

Healthy School Programme

Protocol for the School Drug Testing Scheme

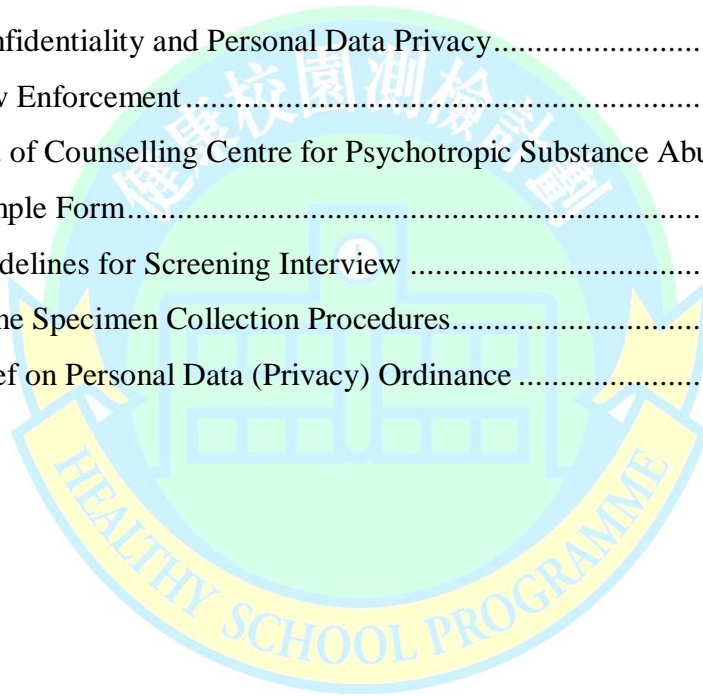
Government Secondary Schools NTE Cluster

2020 - 2023



TABLE OF CONTENTS

Chapter 1	Purposes and Guiding Principles	1
Chapter 2	Definitions	2
Chapter 3	Roles of Concerned Parties.....	5
Chapter 4	Drug Testing	6
Chapter 5	Support Programme	14
Chapter 6	Self-Referral.....	16
Chapter 7	Refusal.....	17
Chapter 8	Withdrawal of Consent.....	18
Chapter 9	Review	19
Chapter 10	Confidentiality and Personal Data Privacy.....	20
Chapter 11	Law Enforcement.....	22
Appendix 1	List of Counselling Centre for Psychotropic Substance Abusers	23
Appendix 2	Sample Form.....	24
Appendix 3	Guidelines for Screening Interview	26
Appendix 4	Urine Specimen Collection Procedures.....	28
Appendix 5	Brief on Personal Data (Privacy) Ordinance	29



CHAPTER 1 PURPOSES AND GUIDING PRINCIPLES

- 1.1 The School Drug Testing Scheme (the Scheme) is part of the Healthy School Programme (HSP(DT)) funded by the Beat Drugs Fund (BDF) and implemented by participating schools for the 2020/2021, 2021/2022 and 2022/2023 school year.
- 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) (see Appendix 1) for professional assistance. The whole process is kept confidential. To complement their counselling services, CCPSAs will provide on-site medical support including voluntary drug testing services.

CHAPTER 2 DEFINITIONS¹

2.1 Scheme

The Scheme includes drug testing and support programmes. Drug testing will run from September 2020 to August 2023. Support programmes (see paragraph 2.19) for identified students may last beyond the completion of the Scheme, 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 2.

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.

2.6 Identified Student

A student who is identified as a screened positive case (see paragraph 4.26) or a confirmed case (see paragraph 2.17).

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 Organisation (NGO) acting as the overall co-ordinator of the Scheme and is responsible for providing / co-ordinating relevant counselling

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

services to students and their parents of participating schools, and drug testing services to participating schools.

2.9 Relevant CCPSA²

It is the CCPSA serving the district in which the participating school is located (see Appendix 1).

2.10 School Drug Testing (SDT) Team

A team from the designated NGO will visit each of the participating schools to collect urine specimen from students, and conduct screening tests.

2.11 Project Manager

A registered social worker of the designated NGO assigned to supervise the SDT team and co-ordinate with the relevant 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 Designated Teachers

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

2.13 School Project Assistant

A staff of the participating schools will be assigned as school project assistant to perform the prescribed duties set out in this Protocol.

2.14 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).

