

# **Protocol for Drug Testing**

(for School Drug Testing Schemes  
Involving Schools across Different Districts)

*Drug Testing Method :  
Screening and Confirmatory Tests on Urine Specimens*

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## **CHAPTER 1                    PURPOSES AND GUIDING PRINCIPLES**

- 1.1 The School Drug Testing Scheme (the Scheme) is part of the healthy school programme of participating schools with participation from 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 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.
- 1.5 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 DEFINITIONS<sup>1</sup>

- 2.1 Scheme  
The School Drug Testing Scheme includes drug testing and support programmes. Drug testing will run from the beginning of the school year or at the time the Scheme is introduced during the school year whichever is later to end of the school year. Support programmes (see paragraph 2.20) for identified students may last beyond the end of the school year, if necessary.
- 2.2 Participating School  
A secondary school which joins the Scheme on a voluntary basis in the school year when the Scheme is implemented.
- 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 paragraphs 4.3 to 4.11). A sample form is at Appendix 1, which comprises two parts, namely a pledge to stay away from illicit drugs and consent to participation.
- 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 drug test (see paragraph 2.16).
- 2.6 Identified Student  
A student who is identified as a screened positive case (see paragraph 4.27) or a confirmed case (see paragraph 2.18).
- 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 NGO  
The Non-governmental Organization (NGO) acting as the overall co-ordinator of the drug testing and other complementary components of the healthy school programme. It is responsible for providing / co-ordinating the whole range of promotion and preventive activities, counselling services to students and their parents of participating schools, and drug testing services to participating schools.
- 2.9 Designated CCPSA  
It is the CCPSA serving the district in which the participating schools are located. The designated CCPSA may or may not be the designated NGO. There may be more than one designated CCPSA serving the participating schools if the participating schools are located across different districts.
- 2.10 Student Drug Testing (SDT) Team  
A team from the designated NGO to collect urine specimens from students and conduct screening tests. The team will visit each of the participating schools and carry out drug testing.

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

- 2.11 Project Manager  
A registered social worker of the designated NGO who has received training in drug counselling and is assigned to supervise the SDT team, and co-ordinate with the designated CCPSA, school social workers and school principals/teachers of participating schools on the provision of the various activities and services set out in this Protocol.
- 2.12 Case Manager<sup>2</sup>  
A registered social worker of the designated CCPSA, who specialises in drug counselling and is assigned to handle an identified student.
- 2.13 Designated Teachers  
The class teacher of the participating student, and another school teacher suggested by a participating student in the Consent to Participation.
- 2.14 School Project Assistant  
Staff employed by participating schools to perform the duties of school project assistant as set out in this Protocol.
- 2.15 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).
- 2.16 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 (氯胺酮, K 仔);  
(b) Ecstasy (搖頭丸);  
(c) Methylamphetamine (冰);  
(d) Cannabis (大麻); and  
(e) Cocaine (可卡因).  
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.
- 2.17 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):  
(a) to identify the presence of illicit drugs in order to ensure reliability and accuracy, after the screening test returns a positive result; or  
(b) to identify the presence of illicit drugs where a selected student chooses to provide a urine specimen for a confirmatory test direct under paragraph 4.28(a).
- 2.18 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).

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<sup>2</sup> Case manager shall mean a registered social worker which is funded by any separate funding sources outside the Social Welfare Department's subvention programme (e.g. Beat Drugs Fund). If no such separate funding is provided to the CCPSA under the Scheme (i.e. when cases arising from school drug testing are still within the current service capacity of the CCPSA), then "case manager" shall mean the "case worker" funded under the SWD's subvention programme.

2.19 False-positive Case

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

2.20 Support Programme

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

2.21 Community-based Support Services

Any service or programme available in the community which can support the identified student (e.g. mentoring scheme where a volunteer acting as mentor may share his life experience and help the student cope with and overcome difficulties).

