

大埔區校園驗毒試行計劃
Trial Scheme on School
Drug Testing in Tai Po District

計劃守則
Protocol

(二〇一〇至一一學年)
(School Year 2010/11)

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CHAPTER 1 PURPOSES AND GUIDING PRINCIPLES

- 1.1 The Trial Scheme on School Drug Testing in Tai Po District (Scheme) is a joint initiative by the Government (led by the Narcotics Division, Security Bureau (SB) and Education Bureau (EDB)) and 23 public sector secondary schools in the Tai Po District, supported by parties in the social welfare, healthcare and other sectors.
- 1.2 Development of the Scheme is guided by the following principles –
 - (a) helping students in their best interest;
 - (b) voluntary participation;
 - (c) keeping personal information strictly confidential; and
 - (d) professional testing and support services for students.
- 1.3 The purposes and imperatives of the Scheme are –
 - (a) for prevention – it will enhance the resolve of those students who have not taken any drugs to continue to stay away from drugs. They will be in a better position to say “no” to their peers when they are tempted to try drugs and this will help prevent the spread of drugs in schools; and
 - (b) for rendering assistance to students – the Scheme will trigger the motivation of those students abusing drugs to quit drugs and seek help, especially those who are trying drugs at an early stage. The Scheme will also provide appropriate support services to those students who wish to pull themselves out of the drug trap.
- 1.4 The Scheme could also shed light on the effectiveness of cross-sector and multi-disciplinary downstream support service for student drug abusers.
- 1.5 Experience gained and feedback collected in the implementation of the Scheme would provide useful input to the planning of anti-drug activities.
- 1.6 In line with the objectives of the Scheme, students found to have abused drugs under the Scheme will –
 - (a) not be prosecuted for drug consumption; and
 - (b) not be expelled from school.

- 1.7 Apart from participating in the Scheme, a student and his/her parent/guardian can also directly approach any counselling centre for psychotropic substance abusers (CCPSA) for professional assistance. The whole process is kept confidential. To complement their counselling services, CCPSAs will provide elementary medical support including voluntary drug testing services.

CHAPTER 2 DEFINITIONS¹

2.1 Scheme

The Trial Scheme on School Drug Testing in Tai Po District (School Year 2010/11) includes drug testing and support programmes. Drug testing will run from November 2010 to May 2011. Support programmes (see paragraph 2.18) for identified students may last until the end of December 2011, i.e. the completion of the Scheme.

2.2 Participating School

A secondary school in the Tai Po District which joins the Scheme on a voluntary basis in the school year 2010/11.

2.3 Consent to Participation

A written consent to participation in the Scheme, given by a student and his parent/guardian in a standard form to the school principal (see paragraph 4.3 to 4.11). A sample form is at Appendix 1.

2.4 Participating Student

A student who has consented to participate, and whose parent/guardian has also given consent for the student to participate, in the Scheme.

2.5 Selected Student

A student who is randomly selected for a screening test (see paragraph 2.14).

2.6 Identified Student

A student who is identified as a screened positive case (see paragraph 4.27) or a confirmed case (see paragraph 2.16).

2.7 Concerned Parties

The parties specified in the Consent to Participation, who will have access to personal data collected under the Scheme (see paragraph 4.6) and will have a specific role to play in the Scheme (see Chapter 3).

2.8 Designated CCPSA

The CCPSA serving Tai Po and North District, that is the Hong Kong Lutheran Social Service Cheer Lutheran Centre.

¹ In this Protocol, unless expressly stated otherwise or the context otherwise suggests, “he” refers both genders.

2.9 Student Drug Testing (SDT) Team

A multi-disciplinary team comprising two nurses, two registered social workers and one information administrator, who are staff of the designated CCPSA. The team will visit each of the participating schools in turns over the 2010/11 school year and carry out drug testing.

2.10 Case Manager

A registered social worker of the designated CCPSA, who specialises in drug counselling and is assigned to handle an identified student.

2.11 Designated Teachers

The class teacher of the participating student, and another school teacher suggested by a participating student in the Consent to Participation.

2.12 Project Officer

An officer from the Home Affairs Department (HAD) who will perform the duties of project officer as set out in this Protocol.

2.13 Illicit Drug or Drug

Any drug or substance which is subjected to control under the Dangerous Drugs Ordinance (Cap 134, Laws of Hong Kong) (DDO).

2.14 Screening Test

A drug test to be conducted by the SDT team. A urine test kit will be used to test for the presence of illicit drugs (or their metabolites) in a person's urine specimen. It covers common types of psychotropic substances abused by adolescent drug abusers in Hong Kong. As illustration, they may include:

- (a) Ketamine;
- (b) Ecstasy;
- (c) Methylamphetamine;
- (d) Cannabis; and
- (e) Cocaine.