2.15 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);

² CCPSA funded by the Social Welfare Department will provide counselling services, preventive education and supports to schools, including those not joining the Scheme and those referred by the Scheme.

(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.

2.16 Laboratory 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 the urine specimen; or

(b) to confirm the presence of illicit drugs in the urine specimen after the screening test returns a positive result; or

2.17 Confirmed Case

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

2.18 False-positive Case

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

2.19 Support Programme

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

2.20 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 collecting samples for drug tests, performing screening tests, if required, carrying out the ancillary arrangement, providing on-the-spot counselling services for students screened positive, and making necessary referrals to the relevant CCPSA.
- (b) Project Manager. The project manager is responsible for co-ordinating the drug testing and counselling, treatment and rehabilitation services for students and parents of the participating schools. The project manager is also responsible for –
 - (i) ensuring the SDT team has adhered to the drug testing procedures set out in this Protocol during school visits and offering comments;
 - (ii) handling complaints relating to drug testing received by the SDT team in consultation with the school principal if required;
 - (iii) complying with BDF procedures, including reporting requirements;
 - (iv) understanding and complying with the data privacy requirements relating to drug testing as set out in this Protocol, and relaying concerns identified to relevant authorities; and
 - (v) convening multi-disciplinary case conferences, subject to case welfare need in consultation with school principal.

3.2 Relevant CCPSA

The relevant 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.
- As far as practicable, he will try to make himself available for standby on the day of drug testing to provide necessary assistance when required. The SDT team would provide timely counselling to selected students and their parents/guardians with emotional stress, with the assistance from school social worker, if necessary.

3.4 School

- (a) School Principal. He, or his deputy designated to act on his behalf (hereafter referred to as “school principal” in this Protocol), is responsible for supervising the running of the Scheme at school and providing the school’s support for the participating and identified students. He will inform the school social worker the date of the SDT team’s school visit in advance.
- (b) School Project Assistant. He is responsible for –
- (i) arranging the logistics support for the SDT team school visits and serving as the contact point between the participating school and the SDT team on drug testing matters (e.g. fixing testing schedule, co-ordinating the participating student list);
 - (ii) observing the SDT team drug testing process on school visits and offering comments to the school principal for follow-up with the project manager;
 - (iii) assisting the school principal in complying with the data privacy requirements as set out in this Protocol and seeking advice from the project manager if required;
 - (iv) assisting the school principal in handling complaints/enquiries on drug testing received by the schools in consultation with the project manager if required;
 - (v) informing the school principal of complaints/enquiries on drug testing received on site by the SDT team and the follow-up action taken by the project manager;
 - (vi) collecting drug test results from the Government Laboratory (see paragraphs 4.35); and
 - (vii) compiling the following reports –
 - 1) school visit reports to the school principal (see paragraphs 4.28); and
 - 2) a final report to the school principal.
- (c) Designated Teachers. They are responsible for providing assistance to the running of the Scheme at school and supporting the participating and identified students.

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 the Consent to Participation to indicate whether they agree to participate and to give the necessary consent and undertaking. The school principal of the participating school shall read over to the student the student's consent for disclosing his drug testing results to his parent/guardian.
- 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, the SDT team, and the staff of the relevant CCPSA which will render follow-up service to the student upon any positive test result or upon self-referral;
 - (b) the school social worker of the participating school;

- (c) the school principal and designated teachers of the participating school;
 - (d) the school project assistant;
 - (e) the student's parents/guardians; and
 - (f) relevant staff of the participating school assigned by the school principal to facilitate selected students' attendance to the specimen collection site for drug testing and other necessary clerical work for the Scheme.
- 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 as part of its HSP(DT) during the school year, the student and his parent/guardian are required to complete the necessary procedures of 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 subject to supervision under the law, such as probation order, community service order, supervision order or a suspended sentence, shall not participate in the Scheme. Students subject to supervision under the law after giving consent to participation shall withdraw from the Scheme.

List of Students

- 4.12 Before any testing begins, each school principal 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 twelve school days advance notice to the school principal and the school project assistant. Test dates and frequencies will not be made known to the students.
- 4.14 The school principal will provide the SDT team with an updated participating student list ten school days prior to the school visit via secure communication.
- 4.15 The SDT team will inform the school principal and the school project assistant of the list of randomly selected students for drug testing two school days 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 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 At least 20% of participating students from a school will be randomly selected by the SDT team for drug testing throughout one school year.

