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Panel on Security

Updated background brief prepared by the Legislative Council Secretariat for the meeting on 5 May 2015

Anti-drug efforts in Hong Kong

Purpose

This paper provides background information on the Administration's anti-drug efforts and summarises the discussions of the Panel on Security 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. In

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

September 2013, ACAN launched a four-month public consultation exercise in on the RESCUE² Drug Testing Scheme ("RDT"), which 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.

Deliberations of the Panel

Resources for anti-drug work

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

Statistics on drug abusers and latest drug abuse situation

6. Some members queried why the reporting of statistics on drug abusers under the Central Registry of Drug Abuse ("CRDA") was voluntary instead of mandatory. According to the Administration, the reporting of such information was voluntary because of the sensitive nature of information about drug abusers. Apart from CRDA statistics, the Administration would monitor different sources of information to ensure a more comprehensive picture of the drug trend in Hong Kong. An example was a large-scale survey conducted once every three years on the drug abuse situation of all students in Hong Kong.

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

7. Members noted from the statistics of CRDA for 2013 that although the total number of drug abusers had continued to drop, the drug history of newly reported cases had continued to rise, with half of the newly reported abusers had abused drugs for 4.6 years or more. There was a general trend among drug abusers, in particular the young ones, towards abuse of synthetic drugs and the most common types of drugs abused included ketamine, methamphetamine and cocaine. Members were also advised that the substantial decline in the number of reported young drug abusers aged under 21 reflected the success over the past few years in combating the youth drug abuse problem. However, the serious and irreversible harm to health caused by prolonged psychotropic substance abuse indicated that more resources would be needed in the years ahead for medical treatment of drug abusers.

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. The Administration advised that there were established mechanisms for the Police, Customs and Excise Department and Mainland LEAs to combat the problem through joint operations and exchange of intelligence. 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 HSP(DT) in 2011 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. HSP(DT) comprised a voluntary drug testing component and diversified personal growth programmes. 63 schools together with their partner non-governmental organisations had participated in HSP(DT) in 2013-2014.

12. Pointing out that many parents had to work very long hours, members were concerned about how the Administration would identify hidden youth drug abusers and outreach their parents. 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.

13. According to the Administration, it was collaborating with various sectors, including non-governmental organisations, schools and parents to identify hidden drug abusers. Members were also 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.

14. The Administration further advised that HSP(DT) did not involve identification of any particular individuals. High-risk students were generally referred to by schools and social workers as those who experienced problems in adapting to the school environment, had little interest in study and displayed behavioural problems. It was generally found in sociological studies that the launching of personal growth programmes for such students would help to promote their self-esteem and strengthen their resolve to stay away from drugs and other problems.

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. 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. Some members expressed concern about whether prosecution would be instituted against drug abusers identified in drug-testing under CDT. 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.

17. As regards the proposed RDT, members noted that 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.

18. Members were advised that at the end of the consultation period for the proposed RDT in January 2014, ACAN had received a total of 2 791 written submissions which carried diverse views, with the number of opponents and supporters accounting for 54% and 45% respectively. Between 17 February and 14 March 2014, the Public Opinion Programme of the University of Hong Kong ("HKU-POP") was commissioned by ACAN to conduct an opinion poll on RDT. Under the opinion poll, around 1 000 people aged 18 or above were interviewed over the phone. About 91% of the respondents supported RDT. While 36% of the respondents had concerns over law enforcement agencies having excessive power, 47% did not consider that RDT would infringe on human rights and civil liberties.

19. Some members queried why ACAN had, in addition to the invitation of written submissions in the public consultation exercise, commissioned HKU-POP to conduct an opinion poll on RDT, which indicated that 91% of the respondents supported RDT. Some other members expressed concern that among the written submissions on RDT received by ACAN, there were a large

number of submissions with standardised templates. These members considered that the opinion poll provided a more reliable picture of the views of the public on RDT.

20. The Administration explained that the opinion poll had been commissioned at a time before the closure of the consultation period, i.e. before the outcome of the written submissions was known. The questionnaire had been designed by HKU-POP. The poll was subsequently conducted outside the consultation period to avoid the influence of the views expressed during the consultation. The poll and the written submissions complemented each other and could be read in conjunction.

21. Members noted that ACAN had put forth the following recommendations to the Administration -

- (a) to continue to explore details of RDT and engage stakeholders, professional bodies and the public in ongoing discussion;
- (b) to foster a more favourable environment for considering RDT, including exploring ways to address the concerns of professional bodies especially on how to minimise the interference to human rights and civil liberties. In this regard, the Government should promote efforts to expedite the development of a test kit for rapid oral fluid test, which would give an instant objective indication on the spot. Efforts should also be made to enhance trust and rapport between law enforcement officers and social workers in helping people with drug problems;
- (c) to develop a follow-up mechanism which could effectively balance giving a chance to the drug abuser but mandating counselling and treatment: an effective follow-up mechanism would be instrumental to the success of RDT; and
- (d) to share the best practices in other countries, e.g. Sweden, with local stakeholders.

ACAN also recommended that the Administration should immediately follow up these recommendations, and map out proposed operational details for a second-stage public consultation as soon as practicable. The Administration agreed with ACAN's observations and recommendations.

Relevant papers

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

Council Business Division 2
Legislative Council Secretariat
28 April 2015

**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>
Panel on Security	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>
Panel on Security	5.6.2012 (Item V)	<u>Agenda</u> <u>Minutes</u>
Panel on Security	28.1.2013 (Item I)	<u>Agenda</u> <u>Minutes</u>

Committee	Date of meeting	Paper
Panel on Security	5.4.2013 (Item IV)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	30.10.2013	<u>Official Record of Proceedings</u> <u>(Question 9)</u>
Panel on Security	5.11.2013 (Item IV)	<u>Agenda</u> <u>Minutes</u>
Panel on Security	7.1.2014 (Item IV)	<u>Agenda</u> <u>Minutes</u>
Panel on Security	8.4.2014 (Item IV)	<u>Agenda</u> <u>Minutes</u>
Panel on Security	8.7.2014 (Item III)	<u>Agenda</u> <u>Minutes</u>

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