As the trend of taking illicit drugs may change rapidly, the types of drugs to be tested may be changed during the course of the Scheme.

2.15 Confirmatory Test

A test conducted by the Government Laboratory using sophisticated instruments, namely Gas chromatography – mass spectrometry (GC-MS) or Liquid chromatography – mass spectrometry (LC-MS), to identify the presence of illicit drugs in order to ensure reliability and accuracy.

2.16 Confirmed Case

A case of drug abuse which is supported by confirmatory test result demonstrating the presence of illicit drugs in the relevant urine specimen. It also refers to a self-referral case (see Chapter 6).

2.17 False-positive Case

A positive screening test result refuted by a negative confirmatory test result, or refuted upon medical review (see Chapter 9).

2.18 Support Programme

A support programme of counselling, treatment, rehabilitation and referral services for an identified student (see Chapter 5).

2.19 Mentoring Scheme

HAD will put in place a mentoring scheme in Tai Po to support identified students. The mentor is a volunteer who may share his life experience and help the student to cope with and overcome difficulties under a mentoring scheme in Tai Po.

CHAPTER 3 ROLES OF CONCERNED PARTIES

3.1 Designated CCPSA

- (a) SDT team. They are responsible for performing the drug tests and carrying out the ancillary arrangement, receiving testing results, and providing on-the-spot counselling services for students tested positive.
- (b) Case manager. He is responsible for assessing the identified student's needs, and for the provision or coordination of suitable counselling, treatment and rehabilitation services, including the conduct of a multi-disciplinary case conference to formulate an effective support programme for the identified student.

3.2 School social worker. He is responsible for providing timely counselling to participating students, identified students and their parents/guardians.

3.3 School

- (a) School principal. He is responsible for supervising the running of the Scheme at school and providing the school's support for the participating and identified students.
- (b) Designated teachers. They are responsible for providing assistance to the running of the Scheme at school and supporting the participating and identified students.

3.4 Project officer. He is responsible for –

- (a) observing the SDT team on school visits and offering comments on whether the SDT team has adhered to the drug testing procedures as set out in this Protocol;
- (b) advising participating schools on the data privacy requirements relating to drug testing as set out in this Protocol, and relaying concerns identified to relevant authorities;
- (c) handling complaints relating to drug testing from participating students, their parents/guardians, or other relevant parties; and
- (d) compiling the following reports –
 - (i) school visit reports to school principals (see paragraph 4.29); and
 - (ii) monthly compliance reports and a final one to school principals and the Government.

CHAPTER 4 DRUG TESTING

Preparation

- 4.1 In the beginning of the school year 2010/11, anti-drug education and briefing sessions will be arranged to introduce and promote the Scheme to school teachers, parents/guardians, students and other relevant parties, and to invite participation in the Scheme.
- 4.2 In parallel, participating schools will review and enhance the healthy school policy in the school year 2010/11 with a view to creating a safe, caring, healthy and drug-free learning environment, and building up positive values and attitudes among students for whole-person development from an early stage, thereby enhancing their ability to resist taking drugs.

Consent Form and Participation in the Scheme

- 4.3 Participation in the Scheme is entirely voluntary.
- 4.4 The participating schools will provide students and their parents/guardians with a copy of this Protocol and a standard form of Consent to Participation to indicate whether they agree to participate and to give the necessary consent and undertaking.
- 4.5 To participate in the Scheme, a student and his parent/guardian will need to give the following consent and undertaking –
 - (a) Drug testing. Consent and undertaking to provide a urine specimen of the student to be tested for the presence of illicit drugs, if so requested under the Scheme.
 - (b) Support Programme. Consent and undertaking to join the support programme under the Scheme, if the above drug testing returns a positive result, or if the student refers himself to the support programme.
- 4.6 The form for Consent to Participation will inform parents/guardians and students that their personal data will be collected by and/or released to the following concerned parties on a confidential basis and only for the purposes of the Scheme –
 - (a) relevant staff of Hong Kong Lutheran Social Service Cheer Lutheran Centre, that is, the SDT team and the case manager assigned to the student upon any positive test result or upon self-referral;
 - (b) school social worker of the participating school;

- (c) relevant staff of the participating school, that is, the school principal, the class teacher of the student and any other teacher if so suggested by the student; and
 - (d) project officer.
- 4.7 The form for Consent to Participation must be read, signed, and dated by the student and his parent/guardian. It should be returned to the student's class teacher on/before 3 November 2010.
- 4.8 Consent to Participation is valid for the duration of the Scheme (see paragraph 2.1).
- 4.9 For a participating student who changes school (within Tai Po) during the school year 2010/11, the student and his parent/guardian are required to submit a new Consent to Participation to the new school in order to continue participating in the Scheme.
- 4.10 Any parent/guardian and student who have not returned the form of Consent to Participation on or before 3 November 2010 are nonetheless still welcome to join the Scheme anytime during the school year 2010/11.
- 4.11 Students who are currently subjected to supervision under the law, such as probation order, community service order, supervision order or a suspended sentence shall not participate in the Scheme.

