

立法會 *Legislative Council*

LC Paper No. CB(2)875/12-13(04)

Ref : CB2/PL/SE

Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 5 April 2013**

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. 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.

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.

Deliberations of the Panel

Resources for anti-drug work

4. Members noted that an injection of \$3 billion into the Beat Drugs Fund in

the 2010-2011 financial year had enabled it to generate an enhanced level of annual investment return of about \$100 million for supporting sustained anti-drug efforts in various sectors of the community, in which school drug testing was one of the major initiatives. Applications from schools and non-governmental organizations ("NGOs") would be handled in a dedicated manner for arranging appropriate funding. Information was sought on the Administration's plans to strengthen school social work services in secondary schools to support drug testing schemes that might be put in place.

5. According to the Administration, it planned to further strengthen school social work services in all secondary schools in 2011-2012 by a 20% increase in manpower so as to combat drug abuse in a focused manner through, among others, enhancing counselling services. NGOs offering school social work services would be provided with additional resources for conducting counselling sessions and education programmes in schools. NGOs could flexibly deploy extra school social workers.

Cross-boundary drug abuse

6. Members were very concerned about the increasing number of persons crossing the boundary to abuse drugs on the Mainland. There was a view that the Administration should combat the problem in collaboration with the relevant Mainland authorities.

7. According to the Administration, it would implement a series of initial measures recommended by the Task Force, which included enhancing detector dog services at the boundary control points and stepping up anti-drug publicity targeting young people at the boundary. A large-scale territory-wide campaign would also be launched to correct the misconceptions and change the wrong attitudes about psychotropic substance abuse, and to foster a drug free culture among the youth and mobilize the whole community against youth drug abuse. The Administration also advised that the Mainland authorities had been endeavour to combat drug abuse, including enforcing the law strictly. A person convicted of drug abuse on the Mainland for the first time would be subject to administrative detention for 15 days, while persons convicted for the second time would be subject to compulsory drug treatment. The Administration would consider stepping up publicity on the consequences of cross-boundary drug abuse. It would also continue its liaison with the Mainland authorities with a view to drawing up long-term measures to combat the problem of cross-boundary drug abuse.

8. Members were concerned that Hong Kong residents arrested for drug abuse on the Mainland might not have a chance of receiving treatment and

rehabilitation. There was a suggestion that arrival checking should be conducted at boundary control points. The Administration should also obtain from the Mainland authorities the list of Hong Kong residents arrested for drug abuse on the Mainland, so that the cases concerned could be followed up when the persons concerned returned to Hong Kong.

9. According to the Administration, it would continue to combat cross-boundary drug abuse through launching intelligence-led operations and maintaining close communications with the Mainland authorities. For Hong Kong residents arrested for drug abuse on the Mainland, the Police had established a mechanism with social workers for the provision of services to those who were willing to receive such a service when they returned to Hong Kong. According to the Central Registry of Drug Abuse, there was recently a significant decline in the number of reported cross-boundary drug abusers.

School-based voluntary drug testing

10. Members noted that a Trial Scheme on School Drug Testing in Tai Po District ("the Scheme") was launched in December 2009 and completed in June 2010. According to the Administration, the objective of the Scheme was not to identify and penalize students who were taking drugs but to arouse students' awareness and understanding of the harmful effects of drug abuse. In tandem with the implementation of the Scheme, the Administration had commissioned a professional research organization to undertake an evaluation research. The Panel was briefed at the meeting on 10 November 2010 on the findings, observations and recommendations of the Scheme and the proposed way forward, which included further developing school drug testing, extending the Scheme in Tai Po to the 2010-2011 school year and a corresponding extension of the research. Members were advised that the research findings confirmed that the Scheme was effective as a preventive measure to enhance students' resolve to stay away from drugs, and it had no adverse implications on parent-child relationship, teacher-student relationship and students' trust in their school. Most of the participating students believed that the Scheme was effective in establishing a drug-free campus.

11. Concern was also raised about whether the Administration would consider allocating resources to districts other than Tai Po for school drug testing. The Administration advised that a Healthy School Programme with a drug testing component ("HSP(DT)") would be launched from the 2011-2012 school year onwards. The objective of HSP(DT) was to extend the Scheme to schools in other districts.

12. Regarding the Administration's plan to enhance support services for parents, members were advised that resources had been provided by the Home Affairs Department to 18 districts in the past for organizing anti-drug activities. Resources had been provided in HSP(DT) for organization of seminars and activities for parents. An enquiry hotline had been set up to provide relevant information and assistance to parents as necessary. Some district organizations would help approach the working parents and provide assistance to them as appropriate.

Problem of hidden youth drug abuse

13. Members noted that although there was a decline in the number of drug abusers in recent years, the drug history of newly reported drug abusers had increased from 1.9 years in 2008 to more than 3.5 years in 2011. Information was sought on the Administration's work against hidden youth drug abuse. Noting that many parents had to work very long hours, members were concerned how the Administration would identify hidden youth drug abusers and outreach their parents.

14. According to the Administration, it was collaborating with various sectors, including NGOs, schools and parents to identify hidden drug abusers. The operating hours of the anti-drug telephone enquiry hotline "186 186" had been extended to 24 hours a day to facilitate provision of professional service by social workers at late night.

Community-based drug testing

15. Members noted 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. Psychotropic substance abuse was more common among young drug abusers and was hidden in nature in their consumption methods and harmful effects on the body. This rendered immediate detection by parents, teachers and even law enforcement officers difficult. To enable more effective identification of those endangered by drugs in a bid to enhance early intervention and rehabilitation, the Task Force proposed the Administration to examine the introduction of legislation to implement drug testing at the community level, empowering law enforcement officers to require a person reasonably suspected of having consumed dangerous drugs to undergo drug test.

16. According to the Administration, various less intrusive measures had been taken forward in the past few years to tackle the problem of drug abuse. There were voices in the community urging the Administration to consider

taking a step further by introducing drug testing at the community level by legislative means as a necessary and proportionate measure to facilitate early identification of drug abusers and timely intervention, provided that there were adequate safeguards protecting the rights of individuals concerned. At the Panel meeting on 5 June 2012, members were advised that the Administration would launch a public consultation exercise on a community-based drug testing ("CDT") in the second half of 2012.

17. Information was sought on whether prosecution would be instituted against drug abusers identified in drug-testing. According to the Administration, 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.

18. Concerns were raised as to whether the introduction of legislation to implement CDT would be consistent with the protection of human rights. The Administration advised that it noted concerns about protection of human rights. The issue would be included in a consultation paper to be issued. The Administration adopted an open attitude and would listen to public views before deciding on how to take forward the matter.

Relevant papers

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

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

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