(For urine test: suggest participating school to conduct at least four tests per school year.)

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 testing 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, with every effort made to minimise 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 in the screening interview. After the screening interview by the SDT Team, the school project assistant will be present for the rest of the screening drug test session. The school project assistant will also record information required for the school visit report (see paragraph 4.28). A set of guidelines for the screening interview is provided at Appendix 3.

- 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 4. 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.

Result Notification (Screening Test)

4.25 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.

4.26 Positive Case

- (a) The SDT team will provide on-the-spot counselling to the identified student. The student may choose to seek support from the school social worker if necessary.
- (b) The school project assistant will immediately inform the school principal of the positive case.
- (c) The school principal will write an authorisation for the disclosure of the positive case to the identified student's parent/guardian.
- (d) 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 at school.
- (e) The SDT team should either follow-up the case or make necessary referrals to the relevant CCPSA for timely follow-up.
- (f) Meanwhile, if appropriate, the identified student may return to class after immediate counselling.
- (g) The SDT team, 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.

4.27 Other Cases

- (a) A selected student may also, on the spot –
 - (i) refer himself to a support programme without testing (see Chapter 6);
 - (ii) refuse drug testing (see Chapter 7); or
 - (iii) withdraw Consent to Participation (see Chapter 8).

4.28 School Visit Report

- (a) At the end of a 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 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 school project assistant, and cover any on-the-spot complaints received by the school project assistant. It will also contain the names of the students who –
 - (i) were screened negative;
 - (ii) were screened positive;
 - (iii) unable to provide urine specimen;
 - (iv) self-referred to a support programme without testing;
 - (v) refused drug testing; and
 - (vi) withdrew Consent to Participation.

Laboratory Test

- 4.29 For a screened positive case or a case in which the selected student has provided a urine specimen for a laboratory test direct, the SDT team and the school project assistant will sign a request for laboratory testing to the Government Laboratory.
- 4.30 The SDT team will deliver the urine specimen to the Government Laboratory for a laboratory 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.

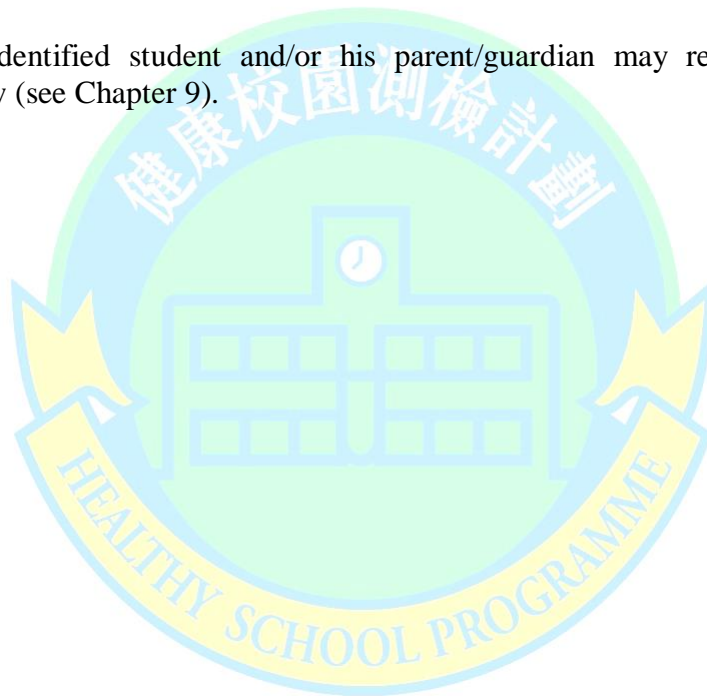
- 4.31 The laboratory test for urine will normally take about five working days and the test results will be available for collection at the Government Laboratory by the school project assistant and the authorised staff of the SDT team.
- 4.32 Specimens sent for laboratory testing will be discarded by the Government Laboratory personnel on expiry of five working days after completion of analysis.
- 4.33 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.
- 4.34 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 test conducted by the Government Laboratory.

Result Notification (Laboratory Test)

- 4.35 The Government Laboratory will prepare two reports, one original and one duplicate copy, on the laboratory test results, for the collection by the school project assistant and the authorised staff of the SDT team respectively.
- 4.36 False-positive Cases
- (a) The SDT team will notify the relevant CCPSA (if the case is being followed up by CCPSA) if a given case is confirmed negative upon laboratory test. The SDT team or the relevant CCPSA will abort the support services started as appropriate.
 - (b) The school principal will inform the concerned student and his parent/guardian.
 - (c) If the student and/or his parent/guardian show emotional distress, the project manager will provide necessary counselling services. The student may choose to seek support from the school social worker if required.