List of Students

- 4.12 Before any testing begins, school principals of all participating schools will each prepare a list which includes the name, class and gender of the participating students in their respective schools.
- 4.13 Before a visit to any participating schools, the SDT team will provide one-week advance notice to the school principal, school social worker and the project officer. Test dates and frequencies will not be made known to the students.
- 4.14 The school principal will inform the SDT team any changes to the list of participating students at least three working days prior to the school visit via secure communication.
- 4.15 The SDT team will inform the school principal and project officer of the list of randomly selected student for drug testing one working day before the school visit. The selected students will only be informed as they proceed to receive the screening test.
- 4.16 At the beginning of the school visit, the school principal will provide an updated list of randomly selected students to the SDT team and the project officer, which shows the availability and sequence of the selected students to undergo drug testing. The project officer will countercheck the names of the students on the list to ensure the list of selected students is in order.

Random Selection

- 4.17 Each month, approximately 3% to 5% of participating students from a school will be randomly selected and tested by the SDT team. Generally speaking, each school may be visited once or twice a month and some 24 to 40 students (out of 800 participating students, for example) may be randomly selected and tested. The SDT team will not visit the participating schools on regular schedule, so that students will not be able to tell the date of testing.
- 4.18 Except for those identified students who have already enrolled in support programmes under the Scheme, a student selected for a screening test will remain in the total population subject to future random selection.

Urine Specimen Collection and Screening Test

- 4.19 In conducting the urine specimen collection procedure, the SDT team will make their best endeavours to put the selected students at ease and to dispel undue concerns or misunderstandings about drug tests and the Scheme.
- 4.20 The process may take about 10 to 15 minutes, which includes –
- (a) screening interview in an interview room;
 - (b) collection of urine specimen in a rest room;
 - (c) screening test in an interview room; and
 - (d) debriefing in an interview room.
- 4.21 During the screening test, the SDT team will brief selected students individually and answer any relevant questions. A set of guidelines for the screening interview is provided at Appendix 2.
- 4.22 Selected students will be required to provide urine specimen in a clean rest room that allows for individual privacy. The urine specimen collection procedure is provided in Appendix 3. See Chapter 7 for the procedures for following up on-the-spot refusals.
- 4.23 If a screening test returns a positive result, the SDT team will conduct another screening test on the same urine specimen using a urine test kit of a different brand. If the second test result is negative, the student will be treated as a negative case.
- 4.24 If the results of the two screening tests are positive, the student will be treated as a screened positive case.
- 4.25 The project officer will be present at all screening drug test sessions. The project officer will observe that the screening drug tests conducted by the SDT team are in accordance with this Protocol. He will also record information required for the school visit report (see paragraph 4.29).

Result Notification (Screening Test)

4.26 Negative Case

- (a) Specimens will be immediately disposed of by the SDT team after the screening test.
- (b) Negative cases will be reported in the school visit report prepared by the project officer.
- (c) The school principal will inform the selected student's parent/guardian of the screening test done and the negative result.

4.27 Positive Case

- (a) The SDT team will provide on-the-spot counselling to the identified student.
- (b) The project officer will immediately inform the school principal of the positive case.
- (c) The school principal will notify the identified student's parent/guardian and invite them to a meeting on the day. The school principal will also notify the designated teachers for assistance and counselling at school.
- (d) The SDT team will make immediate arrangements for the attendance of a school social worker and a case manager from the designated CCPSA. They may provide counselling services and necessary support to the identified student and his parents/guardians if attending.
- (e) Meanwhile, if appropriate, the identified student may return to class after immediate counselling.
- (f) The case manager, school social worker, school principal and/or designated teachers will discuss with the attending parent/guardian the immediate welfare of the identified student, and make preliminary suggestion on an appropriate support programme.

4.28 Other cases

A selected student may also, on the spot –

- (a) refer himself to a support programme without testing (see Chapter 6);
- (b) refuse drug testing (see Chapter 7); or
- (c) withdraw Consent to Participation (see Chapter 8).

