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**Panel on Security**

**Updated background brief prepared by the Legislative Council Secretariat  
for the meeting on 3 May 2016**

**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. According to the Administration, its 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 testing<sup>1</sup> scheme. In September 2013,

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

ACAN launched a four-month public consultation exercise in on the RESCUE<sup>2</sup> Drug Testing Scheme, 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. After the consultation period, ACAN published a report on the results of its public consultation exercise and ACAN's recommendations and briefed the Panel on the report in July 2014.

## **Deliberations of the Panel**

### Statistics on drug abusers and latest drug abuse situation

5. 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.

6. Members noted from the statistics reported to CRDA in 2014 that the number of reported drug abusers in 2014 was 13% lower than that of 2013 and the number of newly reported drug abusers was 23% lower than that of 2013. However, half of the newly reported drug abusers had abused drugs for 5.2 years or more, compared with 4.7 years in 2013. Some members were concerned that despite a decline in the number of drug abusers, the drug history of newly reported cases had continued to rise. They considered that as drug abuse could cause serious and irreversible harm to the health of a person, there was a need for early identification and intervention.

7. Members were advised that the drug history of newly reported drug abusers was only one of the indicators of hidden drug abuse. The Administration had been monitoring different sources of information to obtain a comprehensive picture of the drug situation in Hong Kong. According to the findings of a previous research study, the actual number of drug abusers was around 2.7 to 3.3 times the number of reported drug abusers under CRDA. The Administration further advised that the mainstay of the drug prevention efforts included measures to facilitate early identification of drug abusers and intervention through 11 Counselling Centres for Psychotropic Substance Abusers and district youth outreaching social work teams.

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<sup>2</sup> "RESCUE" is an acronym for "Reasonable and Early Screening for Caring and Universal Engagement".

8. Some members considered that a decline in the number of reported drug abusers in Hong Kong might be the result of increased number of Hong Kong residents crossing the boundary to abuse drugs in the Mainland. According to the Administration, about 880 or 8% of reported drug abusers had crossed the boundary to abuse drugs in the Mainland in 2011. This percentage had dropped to about 5% in 2014. The feedback from some sources suggested that the appreciation in value of Reminbi in recent years and the administrative detention of drug abusers in the Mainland could have contributed to a decrease in cross-boundary drug abusing behaviour.

#### School drug testing

9. 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. According to the Administration, it had launched the Healthy School Programme with a drug testing component ("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. It was not intended for identifying individual drug abusers. HSP(DT) comprised a voluntary drug testing component and diversified personal growth programmes. 71 schools together with their partner non-governmental organizations ("NGOs") had participated in HSP(DT) in 2014-2015. The Administration would conduct an evaluation research on HSP(DT) in the 2015-2016 school year.

10. 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.

11. According to the Administration, it was collaborating with various sectors, including NGOs, 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.

### Community-based drug testing ("CDT")

12. 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.

13. 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.

### RESCUE Drug Testing Scheme ("RDT")

14. 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.

15. 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 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.

16. 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.

17. Members noted ACAN's recommendation 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. Members were advised that the Administration was following up the recommendations of ACAN and examining various issues, before a more detailed framework was formulated for the second-stage public consultation, a fixed timetable of which was yet to be fixed.

### **Relevant papers**

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

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

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
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> <u>(Question 16)</u>
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> <u>(Question 9)</u>
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> <u>(Question 2)</u>
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> <u>(Question 12)</u>
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>

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Security	28.1.2013 (Item I)	<u>Agenda</u> <u>Minutes</u>
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>
Panel on Security	5.5.2015 (Item IV)	<u>Agenda</u> <u>Minutes</u>

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