## **CHAPTER 3            ROLES OF CONCERNED PARTIES**

- 3.1 Designated NGO
- (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) Project Manager. The project manager is responsible for co-ordinating the drug testing, and other promotion and preventive activities, and counselling, treatment and rehabilitation services for students and parents of the participating schools. The project manager is also responsible for -
    - (i) observing the SDT team on school visits and offering comments on whether the SDT team has adhered to the drug testing procedures set out in this Protocol;
    - (ii) handling complaints relating to drug testing from participating students, their parents/guardians, or other relevant parties; and
    - (iii) for BDF funded Scheme, complying with BDF procedures, including reporting requirements.
- 3.2 Designated CCPSA
- (a) Case Manager. The case manager of the designated CCPSA is responsible for assessing the identified student's needs, and for the provision of suitable counselling, treatment and rehabilitation services, including the participation in a multi-disciplinary case conference, where necessary, to contribute in formulating an effective support programme for the identified student.
- 3.3 School Social Worker. He is responsible for assisting the SDT team in providing timely counselling to participating students, identified students and their parents/guardians with emotional stress. For his known cases (students already receiving his casework service), the school social worker will refer the identified students to appropriate services in the community. The SDT team will follow up if the identified students are not the known cases of school social workers.
- 3.4 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.
- 3.5 School Project Assistant. He is responsible for –
- (a) arranging the logistics support for the SDT team school visits and serving as the contact point between participating schools and the SDT team on drug testing matters (e.g. fixing testing schedule, co-ordinating the participating student list);
  - (b) observing the SDT team drug testing process on school visits and offering comments to school principals for follow-up with the project manager;
  - (c) assisting the school principals in complying with the data privacy requirements as set out in this Protocol and seeking advice from the project manager if required;

- (d) assisting the school principals in handling complaints/enquiries on drug testing received by the schools and seeking advice from the project manager if required;
- (e) informing school principals of complaints/enquiries on drug testing received on site by the SDT team and the follow-up action taken by the project manager; and
- (f) compiling the following reports –
  - (i) school visit reports to school principals (see paragraph 4.29); and
  - (ii) monthly reports and a final one to school principals.



## CHAPTER 4 DRUG TESTING

### Preparation

- 4.1 Prior to running the drug testing, anti-drug education and briefing sessions will be arranged by the designated NGO, in collaboration with the participating schools, 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 devise and implement a healthy school policy 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 which includes a pledge by students to stay away from drugs and 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 the designated NGO, that is, the project manager and the SDT team, and the case manager of the designated CCPSA serving the district in which the school is located 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 or any school staff designated to act on his behalf, the class teacher of the student and any other teacher if so suggested by the student; and
  - (d) school project assistant.
- 4.7 The form for Consent to Participation must be read, signed, and dated by the student and his parent/guardian. The duly completed form should be returned to the student's class teacher.
- 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 to another school which also runs school drug testing during the school year, the student and his parent/guardian are required to complete the necessary procedures as required by the new school in order to participate in the school drug testing scheme of the new school.
- 4.10 Any parent/guardian and student who have not returned the form of Consent to Participation before the commencement of drug testing are nonetheless still welcome to join the Scheme anytime during the school year.
- 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, each school principal or any school staff designated to act on his behalf will prepare a list which includes the name, class and gender of the participating students in his school.
- 4.13 Before a visit to any participating schools, the SDT team will provide one-week advance notice to the school principal or any school staff designated to act on his behalf, school social worker and the school project assistant. Test dates and frequencies will not be made known to the students.
- 4.14 The school principal or any school staff designated to act on his behalf will provide the SDT team with an updated participating student list three working days prior to the school visit via secure communication.
- 4.15 The SDT team will inform the school principal or any school staff designated to act on his behalf and school project assistant of the list of randomly selected students for drug testing one working day before the school visit. The selected students will only be informed as they proceed to receive the drug test.
- 4.16 At the beginning of the school visit, the school principal or any school staff designated to act on his behalf will provide an updated list of randomly selected students to the SDT team and the school project assistant, which shows the availability and sequence of the selected students to undergo drug testing. The school project assistant will counter-check the names of the students on the list to ensure that the list of selected students is in order.

#### Random Selection

- 4.17 Each month, a certain proportion (say 3% - 5%) of participating students from a school will be randomly selected and tested by the SDT team. Generally speaking, each school may be visited at least once a month. The SDT team will not visit the participating schools on a 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 minutes, with every effort made to minimize disruption to learning and teaching, 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 The SDT team will brief the 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 school project assistant will be present at all screening drug test sessions. The school project assistant will 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 school project assistant.
  - (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 school project assistant 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 inform the project manager of the designated NGO and the case manager of the designated CCPSA serving the district in which the school is located. The case manager will provide counselling services and necessary support to the identified student and his parents/guardians if

attending, with support where necessary from the school social worker and project manager.

- (e) Meanwhile, if appropriate, the identified student may return to class after immediate counselling.
- (f) The case manager, the project 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) provide a urine specimen for confirmatory test direct, if there is valid concern about carrying out a screening test (e.g. where the result may be affected by medications taken lawfully);
- (b) refer himself to a support programme without testing (see Chapter 6);
- (c) refuse drug testing (see Chapter 7); or
- (d) withdraw Consent to Participation (see Chapter 8).