4.29 School Visit Report

- (a) At the end of the school visit, the project officer will compile a school visit report to the school principal for necessary follow-up.
- (b) The school visit report will state whether the SDT team has adhered to drug testing procedures set out in this Protocol when conducting the drug tests as observed by the project officer, and cover any on-the-spot complaints received by the project officer. It will also contain the names of the students who –
 - (i) were screened negative;
 - (ii) were screened positive;
 - (iii) self-referred to a support programme without testing;
 - (iv) refused drug testing; and
 - (v) withdrew Consent to Participation.

Confirmatory Test

- 4.30 For a screened positive case, the SDT team and the project officer will sign a request for confirmatory testing to the Government Laboratory.
- 4.31 The SDT team will deliver the same urine specimen to the Government Laboratory for a confirmatory test. No personal identifier will be attached to the specimen in order to ensure confidentiality and privacy. Proper procedures will be followed to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen at the Government Laboratory.
- 4.32 The confirmatory test will normally take about five working days and the test results will be available for collection at the Government Laboratory by authorized staff of the SDT team and via secure communication to the project officer.
- 4.33 Specimens sent for confirmatory testing will be discarded by the Government Laboratory personnel on expiry of five working days after completion of analysis.
- 4.34 If the identified student and/or his parent/guardian insist on obtaining a second test (using sophisticated instruments, namely GC-MS or LC-MS) by another competent laboratory to refute the positive screening test result, they may do so at their own expense and should inform the school principal within three working days from the screening test. The school principal will inform the project officer and the SDT team. The SDT team will notify the Government Laboratory through a signed request to prepare the urine specimen for collection. Upon receipt of the notification, the Government Laboratory will make ready the urine specimen

remaining after the Government Laboratory has conducted the confirmatory test or has retained a sufficient part for the confirmatory test, under seal for collection at the Government Laboratory by authorized staff of the SDT team. The Government Laboratory will discard the remaining urine specimens if they are not collected within five days from the date of the notification.

- 4.35 If the result of the urine test conducted by the other laboratory is negative, then for the purposes of the Scheme, the student will be treated as a false-positive case irrespective of the positive result of the confirmatory test.

Result Notification (Confirmatory Test)

- 4.36 The project officer will inform the school principal about the confirmatory test results via secure communication.

4.37 False-positive Cases

- (a) The SDT team will notify the case manager if a given case is confirmed negative upon confirmatory test. The case manager will abort the support services started.
- (b) The school principal will inform the concerned student and his parent/guardian.
- (c) If the student and/or parent/guardian show emotional distress, the case manager will provide necessary counselling services. The school social worker will provide necessary backup, if required.

4.38 Confirmed Cases

- (a) The SDT team will notify the case manager.
- (b) The case manager will notify the identified student and his parent/guardian and continue to coordinate the support services.
- (c) The school principal will release the confirmed positive test result via secure communication to the designated teachers and school social worker.
- (d) The identified student and/or his parent/guardian may request a medical review (see Chapter 9).

CHAPTER 5 SUPPORT PROGRAMME

Case Conference

- 5.1 Within 10 working days after notification of a confirmed case, the case manager will convene and chair a multi-disciplinary case conference, to formulate a support programme (or commonly known as a welfare plan) to continue with assistance to the identified student. Before the case conference, where appropriate, the student and parent/guardian may be requested to further consent to the participation of other parties to the case conference, and to the disclosure of information relating to the student's drug use, treatment and rehabilitation to them. The case manager will discuss with the student and his parent/guardian on details of the support programme for agreement before implementation.

Support Programmes for Identified Students

- 5.2 Depending on the case assessment, a support programme for an identified student may be wide ranging, including possible measures such as the following (non-exhaustive, for illustrative purposes) –
- (a) For experimental abusers or non-dependent regular abusers
 - (i) The parent/guardian should pay more attention to the student, and may also arrange medical and counselling services through their own means;
 - (ii) The student may continue normal schooling as far as possible, and at the same time receive counselling and assistance from school social workers and designated teachers at school;
 - (iii) Community-based support services outside school, such as counselling sessions in the designated CCPSA, thematic therapeutic groups, community service programmes, family/interpersonal relationship training, psychiatric/psychological intervention, etc;
 - (iv) Subject to the agreement of the identified student and/or his parent/guardian and the case manager's assessment, the student concerned will participate in the mentoring scheme and he will be matched with a mentor. The intention is that the mentor will share his life experience with the identified student and join hand with the case manager to help the student to resist and abstain from drug abuse;
 - (v) Basic medical support (e.g. further drug testing, body check up, motivational interviews and drug-related consultation) from general practitioners in the local community network, or medical doctors and healthcare professionals engaged by the designated CCPSA;

