

For discussion on
7 January 2014

Legislative Council Panel on Security

RESCUE Drug Testing Scheme: Public Consultation – Progress

PURPOSE

This paper reports to Members on the progress of the ongoing public consultation exercise on the RESCUE Drug Testing Scheme (RDT) led by the Action Committee Against Narcotics (ACAN)¹.

BACKGROUND

2. On 25 September 2013, ACAN launched a four-month consultation exercise on RDT. RESCUE is an acronym for “Reasonable and Early Screening for Caring and Universal Engagement”. Under RDT, it is envisaged that when there are reasonable grounds based on strong circumstantial conditions to suspect that a person has taken dangerous drugs, law enforcement officers (LEOs) would require that person to undergo a drug test. The purpose is to identify drug abusers early and refer them to social workers or medical professionals for appropriate follow up before drugs inflict irreversible harms on their health. The proposed framework of the RDT and the list of questions for consultation are set out at **Annex A** and **B** respectively.²

3. ACAN and the Security Bureau (SB) have kept the Legislative Council (LegCo) updated on the progress of the ongoing public consultation. On 5 November 2013, the Panel on Security, inviting attendance by all Members of LegCo, noted SB’s report on the RDT consultation exercise vide LC Paper No. CB(2)184/13-14(03). On 19 November, the Panel on Welfare Services held a special meeting to

¹ ACAN is tasked with advising the Government on the policies and measures for effectively eradicating drug abuse from the community. ACAN members come from various backgrounds and sectors.

² The consultation paper is an annex to SB’s report to the Panel on Security on 5 November 2013 vide LC Paper No. CB(2)184/13-14(03).

hear views from over 20 deputations on RDT. The meeting also noted SB's report vide LC Paper No. CB(2)294/13-14(01) on the drug treatment and rehabilitation services in Hong Kong with reference to RDT consultation and noted that we would continue to report progress at the Panel on Security.

PROGRESS

4. As reported to the Security Panel on 5 November 2013, ACAN had conducted four public forums in October 2013, attended by over 300 people. These forums have served to draw the curtain, enabling open discussion in the community. ACAN has thus arranged or participated in over 50 meetings and forums organised by non-governmental organisations, professional bodies and different organisations in the community to exchange views direct. Written submissions are also coming in. There are both supporting and opposing voices, as well as specific suggestions on different aspects of the drug testing scheme.

5. From the views heard so far, those supporting RDT consider that it could provide an additional means to help identify drug abusers early for timely treatment. They recognise the gravity of hidden drug abuse and the irreversible health impact on the long-time drug abusers, hence the need to intervene before it becomes too late. In particular, ex-abusers, parents, frontline medical professionals with first-hand experience treating drug abusers, as well as anti-drug workers all concur that drug abusers characteristically have very low motivation to seek help, resulting in delays in intervention under the current predominately voluntary approach. In many cases, such delays have meant missing the opportune junctures to put a halt to the bodily harm caused by drug abuse. An RDT scheme can provide an extra entry point of intervention before it becomes too late.

6. At the other end of the spectrum, some express concerns about possible infringement on human rights, possible abuse of power by the Police, and whether RDT would eventually drive the hidden drug abusers to hide themselves further.

7. At the same time, there are questions raised about the mechanisms for following up cases tested positive; the adequacy of downstream support services for coping with the potential new service

demand arising from RDT; and if there would be new resources. There are also views that the effectiveness of the follow-up mechanism would be crucial to the success or otherwise of RDT. Some are of the view that mandatory treatment is necessary, but at the same time the system should allow the drug abuser a chance to rehabilitate without a criminal record.

8. ACAN recognises the importance of an effective follow-up mechanism and acknowledges the importance of adequate downstream support services to complement a drug testing scheme, if implemented. ACAN notes that the Government has, over the past few years, injected considerable resources into the system to enhance different aspects of preventive education initiatives and drug treatment and rehabilitation services. The design of a follow-up mechanism would involve complex issues cutting across different areas. ACAN has therefore encouraged different sectors to provide more specific comments concerning the matter to facilitate thoughts on the mechanism after the consultation exercise.

9. ACAN maintains an open mind on RDT. Public consensus is a prerequisite for pursuing RDT. Before making concrete recommendations on the way forward, ACAN will continue to actively engage in dialogue with different sectors and encourage views on RDT, as well as on specific issues identified in the consultation exercise.

