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Panel on Security

**Updated background brief prepared by the Legislative Council Secretariat
for the meeting on 8 April 2014**

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 ("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 ("CDT") scheme.

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

Deliberations of the Panel

Resources for anti-drug work

5. Information was sought about the intended use of the Beat Drugs Fund ("BDF"), which amounted to \$3.35 billion, and the estimated time period by which it would be fully used up.

6. According to the Administration, BDF was a seed fund. After the injection of \$3 billion into BDF in 2010, more resources had been allocated under BDF for -

- (a) upgrading the facilities of drug treatment and rehabilitation centres, such as the in-situ upgrading project of Christian Zheng Sheng College. The amount of funding allocated for such projects was about \$50 million;
- (b) supporting the Healthy School Programme with a drug testing component ("HSP(DT)") : about \$16 million had been allocated for this purpose in 2012-2013; and
- (c) supporting publicity and public education projects targeting the public, including projects promoting parental awareness of the drug problem; supporting projects for enhancing the treatment and rehabilitation services, as well as research studies. In 2012-2013, about \$32 million had been allocated on this front.

Cross-boundary drug abuse

7. Regarding the measures adopted by the Administration to combat cross-boundary drug abuse, members noted that besides publicity against such drug abuse, there were established mechanisms for the Police, Customs and Excise Department and Mainland law enforcement agencies to combat the problem through joint operations and exchange of intelligence. There was recently a trend of decreased 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.

School drug testing

10. Some members expressed support for the Trial Scheme on School Drug Testing in Tai Po District and asked whether there were any plans for continued implementation of the Scheme.

11. According to the Administration, it had launched in 2011 HSP(DT) to all secondary schools in Hong Kong upon the completion of the two-year Trial Scheme on School Drug Testing in Tai Po District. 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. More resources had been allocated to HSP(DT) and that all secondary schools in Hong Kong had been encouraged to implement HSP(DT).

12. 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. Members were advised 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.

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 four years in 2012. 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 non-governmental organizations, 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.

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. At the Panel meeting on 5 November 2013, members were advised that ACAN had launched a four-month public consultation exercise in September 2013 on the RESCUE² Drug Testing Scheme ("RDT"), which

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

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.

19. Members noted that under the proposed RDT, 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. Members expressed diverse views on whether RDT should be introduced. Some members expressed support for the proposed RDT. They considered that an RDT scheme 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. Some other members, however, objected to the mandatory approach of RDT which, they considered, would result in more cases of hidden drug abuse. They were also concerned that the proposal would infringe the privacy and human rights of individuals. As law enforcement officers would be empowered under the proposed drug testing procedures to require a person to undergo drug testing, the power of the police might be expanded unnecessarily resulting in possible abuses.

20. Members were advised that ACAN would consider views on the proposed RDT collected during the first stage of the public consultation exercise. If there was a consensus that RDT should be pursued in principle, details for the mechanism of referral and follow-up would be worked out for further public consultation during a second-stage exercise to be conducted in 2014. The Administration stressed that it adopted an open attitude and would listen to public views before deciding on how to take forward the matter.

Relevant papers

21. 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)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	18.3.2009	<u>Official Record of Proceedings</u> (Question 16)
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> (Question 9)
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>
	2.3.2010 (Item V)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	10.3.2010	<u>Official Record of Proceedings</u> (Question 2)
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> (Question 12)
Panel on Security	7.2.2012 (Item V)	<u>Agenda</u> <u>Minutes</u>
	5.6.2012 (Item V)	<u>Agenda</u> <u>Minutes</u>
	28.1.2013 (Item I)	<u>Agenda</u> <u>Minutes</u>

Committee	Date of meeting	Paper
	5.4.2013 (Item IV)	<u>Agenda</u> <u>Minutes</u>

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