- (vi) Cases with psychiatric and other medical complications may be referred to the Psychological Medicine Clinic of Alice Ho Miu Ling Nethersole Hospital or Substance Abuse Clinic at Prince of Wales Hospital for specialist medical treatment;
- (b) For addicted (dependent) abusers
- (i) Addicted abusers requiring voluntary residential programmes may be admitted to the 40 drug treatment and rehabilitation centres in the territories run by 17 non-governmental organisations (NGOs); and
 - (ii) After completing a residential programme, the rehabilitated student may return to schooling in a mainstream or other school following a review by the concerned parties and others in a case conference as and when necessary. EDB will ensure such social reintegration through the existing placement assistance mechanism.
- 5.3 The support programme will also make full use of the “Your Health, Our Concern” community network.
- 5.4 The case manager may review the support programme every three months and may share the case progress and relevant issues with the student, his parent/guardian, and other concerned parties. Case conferences may be convened to discuss progress and unresolved issues, if needed.
- 5.5 The support programme under the Scheme may last for up to six months generally, and will not go beyond 31 December 2011 upon completion of the Scheme. However, after completion of the support programme, an identified student may, if necessary, continue to receive support services outside the Scheme from the designated CCPSA, school social workers, designated teachers, mentoring scheme and others in the normal course of their work and subject to the usual confidentiality, voluntary participation and professional arrangements.
- 5.6 Parents/guardians of participating and identified students may also benefit from counselling and other services of the concerned parties, apart from general community services such as those available at integrated family service centres operated by Social Welfare Department (SWD) or NGOs subvented by SWD, which deliver “one-stop” services to individuals and families to meet their multifarious needs.

Programmes for Non-drug Users and Other Students

- 5.7 The school, school social worker, designated CCPSA and other parties may arrange promotion, education and prevention programmes for non-drug users and other students in the light of the general drug situation as revealed by the Scheme.

CHAPTER 6 SELF-REFERRAL

- 6.1 At anytime during the drug testing process, selected students may admit abuse of drugs.
- 6.2 Participating students not selected for drug testing may admit abuse of drug to any school personnel at anytime. The school personnel will refer the student to the SDT team and inform the project officer.
- 6.3 The need for drug testing may be obviated by such voluntary admission of drug abuse.
- 6.4 Such students having admitted drug abuse will be treated as confirmed cases and will be followed up as such.
- 6.5 Students with drug problems may also approach the designated CCPSA direct to benefit from the support programme (see Chapter 5).

CHAPTER 7 REFUSAL

- 7.1 If a selected student refuses to take the screening test, the school principal may ask a designated teacher to address any concern that the selected student may have but it must always be borne in mind that participation is entirely voluntary.
- 7.2 If a selected student tampers with the testing process, the school principal may ask a designated teacher to follow up with the selected student.
- 7.3 If the selected student is in emotional distress, he may be referred to the school social worker for voluntary counselling.
- 7.4 The school principal or the designated teacher will notify the selected student's parent/guardian who has given Consent to Participation, if a selected student refuses to take the screening test and/or tampers with the testing process.

CHAPTER 8 WITHDRAWAL OF CONSENT

- 8.1 Participating students and parents/guardians may jointly withdraw Consent to Participation at any time during the Scheme by written notice given to the school principal.
- 8.2 Where a withdrawal notification is given by the participating student only, the school principal or the designated teacher will inform the parent/guardian who gave the Consent to Participation.
- 8.3 Bearing in mind that participation in the Scheme is entirely voluntary, no adverse consequence will arise from any withdrawal.
- 8.4 Upon receiving the notice of withdrawal, the school principal will inform the SDT team, the project officer, and the other concerned parties, who (including the school principal) will erase the relevant personal data (including any drug testing records) in their respective possession as soon as the data are no longer required for the purposes of the Scheme.

CHAPTER 9 REVIEW

- 9.1 If the identified student and/or his parent/guardian maintain that the existence of the positive confirmatory test result of the urine specimen is not attributable to unlawful use (e.g. it was caused by the use of drugs prescribed by medical doctors), they should inform the school principal. The school principal will inform the SDT team and the project officer. The SDT team will invite a medical doctor to review the situation in the light of the said assertion. The concerned parties will abide by the medical doctor's review result.
- 9.2 However, if the identified student and/or his parent/guardian insist on obtaining a second opinion from another competent medical practitioner to prove that the existence of the positive confirmatory test result of the urine specimen is not attributable to unlawful use, they may do so at their own expenses.
- 9.3 If the second opinion obtained by the identified student and/or his parent/guardian substantiates the assertion, then irrespective of the review result in paragraph 9.1, the identified student will be treated as a false-positive case for the purposes of the Scheme.