4.37 Confirmed Cases

- (a) The SDT team will notify the relevant CCPSA (if the case is being followed up by CCPSA).
- (b) The school principal will write an authorisation for the disclosure of the positive case to the identified student's parent/guardian.
- (c) The school principal will notify the identified student and his parent/guardian while the SDT team or the relevant CCPSA will continue to provide the support services. The student and/or his parent/guardian may choose to seek support from the school social worker if required.
- (d) The school principal will inform the positive test result on a confidential basis to the designated teachers.
- (e) 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 will, subject to the case welfare need and availability of parties concerned, convene a multi-disciplinary case conference, to formulate a support programme (or commonly known as a welfare plan) for the identified student in consultation with the school principal. 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 relevant CCPSA will be invited to participate in the case conference to 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 may 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 relevant 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 relevant CCPSA;
 - (v) Cases with psychiatric and other medical complications may be referred to Substance Abuse Clinics of the Hospital Authority or other suitable government clinics/hospitals for specialist medical treatment;

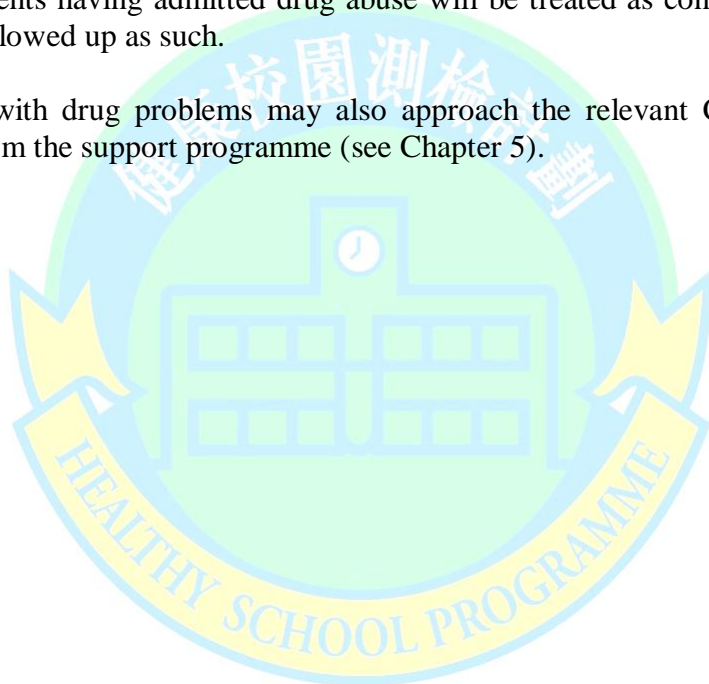
(b) For addicted (dependent) abusers

- (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 progress will be reviewed by the agencies providing support programme (see paragraph 5.2), for example, the SDT team, relevant CCPSA, school social worker, or Substance Abuse Clinics, etc., and a case review meeting will be convened, if deemed necessary, with the identified student, his parent/guardian, and other concerned parties to discuss progress and unresolved issues.
- 5.5 The support programme under the Scheme may last beyond the completion of the Scheme 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.

