress of the Trial Scheme on School Drug Testing in Tai Po District" [LC Paper No. CB(2)985/09-10(06)].

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

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