CHAPTER 10 CONFIDENTIALITY AND PERSONAL DATA PRIVACY

- 10.1 Personal data obtained under the Scheme are protected under the Personal Data (Privacy) Ordinance (Cap. 486, Laws of Hong Kong) (PD(P)O). Records of confidential information kept by reporting agencies and Central Registry of Drug Abuse (CRDA) is also protected by Part VIIA (sections 49A - 49I) of the DDO. All concerned parties must familiarize themselves and strictly comply with the provisions of these Ordinances. For ease of reference, a brief summary of the data protection principles (DPP) 1 – 6 of the PD(P)O is attached at Appendix 4.
- 10.2 The project officer will advise participating schools on the requirements for the protection of confidential information and personal data as set out in this Protocol.

Data Protection Principles (DPP) 1 – 6 of the Personal Data (Privacy) Ordinance

- 10.3 The consent form, this Protocol and the process of obtaining consent have been carefully designed to set out the necessary information in order to meet the requirements of DPP 1. All concerned parties involved in the Scheme should restrict themselves to obtaining and disclosing personal data of a student which are strictly necessary for the purposes of the Scheme.
- 10.4 In accordance with DPP 2, due process has been put in place to ensure accuracy of the test results (see arrangements for screening tests and confirmatory tests in Chapter 4 and for review in Chapter 9). Following completion of the Scheme, or withdrawal of Consent to Participation, all personal data will be erased as soon as they are no longer required for the purposes of the Scheme.
- 10.5 In accordance with DPP 3, personal data collected under the Scheme shall not without the prescribed consent of the data subject, be used for any purpose other than the purposes of the Scheme or a purpose directly related to the Scheme.
- 10.6 In accordance with DPP 4, all data users must establish and maintain appropriate security measures to protect the personal data. Policies and practices in relation to personal data must be formulated to ensure only authorized persons could access such personal data. Personal data, especially drug testing records and the school visit report, will be kept confidential and all practicable measures will be employed to avoid any stigma or labelling effect. The SDT team will include a dedicated information administrator to ensure security. Staff in schools and NGOs concerned who have access to such data or may gain knowledge to confidential information relating to drug tests e.g. those escorting students to screening tests, should be required to sign an undertaking to maintain confidentiality. Communication of personal data over the Internet must be secure. The use of mobile device for storing such personal data must be restrictive and encrypted.
- 10.7 In accordance with DPP 5, this Protocol is an open document for dissemination to all concerned and for public access. All data users must also put in place and make available their personal data policies and practices.

- 10.8 In accordance with DPP 6, all data subjects (students and parents/guardians) have rights to access to and correction of their personal data.

Protection under the Dangerous Drugs Ordinance (DDO)

- 10.9 All concerned parties should note that under section 49D(1) of the DDO, there is a general prohibition with criminal sanctions against disclosure of any records of confidential information² which is kept by CRDA or a reporting agency, supply to any person information obtained from such record, or permitting access to any such record. Any person seeking to do any act mentioned in section 49D(1) shall ensure that the act is covered by consent under section 49F, or is otherwise lawful. The designated CCPSA and all the NGOs providing school social work services in the 23 participating schools are reporting agencies.
- 10.10 For the purposes of the Scheme, and without prejudice to other situations, the designated CCPSA may report to CRDA the drug abuse situation of the student if the student and his parent/guardian so consent.
- 10.11 All information supplied to CRDA is handled in strict confidence and is accessible only to people who are directly involved in the operation of CRDA and are required to observe the rule of confidentiality.

² “Confidential information” means information which is recorded by the CRDA or a reporting agency in respect of any person and which relates to any one or more of the following –

- (a) the use, or alleged use, by that person of a dangerous drug;
- (b) the conviction of that person for an offence under the DDO; and
- (c) the care, treatment or rehabilitation of that person by reason of his use of a dangerous drug.

CHAPTER 11 LAW ENFORCEMENT

Police

- 11.1 Police and other law enforcement agencies will not be informed of the personal data of any individual student obtained under the Scheme.
- 11.2 Police may be provided with aggregate, non-identifying statistics of the test results to understand the drug situation of a school for better focusing efforts to combat the drug problem.