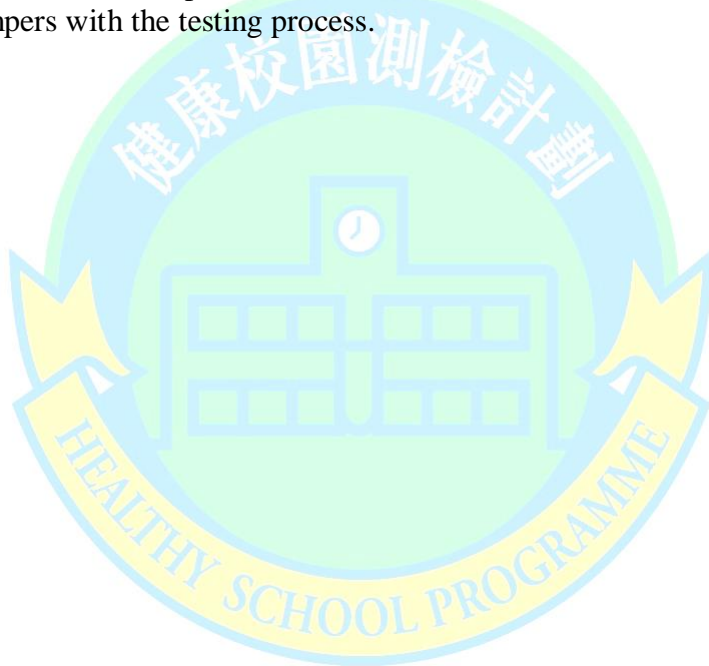
CHAPTER 6 SELF-REFERRAL

- 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 relevant CCPSA direct to benefit from the support programme (see Chapter 5).



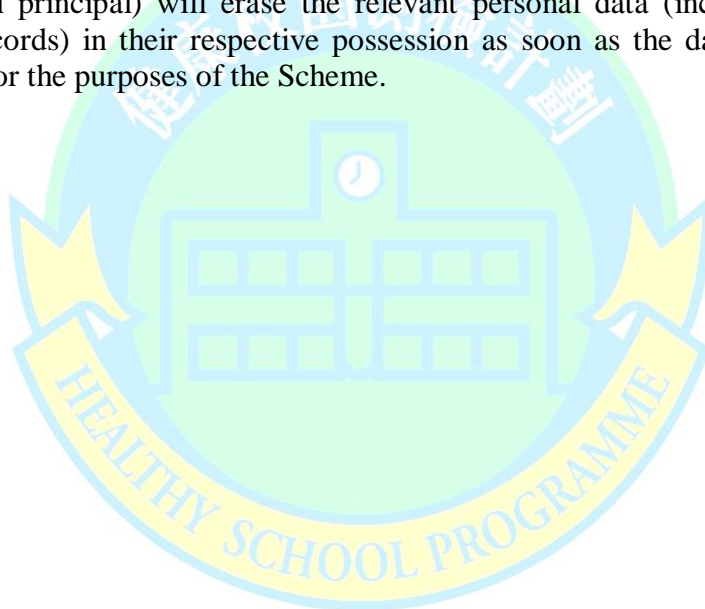
CHAPTER 7 REFUSAL

- 7.1 If a selected student refuses to take the drug test, the school principal may ask the 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 the 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 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.



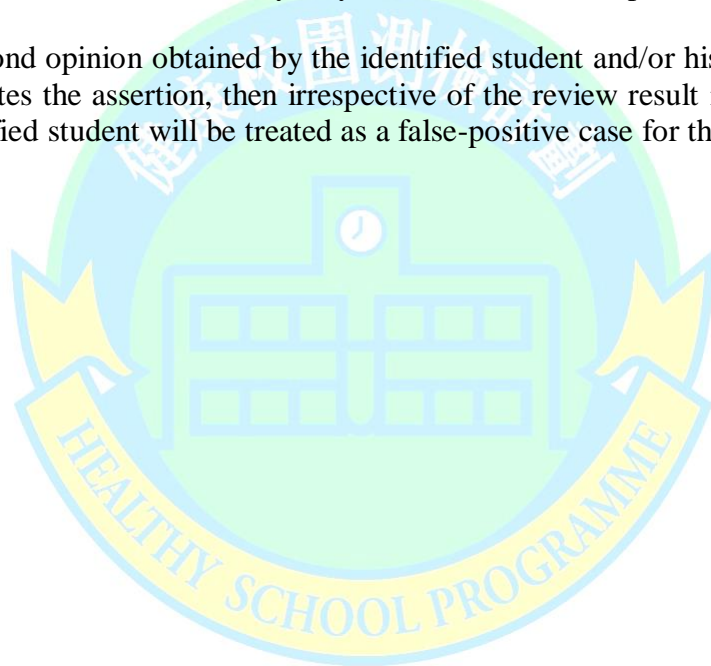
CHAPTER 8 WITHDRAWAL OF CONSENT

- 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 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 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 laboratory 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 laboratory 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 have to be 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 familiarise 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 5.
- 10.2 The SDT Team and the participating schools, with the assistance of the school project assistant, will conduct the Scheme in compliance with the requirements on the protection of confidential information and personal data as set out in this Protocol. The SDT team and participating schools will have checklists to ensure the operation of the Scheme is in compliance with the PD(P)O.