WAY FORWARD

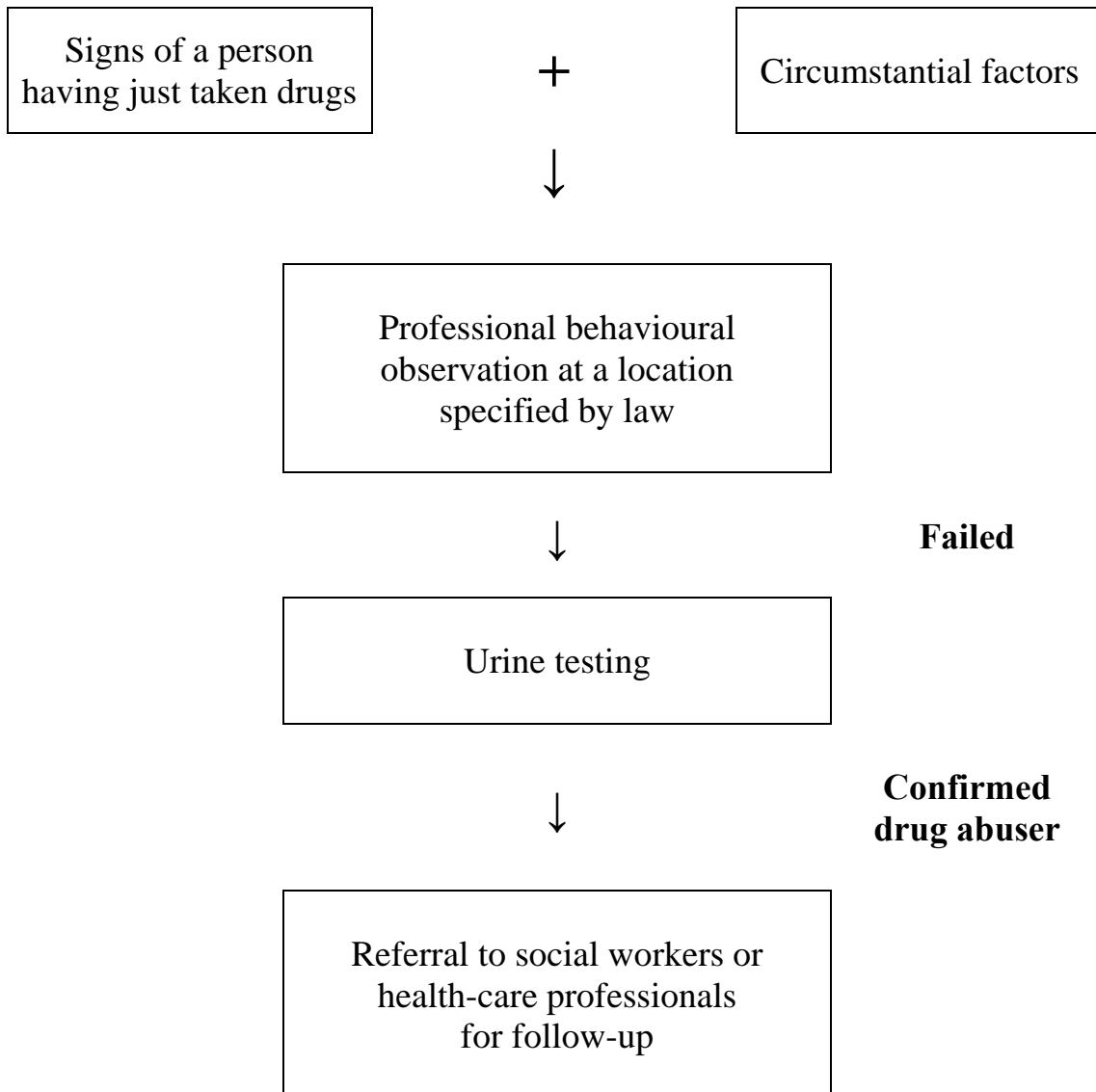
10. The public consultation will continue until 24 January 2014. Upon completion of the consultation, ACAN will analyse the views received and recommend the way forward for Government's consideration. If there is public support for RDT, there will be a need to consider further specific aspects of the scheme, including safeguards in the system and the design of the follow-up mechanism. ACAN may need to conduct a second stage of consultation in 2014. We will continue to report progress at the LegCo Panel on Security.

ADVICE SOUGHT

11. Members are invited to note the progress as set out in paragraphs 4 to 9 above.

**Narcotics Division
Security Bureau
30 December 2013**

**Proposed Drug Testing Procedures
Under the RESCUE Drug Testing**



**RESCUE Drug Testing Scheme
Public Consultation**

List of Questions for Consultation

Question 1: Do you agree that, as a matter of principle, Hong Kong should have RESCUE Drug Testing Scheme (RDT)?

Question 2: Do you agree that RDT power should be triggered only when (i) substances suspected of being drugs are found in the near vicinity of a person; AND (ii) the person in question shows signs of having taken drugs? Do you consider it acceptable that some obvious cases would not be covered by RDT for the purpose of maintaining a high threshold in triggering RDT power?

Question 3: Do you have any comments on the proposed two-stage drug testing procedures?

Question 4: Do you have any suggestions on how to safeguard individual rights?

Question 5: Should drug testing be applicable to people of all ages?

Question 6:

- (a) Do you agree that drug abusers, irrespective of age, should be eligible for a chance to receive counselling and treatment programmes in lieu of prosecution?
- (b) How many chances of counselling and treatment should be given under RDT? Should people below a certain age be eligible for more chances?

Question 7: Do you think RDT should apply to drug consumption that happened outside Hong Kong?

Question 8: Do you have any other suggestions for us?