

Let's join hands to build a society that respects the rights of children!
讓我們攜手締造一個尊重兒童權利的社會！

By fax and by mail
(2509 0577)

31 August 2009

The Hon Donald TSANG Yam-kuen, GBS, JP
Chief Executive of HKSAR Government
CE's Office, Central
Hong Kong

Dear Mr Tsang,

**Our Concerns on the Government Policy in
Tackling Drug Abuse among Children and Youth**

We, the Alliance for Children's Commission, are 23 NGOs and professional groups that have put children's rights as our priority concerns. Like Mr Tsang, we acknowledge that drug addiction and youth drug problem are very serious and we are disheartened by the spate of news revolving around the consequences of drug abuse among children and youth. We are glad to have the government's support in tackling the issue and we also deeply appreciate the efforts made by the Security Bureau's Narcotics Division and Action Committee Against Narcotics (ACAN) through these years. However, we found the new policies that are about to be launched in the new school year far from having sufficient consultation, discussion and consensus from the community. We, as the Third-Sector partner of the government, have the responsibility to point out the areas that need attention and try our best to help slow down the steps if at all possible. Otherwise, a new policy originally for a good cause might fail and will affect many more sectors in the community.

We would like to present our views in the following 4 inter-related areas:

I. Prevention

- Drug addiction and youth drug problem are not new to Hong Kong. Much resources and efforts were devoted in the past by the various governments. The question to ask is what went wrong with our systems and past/current strategies. The government must try to find that out and make that known. Any new resources and new strategies must pinpoint those shortcomings and limitations.
- We perceive the drug problem among young people to be more of a symptom of their family and developmental problem. We look for a multi-dimension and multi-level intervention instead of a simple identification tactic. Otherwise, it will only shove the kids astray into other forms of unruly behaviour like alcohol abuse, involvement in gangs, compensated dating and many more.
- We are concerned about the insufficient preventive measures at both primary and secondary levels in Hong Kong. What is required is not purely a drug prevention program for young people, but the need of a student-orientated educational system; a healthy mass media and cyber world; an environment for positive development of our young people so that they are able to say "No" to drugs.

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- We need parent education to equip parents with the knowledge and understanding on the issue on hand, but also sufficient resources to strengthen the capacity of the at-risk families and their vulnerable children to reduce the size of the potential population falling into the trap of addictive behaviors.
- We also want to see effective intervention made by the disciplinary service to protect our young people from the source of drugs. It is a fact that the price of such illegal drugs is getting lower and lower.

II. Identification (School-based Drug Testing Scheme)

- It will confuse the role of school as an area for investigation and a breeding ground of suspicion, mistrust and stigmatization instead of what it should be, a place to educate and nurture the new generation.
- The whole scheme will affect many more of those who are innocent instead of those under the influence of drugs.
- School children are affected most by the scheme. Nevertheless, they are rarely being consulted and no Child Impact Assessment has been carried out under the new policy. This contravenes Article 12 of the UN Convention on the Rights of the Child (UNCRC) that children have the right to express their views on matters that affect them and their views shall be given due weight in accordance with their age and maturity.
- There is a lack of training and preparation for school management, teaching staff and parents on how to deal with the dynamics as a consequence of the scheme.
- Implementation of a scheme is not recommended unless the screening test has been proved with good sensitivity and specificity and validated confirmatory tests are available. Random drug testing in school fails all criteria for screening except perhaps that the condition is common.
- It risks destroying the child-school, parent-child and social worker-child relationship that will be far more difficult to handle than we can expect.
- The child-school relationship will be irreparable even if it is ONLY a pilot scheme for 23 secondary schools involved in the Tai Po district.
- Overseas experiences showed the effectiveness of school-based drug testing is low. The disadvantages of drug detection and screening in schools were seen to outweigh any potential advantages.¹

¹ Roche, A. M. and et al. (2008). Drug testing in schools: evidence, impacts and alternatives. Canberra: Australian National Council on Drugs.

Gerada, C. & Gilvary, E. (2005). "Random drug test in school" in British Journal of General Practice, July 2005, p.499-501.

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- Every child is entitled to the right of education in Hong Kong under the UNCRC. This right shall not be taken away under any new policy. This must be stated clearly to reduce the possibility of schools making use of any new policy to dismiss children thought to be unruly.

III. Follow-up services

- We need to see a comprehensive plan of adequate follow up services and resources invested in detoxification, rehabilitation, counseling and reintegration services being provided in Hong Kong, so the young persons preferably identified outside the school can be properly followed up in a professional way.

