

Research Assessment Exercise 2020

Impact Case Study

University: The University of Hong Kong (HKU)

Unit of Assessment (UoA): 27 - Sociology and Anthropology

Title of case study: Influencing drug policies and well-being of drug users in Hong Kong and East & Southeast Asia

(1) Summary of the impact

Globally the impact of illicit drug use on individuals and communities is a key priority among public health officials, law-enforcement authorities and policymakers. Professor Karen Joe-Laidler has produced empirically grounded analyses that challenge assumptions embedded in drug policy, promote understanding of the changing environment of drug use and drug users's needs, and advocate policies to reduce drug-related harms. This research has informed and shaped three key aspects of the illicit drug issue: sentencing guidelines for drug trafficking in Hong Kong; Southeast Asian professionals' engagement with policy, advocacy, and programs resulting from harm-reduction training; and local drug treatment organizations' programs/ services.

(2) Underpinning research

Over the past two decades, the global drug market has witnessed significant shifts in drug use prevalence and preferences. Joe-Laidler's research focuses on how these changes have developed in Hong Kong [HK], and the consequences for users and the community. Her work is distinguished by its use of ethnographic fieldwork, qualitative interviews with over 500 users, 25 interviews and 26 focus groups with frontline workers, and one school and three user-population surveys. She joined HKU in 1995, and is Director, Centre for Criminology.

Key Insights:

1. The shift from opiates to psychotropic drug use in HK

The research documents and analyses the nature and changes of HK's illicit drug market since the mid-1990s. Joe-Laidler was the lead on four projects (from 2000-2006) that remain the most comprehensive analysis of HK's drug market, analysing its dynamics – supply, demand, market-clearing strategies, legal responses and associated consequences, and state intervention [3.1]. These studies reveal how psychotropic drugs emerged in the mid-1990s, especially in the context of a burgeoning night-time economy, stepped-up enforcement, and the emergent underground and cross-border leisure scenes. The research documents the changing rationales, contexts, and health and social problems associated with the use and decline of ecstasy and the continued popularity of ketamine, methamphetamine, cocaine, and poly-drug use among young adults who believe these drugs are neither addictive nor harmful, compared with heroin. Generational differences exist between local aging heroin users (in decline) and the small but increasing number of ethnic minority youth who, marginalized and with limited local networks, rely on open-street sales of heroin (General Research Fund [GRF] 2008-2010).

2. Changing patterns of drug supply and trafficking in Southeast Asia and beyond

Another GRF study (2012-2014) showed drug supply and trafficking patterns are closely related to HK'S changing drug-use scene. Government raids on party/entertainment businesses resulted in a flexible and discrete market with drug transactions becoming less visible and more mobile [3.2]. As use moves to private settings, so too have transactions. With Professor Coomber (University of Liverpool) and partners in eight other countries (HKU contribution 15%), a ten-country comparison revealed that social supply (sharing, gifting drugs with peers) occurs in local drug scenes. While this

is a mitigating factor in sentencing drug-trafficking cases in the UK and elsewhere, its' legal interpretation is equivalent to an aggravating factor in HK [3.5].

3. *Drug treatment must respond to changing needs of drug users in HK.* Seven studies (from 2003-2017), document the needs and socio-economic costs associated with drug treatment. While services have been largely tailored for heroin users, Joe-Laidler has shown the problems of psychotropic drug users require different strategies that are gender, ethnically, and spiritually appropriate [3.2-3.4]. One study, the first in HK, piloted a natural recovery approach based on Buddhist principles, and received a positive reception from those in residential treatment. Gaps in drug and health policies have resulted in difficulties for “chem-sex” goers (men-who-have-sex with men (MSM) who use drugs at parties) – who need services that jointly address their drug use and sex related issues [3.6].

(3) References to the research

[3.1] Joe-Laidler, K. A., Hodson, D., & Traver, H. (2000) *The Hong Kong Drug Market: A Report for UNICRI on the UNDCP Global Study in Illicit Drug Markets*. Online: <https://crime.hku.hk/wp-content/uploads/2019/10/The-Hong-Kong-Drug-Market-hkdrugmarket.pdf>. Peer reviewed and one of two country reports selected from 20 countries, showcased by UNDCP (previously available on their Southeast Asia website).

[3.2] Joe-Laidler, K. (2005) *The Rise of Club Drugs in a Heroin Society: The Case of Hong Kong. Substance Use and Misuse*. 40(9-10): 1257-1278.