Prosecution Policy

- 11.3 A positive drug test or an admission of drug abuse will generally evidence that an offence of consumption of a dangerous drug has taken place. However, the Scheme is an innovative initiative which is primarily designed to enhance the resolve of those students who have not taken any drugs to continue to stay away from drugs, and trigger the motivation of those students abusing drugs to quit drugs and seek help. Accordingly, as has been confirmed with the prosecution authorities, a participating student who has been tested positive or who admits drug abuse pursuant to the Scheme will not be prosecuted for consumption of drugs contrary to section 8 of the DDO.
- 11.4 Any other situation outside the Scheme, that is, other than where a participating student has tested positive or admits drug abuse pursuant to the Scheme, will be governed by existing practice and laws of Hong Kong. The Scheme does not exempt police investigation and/or prosecution of a student and/or a participant of the Scheme who is found to be in possession of a dangerous drug or is found to be consuming a dangerous drug whether inside or outside the school campus. In every other respect, the prevailing edition of the Statement of Prosecution Policy and Practice applies.

APPENDIX 1 SAMPLE FORM: CONSENT TO PARTICIPATION

CONSENT TO PARTICIPATION

Participation in Trial Scheme on School Drug Testing in Tai Po District (Scheme)

To: Principal, [Name] Secondary School

We, the undersigned student (the student) and parent/guardian, acknowledge receipt of a copy of the Protocol of the Scheme. We have read and understood the Protocol and the contents of this consent form.

Drug Testing

We hereby consent and undertake to provide a urine specimen of the student to be collected and tested for the presence of illicit drugs, if so requested under the Scheme during the school year 2010/11.

Support Programme

We hereby consent and undertake to join the support programme under the Scheme, if the above drug testing returns a positive result, or if the student refers himself/herself to the support programme.

Collection, Use and Release of Personal Data

We understand that our personal data (including drug testing results of the student) will be collected by and/or released to the following concerned parties mentioned in Chapter 3 of the Protocol on a confidential basis and only for the purposes of the Scheme –

1. relevant staff of Hong Kong Lutheran Social Service Cheer Lutheran Centre, that is the Student Drug Testing team and the case manager assigned to the student upon any positive test result or upon self-referral;
2. school social worker of the participating school;
3. relevant staff of [Name] Secondary School, that is, the school principal, the class teacher of the student, and _____ (that is, any other teacher if so suggested by the student); and
4. project officer.

We understand we may request access to and correction of our personal data under the Personal Data (Privacy) Ordinance (Cap. 486, Laws of Hong Kong), and that any such request to you may be made at the address and telephone number provided in the note below.

We also understand that (a) we may withdraw the above consent and undertaking at any time by written notice to you, and (b) the parent/guardian will be informed if the student gives a notice of withdrawal, refuses to provide a specimen of urine for drug test under the Scheme, or otherwise refuses to continue participation in the Scheme.

We hereby agree to give the above consent and undertaking to participate in the Scheme on a voluntary basis.

We do not wish to participate in the Scheme.

{Please select and tick ONE of the two boxes above.}

Parent's/Guardian's* Name (Block Capitals)	Signature	Date
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Student's Name (Block Capitals)	Signature	Date
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Contact telephone number of Parent/Guardian*: _____

**Delete as appropriate*

Notes:

1. Exclusion – students who are currently subjected to supervision under the law, such as probation order, community service order, supervision order or a suspended sentence shall not participate in the Scheme.
2. Contact information of [Name of School Principal] is ... (include school address and telephone number)

APPENDIX 2 GUIDELINES FOR SCREENING INTERVIEW

Screening Interview

A screening interview will be conducted by the social worker of the SDT team before the drug test is administered. The following areas will be explored –

1. The guiding principles and objectives of the Scheme;
2. The procedures of the drug test (collection of urine specimen and how the screening test will be conducted);
3. The rights and obligations of the students; and
4. Drug abuse history of the student, if any.

Assessment of Student's Drug Abuse Status

If a student is identified as a drug abuser, social workers may quickly investigate the following 10 domains (Tarter, 1990) by briefly asking the student, his parents/guardians, teachers, and school social workers –

Are you aware of/have you noticed any problems on your... ?

1. Drug use/abuse (e.g. signs of drug use, patterns of use, reasons for use);
2. Behaviour patterns (e.g. deviant behaviour);
3. Health status (e.g. major illness, recent physical health problems);
4. Emotional and psychological state (e.g. depression, suicidal ideation or attempts);
5. Family system (e.g. family substance use, family chaos);
6. School adjustment (e.g. falling school grade, truancy);
7. Work (e.g. idle, frequent absence from work without reason);
8. Social skills (e.g. poor communication skills, withdrawn);
9. Peer relationship (e.g. substance using peers);
10. Leisure/recreation (e.g. rave parties, karaoke, game centres, cyber cafes).

Categorization of Drug Abusers (Working Party of the Royal College of Psychiatrists and the Royal College of Physicians, 2000)

After the initial screening interview and the assessment, students may be identified as follows –

1. **The never exposed** – They have never been offered or abused drugs, and are unlikely ever to be offered. Yet, they may take note in the general public information programmes of drugs used/abused in the society.

