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LC Paper No. CB(2)1392/19-20(01)

17 July 2020

Miss Betty MA
Clerk to Panel on Security
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Miss MA,

List of Follow-up Actions of the Panel on Security Information on Drug Testing Schemes

During the discussion of Agenda Item III on “Public Consultation on RESCUE Drug Testing (“RDT”) Scheme – Updates” at the meeting of the Legislative Council Panel on Security held on 8 July 2014, Members requested the Administration to (a) provide more information on the findings of compulsory drug testing in Sweden; and (b) consider providing information on the proposals under the second stage consultation before launching a public consultation. Our reply is provided below.

In respect of the compulsory drug testing in Sweden, drug abuse has been made illegal in Sweden since 1988, and the law was revised in 1993 to empower the Police to conduct drug testing. A police officer on reasonable suspicion may intercept a person on the street and ask the person to undergo a drug testing. The decision of drug testing must come from a suitably high ranking police officer and the grounds of reasonable suspicion should be properly documented. Urine is the most commonly taken sample. The urine collection process does not necessarily take place in a police station but can be carried out in a cubicle on the spot. If the suspect is under the age of 18, the police is

required by law to inform his legal guardians and social workers. Checks and balances are in place. The Judicial Ombudsmen, an organisation under the Swedish Parliament, looks into relevant complaints or initiates investigations. The Ombudsmen may refer a police officer who is found to have abused power to the judicial system or report the case to the police for disciplinary actions. According to our recent enquiry with the Swedish Police Authority, there has not been any update on their compulsory drug testing scheme.

As regards the proposed RDT Scheme, the Action Committee Against Narcotics (“ACAN”) launched a public consultation exercise in September 2013. Under the proposed RDT, where there are reasonable grounds based on strong circumstantial conditions to suspect that a person has taken dangerous drugs, law enforcement officers would require that person to undergo drug testing procedures. Where applicable, those identified to have taken dangerous drugs would be referred to counselling and treatment programmes. ACAN announced the consultation conclusion in July 2014, which, among other points, recommended that the Government should continue to explore relevant issues of RDT with stakeholders. Since the proposed RDT Scheme involves many complex issues including individuals’ rights and personal data on which the community has diverse views, the Government does not have a timetable for further public consultation. Meanwhile, we will continue to work closely with stakeholders and adopt a multi-pronged approach in promoting anti-drug work and early identification of drug abusers with a view to providing them with appropriate assistance.

Yours sincerely,



(Miss Fiona LI)
for Secretary for Security