[3.3] Joe-Laidler, K. and Hunt, G. (2008) *Sit Down to Float: The Cultural Meaning of Ketamine Use in Hong Kong. Addiction, Research and Theory*. 16(3): 259-271.

[3.4] Joe-Laidler K.A., Hunt G. and Moloney M. (2014) ‘Tuned Out or Tuned In’: Spirituality and Youth Drug Use in Global Times, *Past and Present*, 222(9), 61-80.

[3.5] Coomber, R., Moyle, L., Belackova, V., Decorte, T., Hakkarainen, P., Hathaway, A., Joe-Laidler, K., Lenton, S., Murphy, S., Scott, J., Stefunkova, M., van de Ven, K., Vlaemynck, M. and Wersé, B. (2018) *The burgeoning recognition and accommodation of the social supply of drugs in international criminal justice systems: An eleven-nation comparative overview. International Journal of Drug Policy*, 58: 93-103.

[3.6] Kong, T. and Joe-Laidler, K. (2019) *The paradox for chem-fun and gay men: A neoliberal analysis of drugs and HIV/AIDS policies in Hong Kong. Journal of Psychoactive Drugs*. Published online 31/1/2019.

Grants

This research is based on 13 peer-reviewed competitive grants and contracts, conducted between 2000 and 2017 (with Joe-Laidler as PI on eight of them), totalling HKD 6.2 million. These included funding from the General Research Fund (two grants), the United Nations Interregional Crime and Justice Institute (one grant - part of a global market analysis), the Hong Kong government (three Narcotics Division grants and one Correctional Services Department grant), and NGO consultancies (five grants). Among the five with Joe-Laidler as CoPI, four were conducted with colleagues at HKU. Joe-Laidler’s contribution to these studies was her expertise on illicit drugs (HKU colleagues’ expertise – sexuality and statistical methods). One comparative project – San Francisco, Hong Kong and Rotterdam - was funded by the US National Institute of Drug Abuse (NIDA) study, in collaboration with Professor G. Hunt (Aarhus University & Institute for Scientific Analysis, California) with the Hong Kong site overseen by Joe-Laidler.

(4) Details of the impact

The accumulated analysis on drug trends in HK and internationally has led to three major areas of impact, and influenced the drug-using community, the justice system, and drug policymaking in HK and Southeast Asia.

1. Influenced sentencing guidelines for drug trafficking

The research provides longitudinal knowledge on drug market changes – diversification, demand, and supply. Based on the research’s depth and breadth, Joe-Laidler’s expertise has been sought by HK’s courts, most recently in 2017. The Honourable Justice Zervos (Court of Appeal) has reflected on the long-lasting and cumulative impact of the evidence: “...her evidence was of critical importance in the formulation and structure of sentencing guidelines for offenders of drug trafficking in ketamine... She is regularly called upon to provide expert evidence...” The Honourable Justice Barnes (Court of First Instance) has commented on the precedent set by, and the lasting impact of the research [5.1-5.2].

In 2017, the court made reference to Joe-Laidler’s accumulated expert evidence on ecstasy and ketamine, and requested updates in two High Court appeals (*HKSAR and CHAN Ka-Yiu* and *HKSAR and Leung Lok-Yi* [CAC147/2016]). The court cited and affirmed Joe-Laidler’s report, and made reference to her evidence in the 2005 precedent, *HKSAR v Hii Siew-Cheng*, and subsequent cases [5.3].

In *HKSAR v Hii Siew-Cheng*, the prosecution requested Joe-Laidler’s expert evidence (Court of First Instance) [5.4a]. The court’s primary query: should the rationale and sentencing principles for ecstasy continue to be used for ketamine, given recent research and drug-use trends. Justice Barnes could not depart from existing practices, but noted the Court of Appeal might reconsider the decision. The prosecution’s case review found Joe-Laidler’s “findings were quite heavily relied upon by the Defence experts” [5.4a].

In 2007, the Secretary for Justice appealed the decision, calling for a review and differentiation in sentencing guidelines, and requested an update from Joe-Laidler. From its review of her and others’ updated evidence, the Court of Appeal established the precedent for separate guidelines [5.4b]. The HK Law Reports and Digest (2009) reviewed the case’s implications and set out the specific guidelines [5.4c]. The HK Judiciary identified this case as one of the most notable legal cases of 2008-2009 (<https://www.doj.gov.hk/publications/doj2010/en/highlight.html>).