#### 4.29 School Visit Report

- (a) At the end of the school visit, the school project assistant will compile a school visit report to the school principal for necessary follow-up.
- (b) The school visit report will cover any on-the-spot complaints received by the school project assistant. It will also contain the names of the students who –
  - (i) provided a urine specimen for a confirmatory test direct;
  - (ii) were screened negative;
  - (iii) were screened positive;
  - (iv) self-referred to a support programme without testing;
  - (v) refused drug testing; and
  - (vi) withdrew Consent to Participation.

#### Confirmatory Test

- 4.30 For a screened positive case or a case in which the selected student has provided a urine specimen for a confirmatory test direct, the SDT team and the school project assistant will sign a request for confirmatory testing to the Government Laboratory.
- 4.31 The SDT team will deliver the urine specimen to the Government Laboratory for a confirmatory test. For a screened positive case, the specimen will be the same specimen as that used in the screening 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 school project assistant.
- 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 school project assistant 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 test or has retained a sufficient part for the test, under seal for collection at the Government Laboratory by authorised 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, or as a case of negative confirmatory test result if no screening test has been done before the confirmatory test.

Result Notification (Confirmatory Test)

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

4.37 False-positive Cases

- (a) The school project assistant will notify the project manager and 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 school project assistant will notify the project manager and the case manager.
- (b) The school principal will notify the identified student and his parent/guardian while the case manager will 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 project manager of the designated NGO will, subject to the case welfare need and availability of parties concerned, convene and chair a multi-disciplinary case conference, to formulate a support programme (or commonly known as a welfare plan) for 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/programmes outside school, such as counselling sessions in the designated CCPSA, thematic therapeutic groups, community service programmes, family/interpersonal relationship training, psychiatric/psychological intervention, mentorship schemes, etc;
    - (iv) 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;
    - (v) Cases with psychiatric and other medical complications may be referred to Substance Abuse Clinics of the Hospital Authority or other government clinics/hospitals 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 any community network available.
- 5.4 The case manager may review the support programme as and when necessary and may share the case progress and relevant issues with the student, his parent/guardian, and other concerned parties. Case review meeting may be convened to discuss progress and unresolved issues, if needed.
- 5.5 The support programme under the Scheme may last beyond the end of the school year if necessary.
- 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 NGO, designated CCPSA and other parties may arrange promotion, education and prevention programmes for non-drug users and other students throughout the school year.

## **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 school project assistant.
- 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 drug 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 drug 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 project manager, the school project assistant, 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 project manager and the school project assistant. The project manager 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, or as a case of negative confirmatory test result if no screening test has been done before the confirmatory test.

## **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) are 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 school project assistant will assist the participating schools in complying with the requirements on 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 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. Staff of schools, designated NGO and designated CCPSA who have access to such personal data 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 information<sup>3</sup> 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 names of organisations designated as reporting agencies are specified in the Fourth Schedule of the DDO.
- 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.

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<sup>3</sup> “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, the prosecution authorities have confirmed that 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 current edition of the Statement of Prosecution Policy and Practice issued by the Department of Justice applies.

**APPENDIX 1      SAMPLE FORM**

**PLEDGE TO STAY AWAY FROM DRUGS**  
**SCHOOL YEAR \_\_\_\_\_**

**To:** Principal, [Name] Secondary School

I, the undersigned student, understand that abusing illicit drugs is illegal and that taking illicit drugs is harmful to my health.

I wish to pledge that I will stay away from illicit drugs.

I do not wish to make the pledge that I will stay away from illicit drugs.

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

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Student's Name (Block Capitals)

Signature

Date

**CONSENT TO PARTICIPATION**  
**Participation in School Drug Testing Scheme (Scheme)\**

**School Year \_\_\_\_\_**

**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 for the school year \_\_\_\_\_.

**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 the designated NGO, that is the project manager and the Student Drug Testing team, and the case manager of the designated CCPSA 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 or any school staff designated to act on his behalf, the class teacher of the student, and \_\_\_\_\_ (that is, any other teacher if so suggested by the student); and
4. school project assistant.

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)

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Signature

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Date

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 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.

## **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 or any school staff designated to act on his behalf informs selected students and facilitates their attendance to the collection site.
3. The SDT team 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 school project assistant. 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>.