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 authorised 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 relevant 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 information³ 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 to the DDO.
- 10.10 For the purposes of the Scheme, and without prejudice to other situations, the agencies providing support programme (see Chapter 5) may report to CRDA the drug abuse situation of the identified 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.

³ “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 schools 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 initiative 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 LIST OF COUNSELLING CENTRE FOR PSYCHOTROPIC SUBSTANCE ABUSERS

<u>Centre</u>	<u>Services Coverage</u>
Caritas – Hong Kong Caritas HUGS Centre	Tuen Mun
Evangelical Lutheran Church Hong Kong, Social Service Head Office Enlighten Centre	Yuen Long
Hong Kong Children and Youth Services Sane Centre	Tsuen Wan and Kwai Tsing
Hong Kong Christian Service PS33 – Shamshuipo Centre	Sham Shui Po
Hong Kong Christian Service PS33 – Tsimshatsui Centre	Kowloon City and Yau Tsim Mong
Hong Kong Lutheran Social Service, the Lutheran Church Hong Kong Synod Limited Cheer Lutheran Centre	Tai Po and North
Hong Kong Lutheran Social Service, the Lutheran Church Hong Kong Synod Limited Evergreen Lutheran Centre	Kwun Tong
Hong Kong Lutheran Social Service, the Lutheran Church Hong Kong Synod Limited Rainbow Lutheran Centre	Wong Tai Sin and Sai Kung
Hong Kong Sheng Kung Hui Welfare Council Neo-Horizon	Sha Tin
Tung Wah Group of Hospitals TWGHs CROSS Centre – Central Western, Southern and Islands Office	Central Western, Southern and Islands
Tung Wah Group of Hospitals TWGHs CROSS Centre – Eastern and Wanchai Office	Eastern and Wan Chai

APPENDIX 2 SAMPLE FORM

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

School Year 2020/2021, 2021/2022 and 2022/2023

To: Principal, [Name of School]

We, the undersigned student (the student) and parent/guardian, acknowledge that a copy of the Protocol of the School Drug Testing Scheme (The Scheme) has been uploaded on the school intranet for our access. We have read the Protocol, understood its content as well as that of this consent form.

Drug Testing

Under the Scheme for the school year 2020 to 2023, we hereby consent and undertake to provide a urine specimen of the student to be collected and tested for the presence of illicit drugs.

Support Programme

We hereby consent and undertake to join the support programme under the Scheme if the above drug testing result is positive, or if the student joins by self-referral.

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 the Protocol on a confidential and need-to-know basis and only for the purposes of the Scheme –

1. relevant staff of Hong Kong Children & Youth Services, the School Drug Testing team, and the staff of the relevant Counselling Centre for Psychotropic Substance Abusers which will render follow-up service to the student upon any positive test result or upon self-referral;
2. the school social worker of [Name of School];
3. 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) of [Name of School];
4. the school project assistant of [Name of School];
5. the student's parents/guardians; and
6. relevant staff[#] of [Name of School] assigned by the school principal to facilitate selected students' attendance to the specimen collection site for drug testing and other necessary clerical work for the Scheme.

[#] These staff will not be informed of the drug testing results of the student.

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 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) we 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 refuses to continue with the Scheme in any other ways.

☐

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
(In Block)

Signature

Date

Student's Name (In Block)

Signature

Date

Class and Class No.

Contact telephone number of Parent/Guardian*: _____

**Delete as appropriate*

For the purposes of the Scheme, I consent to my drug testing results being disclosed to my parents/guardians, and this consent has been read over to me by you on [date].

Student's Name (In Block)

Signature

Date

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 [contact information (include school address)].

APPENDIX 3

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 explained and explored –

1. The guiding principles and objectives of the Scheme;
2. The procedures of collection of urine specimen;
3. The procedures of how the screening test will be conducted, if screening test is adopted;
4. The rights and obligations of the student;
5. Drug abuse history of the student, if any;
6. Whether the student is currently subject to supervision under the law, such as probation order, community service order, supervision order or a suspended sentence; and
7. The student may choose to seek assistance, help and support from the SDT team, school principal, designated teachers or school social worker whenever necessary.

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 4 URINE SPECIMEN COLLECTION PROCEDURES

Pre-test Arrangement

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

Procedures for Specimen Collection

2. The school principal, or any school staff assigned by him, 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.

Urine 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 laboratory 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 5 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>.