The precedent, along with its rationale and guidelines, has been cited in 1,312 drug trafficking cases, 656 of which occurred from 2013 onwards [5.5].

2. Change in professionals’ programs and policies from Asia drug policy and harm-reduction training

The research has been disseminated locally, regionally and internationally– academic journal articles, invited talks, public engagements, radio interviews, and social media. Consequently, Joe-Laidler has become a key partner in the development of a global network of drug policy advocates (<https://www.facebook.com/groups/650765401732435/>). With the Open Society Foundations (OSF), she has held annually (2015 to present), a Southeast Asian drug policy and harm-reduction training for professionals - policymakers, law-enforcement, lawyers, drug-treatment workers, cultivators, and NGOs. The training provides diverse professionals with the opportunity to network and develop knowledge about the challenges of drug policies, and the importance of health and harm-reduction considerations. The training has developed an advocacy and support network of 125 alumni.

As OSF’s testimonial attests, this training has been impactful at the international level, preparing regional stakeholders – government and civil society - with the necessary knowledge to engage in the

negotiations of the 2016 UN General Assembly Special Session on drugs, and at the regional level, building civil society capacity for evidence-led policymaking [5.6]. The training has been a change catalyst in the Philippines with alumni working collaboratively to: a) draft with legislators Senate Bill 1313 (health-informed drug policy); b) take the country-wide lead in harm-reduction education and advocacy via NoBox (a key civil society organization); c) establish Street Law PH (providing legal-aid and strategic litigation for drug users), and, d) produce investigative reports/documentaries on drug and harm-reduction issues (https://www.youtube.com/watch?v=nSgC--oJ4_8; <https://www.youtube.com/watch?v=rzpJ33ho4iw&feature=youtu.be%29>; <https://www.youtube.com/watch?v=HZeKzxLaJcE>; <https://www.youtube.com/watch?v=qD3686vDFjo>) [5.7]. Myanmar alumni have developed programs for subsistence-level opium farmers including, capacity-building to engage in policymaking, and an advocacy project for marginalized youth. Myanmar farmers are capacity-building cross-regionally with Beijing alumni (Asia Catalyst) in planning HIV prevention/interventions [5.6-5.7].

3. Improved drug treatment services in local community

Local NGOs have also sought assistance from Joe-Laidler in evaluating and advising on drug treatment. Evaluations with small and large NGOs (e.g., Barnabas and the Society of Rehabilitation and Crime Prevention [SRACP]) have provided timely information for addressing the needs of psychotropic drug users, taking into account gender, age and spiritual needs. SRACP, the largest HK NGO rehabilitation and treatment provider for (ex)prisoners, adopted Joe-Laidler's recommendations for strengthening services, and found them to be effective [5.8]

(5) Sources to corroborate the impact

5.1 Testimonial from Justice K. Zervos (Justice of Appeal, Court of Appeal), and at the time of *Hii Siew-Cheng*, was the prosecuting counsel.

5.2 Testimonial from Presiding Judge Justice J. Barnes (Judge of the Court of First Instance of the High Court) in *Hii Siew-Cheng*.

5.3 Court judgement reporting/citing expert witness testimony in *HKSAR and CHAN Ka Yiu and HKSAR and Leung Lok Yi (CACCI47/2016)*
https://legalref.judiciary.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=116341&QS=%24%28laidler%29&TP=JU

5.4 Chain of evidence for the 2017 cases affirming the precedent on separate sentencing guidelines for ecstasy and ketamine:

- a. Court judgement and case reporting/citing expert witness testimony in High Court, Court of First Instance *HKSAR v Hii Siew Cheng* (HCCC 121 of 2005) and Case Report.
- b. Court judgement reporting/citing expert witness testimony for the *Court of Appeal Hii Siew-Cheng (CAAR 7/2006)* and Review report of said case.
- c. *Secretary for Justice and Hii Siew Cheng* (Court of Appeal: Application for Review No. 7 of 2006 and Criminal Appeal No. 126 of 2007) Hong Kong Law Reports and Digest (2009) HKLRD p. 1-34.

5.5 List of 1,312 court cases citing precedent case in which expert witness testimony given

5.6 Testimonial from Open Society Foundations

5.7 Testimonial from harm-reduction training participants throughout Southeast Asia (7)

5.8 Testimonial from largest Hong Kong NGO service provider for treatment and rehabilitation on changes made in services and its effectiveness (1)