2. **The exposed never-used** – They may, on a small number of occasions, have been presented with the opportunity to use drugs, but chose not to do so. It is presumed that they, at some future date, may again be posed to a situation where there is the opportunity to use drugs. Decisions of use or not to use will depend on personal and social factors.
3. **The experimental abuser** – They are exploring both the drug effect and the place of this drug use within their own lives. At this stage their future engagement with, or disengagement from further drug use has not yet been firmly determined.
4. **The non-dependent regular abuser** – Dependence has not yet occurred. For such users, it is likely that prevention messages may be suitable to steer them away from drug use. Their perceptions of the adverse consequences of detection/arrest may influence the extent to which they become more heavily involved in their drug use.
5. **The addicted (dependent) abuser** – Drug use has become the most important aspect of their life. The extent to which they are influenced by public opinions and policies is determined by the extent to which they consider themselves to be part of the society.
6. **The vulnerable ex-user** – Former drug users who have become drug-free are likely to have a greater vulnerability to unexpected opportunity to use their previous drug.

Reference

Tartar RE. (1990). Evaluation and treatment of adolescent substance abuser: a decision tree method. *Am J Drug Alcohol Abuser* 16 (1-2): p.1 - 46.

Working Party of the Royal College of Psychiatrists and the Royal College of Physicians (2000). *Drugs: dilemmas and choices*. Gaskell, London.

APPENDIX 3 URINE SPECIMEN COLLECTION PROCEDURES

Pre-test Arrangement

1. The school principal designates a collection site (interview room and rest room) which is secure, and dedicated solely to urine collection.

Procedures for Specimen Collection

2. The school principal informs selected students and facilitates their attendance to the collection site.
3. The collector shall conduct a screening interview and brief the student on the purpose of urine collection.
4. The collector provides a clean specimen collection container to the student.
5. The student is allowed to provide his specimen in a rest room that allows for individual privacy.
6. Upon receiving the specimen from the student, the collector shall determine the volume (not less than 30mL) and temperature (not outside the range of 32°C – 38°C) of the specimen. The collector shall also inspect the specimen to determine if there is any sign indicating that the specimen may be invalid.

Screening Test

7. The collector shall perform the screening test in front of the student and the project officer. The collector shall use a new dropper to extract an appropriate amount of specimen for screening test kit.
8. If the screening test returns a positive result, another screening test on the same urine specimen using a urine test kit of a different brand will be conducted.
9. If both screening tests return positive results, the collector will then affix security seal to the remaining specimen for confirmatory testing and initial a specimen delivery record for the purpose of certifying that it is the specimen collected from the concerned student. A specimen code will be attached to the specimen container. No personal identifier will be attached to the specimen in order to ensure confidentiality and privacy. The specimen will be sent to the Government Laboratory by the collector.
10. Nonessential specimens will be disposed of into the sewer properly and immediately.

APPENDIX 4 **BRIEF ON PERSONAL DATA (PRIVACY) ORDINANCE**

Objectives

The purpose of the Ordinance is to protect the privacy interests of living individuals in relation to personal data. It also contributes to Hong Kong's continued economic well being by safeguarding the free flow of personal data to Hong Kong from restrictions by countries that already have data protection laws.

Scope of Coverage

The Ordinance covers any data relating directly or indirectly to a living individual (data subject), from which it is practicable to ascertain the identity of the individual and which are in a form in which access or processing is practicable. It applies to any person (data user) that controls the collection, holding, processing or use of personal data.

Data Protection Principles (DPP)

Principle 1 (DPP 1) – **Purpose and manner of collection.** This provides for the lawful and fair collection of personal data and sets out the information a data user must give to a data subject when collecting personal data from that subject.

Principle 2 (DPP 2) – **Accuracy and duration of retention.** This provides that personal data should be accurate, up-to-date and kept no longer than necessary.

Principle 3 (DPP 3) – **Use of personal data.** This provides that unless the data subject gives consent otherwise personal data should be used for the purposes for which they were collected or a directly related purpose.

Principle 4 (DPP 4) – **Security of personal data.** This requires appropriate security measures to be applied to personal data (including data in a form in which access to or processing of the data is not practicable).

Principle 5 (DPP 5) – **Information to be generally available.** This provides for openness by data users about the kinds of personal data they hold and the main purposes for which personal data are used.

Principle 6 (DPP 6) – **Access to personal data.** This provides for data subjects to have rights of access to and correction of their personal data.

The Ordinance (full text) can be downloaded from website of “The Office of the Privacy Commissioner for Personal Data” at

<http://www.pcpd.org.hk/english/ordinance/ordfull.html>.

