



### **Law Society supports the voluntary drug test scheme**

The Law Society is always supportive of Government's initiatives in combating drug abuse. We are in principle supportive of the school-based voluntary drug test pilot scheme. We have noted that participation in the pilot scheme is voluntary in nature, and it is not implemented through a separate legislative framework.

#### 1. Consent

We consider that the fully informed consents of the parents/guardians and the students should be obtained at the outset, otherwise the success of the pilot scheme may be adversely impacted.

#### 2. Objective of the Pilot Scheme and Involvement of the Police

The pilot scheme's focus should be the prevention of drug abuse in schools and the provision of assistance to vulnerable students. Currently, the pilot scheme appears to have wider objectives. For example, there is no assurance that information gathered may not be used for intelligence purposes by the Police. There are also concerns that students might be called as potential witnesses in criminal investigations or proceedings of dangerous drug related offences.

We believe that the Police should play no part in the pilot scheme. Students who might be required to assist in criminal investigations, and those are perceived to be "whistleblowers", may be placed in great personal danger.

#### 3. Data Management

The Administration should ensure the parties involved in the pilot scheme will undertake not to use the information of the drug test for other purposes. We consider that the Administration should indicate clearly who will have access to the data, and for how long will the data be retained. A detailed set of procedure on expunging the data at the conclusion of the Pilot Scheme should be laid down.

The Law Society notes that there will be a public consultation on a proposed compulsory drug test scheme. The Law Society will consider and comment on that scheme in due course.

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**The Law Society of Hong Kong**

**19 August 2009**