- Alternative or parallel strategies should be re-considered for the proposed pilot school drug test scheme. Three recommendations are proposed by Professor Roche as potentially useful ways in which schools can effectively work to prevent drug use problems among their student populations. They include: 1). Develop and support connectedness to school; 2). Brief and motivational based interventions for high-risk youth; and 3). Family interventions. They can be integrated into the concept of Health Promoting Schools adopted already by many schools in Hong Kong but currently without the resources required to enhance their success. Non-stigmatized health focus approach on early identification and intervention for students can be considered, for example, strengthening the existing Student Health Service (SHS) and following-up cases with special teams, either motivating the handling of cases by themselves or referring out cases based on the seriousness of the problem.

IV. Legislation

- Under the existing laws, a child or juvenile in need of care or protection can be brought before the Juvenile Court under section 34 of the Protection of Children and Juveniles Ordinance, Cap. 213. The Court may order the child to conduct drug testing. Besides, under section 45A, the Director of Social Welfare may require parents to produce their child to conduct a drug test when he has reasonable cause to suspect that a child or juvenile is, or is likely to be, in need of care or protection. The authorities concerned should explain why the existing laws are insufficient and instead of improving the present mechanism, why such new measures are needed to identify cases under the new School-based Drug Testing Scheme.

- Any policy on drug testing without reasonable suspicion of drug abuse and the consent of the subject is not in compliance with the right to privacy and freedom of person enshrined by the Basic Law, Hong Kong Bills of Rights, ICCPR and CRC.

- Under the School-based Drug Testing Scheme, the test result may be released to the child's parents, school, social workers and police. Besides, there is a lack of procedures to deal with the private data of school children who opted not to be tested. These practices risk infringement of the Personal Data (Privacy) Ordinance.

Above is the summary of our views.

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Last but not least, we wish to see an on-going comprehensive mechanism that is cross-departmental and cross-sectoral to assess, plan, monitor and evaluate the situation of children, young people as well as adults under the drug problem if we wish to win this battle against drugs. It is the only way that we can react quickly and positively as the drug situation in terms of price, source, form and targets can change over time.

We are keen to tackle the drug abuse problem with the Government. We will be more than delighted to meet with you and your colleagues to discuss further. Should you have any questions regarding this letter or our views, please do not hesitate to contact us through Ms Billy Wong of The Hong Kong Committee on Children's Rights at 2324 9782 or email: hkccr8@childrenrights.org.hk to reach us.

We look forward to hearing from you.

Yours sincerely,

ALLIANCE FOR CHILDREN'S COMMISSION

c.c. Mr Wong Yan-lung, SC, JP, Secretary for Justice (fax: 2877 3978)
Prof. Lau Siu-kai, Head, Central Policy Unit (fax: 2526 0842)
Ms Sally Wong, JP, Commissioner for Narcotics (fax: 2521 7761)
Prof. Daniel Shek Tan-lei, BBS, JP, Chairman of the ACAN (fax: 2810 1790)

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**ALLIANCE FOR CHILDREN'S COMMISSION
爭取成立兒童事務委員會聯盟**

The Alliance for Children's Commission is formed by agencies and professional groups, who concern about children rights and have committed themselves to promote the establishment of a Children's Commission in Hong Kong. We have 23 agency members until now. They included:

爭取成立兒童事務委員會聯盟由關注兒童權利的組織及專業團體組成，承諾致力推動在香港成立兒童事務委員會，直至現在共有 23 個組織成員，他們包括：

Against Child Abuse 防止虐待兒童會
Caritas Jockey Club Integrated Service for Young People – Tak Tin 明愛賽馬會德田青少年綜合服務
Center for Child Development, Hong Kong Baptist University 香港浸會大學兒童發展研究中心
Children Rights Association 兒童權利關注會
Chinese YMCA of Hong Kong – Hin Keng Centre 香港中華基督教青年會 – 顯徑會所
ELCHK – Grace Rehabilitation Service 基督教香港信義會 – 天恩展能服務
ELCHK – Uncle Long Legs' Letter Box 基督教香港信義會 – 長腿叔叔信箱
The Hong Kong Childhood Injury Prevention and Research Association 香港兒童安全促進會
Hong Kong College of Paediatricians 香港兒科醫學院
Hong Kong Committee for UNICEF 聯合國兒童基金會
Hong Kong Committee on Children's Rights 香港兒童權利委員會
Hong Kong Council of Early Childhood Education and Services 香港幼兒教育及服務聯會
Hong Kong Down Syndrome Association 香港唐氏綜合症協會
Hong Kong Human Rights Monitor 香港人權監察
229th Hong Kong Scout Group 香港童軍 229 旅
Hong Kong Society for the Protection of Children 香港保護兒童會
Kids' Dream 童夢同想
Playright Children's Play Association 智樂兒童遊樂協會
Society for Community Organization 香港社區組織協會
Suen Mei Speech & Hearing Centre 宣美語言及聽覺訓練中心
The Boys' and Girls' Clubs Association of Hong Kong 香港小童群益會
The Hong Kong Council of Social Service 香港社會服務聯會
TREATS 親切