

**Information Paper
on 24 October 2000**

**Panel on Security
of the Legislative Council**

**Agenda Item III – Report on the incident
of Master YU Man-hon**

Introduction

The purpose of this paper is to report to Members the main findings of the Administration's investigation into the Yu Man-hon incident; the latest progress of the improvement measures taken arising from the incident, and the continuing efforts to locate the missing boy.

Investigation Reports

2. The media reported on 28 August that Yu Man-hon, a 15 year old autistic boy reported missing by his parents on 24 August might have gone past the boundary to the Mainland side. The Government is very concerned about the incident. Immediate actions were taken by the Immigration Department to liaise with the Mainland side to try to locate the boy (see paragraphs 19 to 21 below). In the meantime, Security Bureau requested the departments concerned, namely Immigration Department and the Police, to conduct a thorough investigation into the incident. The Immigration Department set up a special investigation team on 30 August for the purpose.

3. Immigration Department and the Police submitted separate investigation reports to Security Bureau. In the light of public concern over the incident and in the interest of transparency and public accountability, we have published the two reports and the recommended improvement measures on 21 September. Copies of the reports have been passed to Members through LegCo Secretariat.

4. The following findings emerge from the investigations –
- (a) The Channel Supervisor of the Immigration Department failed to report and register Man-hon's dashing through the immigration control counter at Lo Wu;
 - (b) The immigration officers who examined and interviewed Man-hon did not follow the appropriate procedures for handling mentally handicapped persons in the Department's Rules and Directions, which should be applicable to the boy; and
 - (c) Although there was communication between the Police and Immigration Department in trying to establish whether Man-hon was a missing person reported to the Police, the departments concerned could not establish his identity.
5. The Government has expressed its sincere apologies to Man-hon's family over this most unfortunate incident and the mishandling by the officers concerned.

Improvement Measures

6. The Government has accepted the recommended improvement measures set out in the investigation reports. These include the following –
- (a) Disciplinary review should be initiated against those responsible officers who are directly involved in the incident;
 - (b) There is a need to enhance the awareness and sensitivity of the disciplinary services, the front line staff in particular, in dealing with mentally handicapped persons;
 - (c) There is a need to strengthen supervision and field control at the control points; and
 - (d) The Police will establish a focal point of contact for enquiries on

missing persons.

7. Progress on the implementation of these improvement measures is set out below.

Progress on Disciplinary Review

8. The disciplinary review directed by the Commissioner of Police involving officers posted to New Territories North Region is on-going. It is expected that the review can be finalized, and a report submitted to the Regional Commander New Territories North for consideration within four weeks' time. The report will then be submitted to the Commissioner of Police for consideration prior to any formal disciplinary proceedings being instituted.

9. The Immigration Department has completed preliminary investigation in respect of the disciplinary review. The Department has referred the case to the Secretariat on Civil Service Discipline of the Civil Service Bureau with a view to instituting formal disciplinary actions against four officers involved in the incident.

Enhanced Sensitivity

10. It is general Government policy that public officers should render every possible assistance to persons with disabilities (mental or physical), and that their special needs and requirements should be accommodated for as far as possible. As front line staff of the disciplinary departments have frequent and direct contact with members of the public, they should be suitably trained to enable them to detect any member of the public who shows signs of a disability, and to deal with the person in an appropriate manner, taking into account the special needs of the person concerned.

11. Our disciplinary departments provide general training to their staff on the need to deal with the public in a fair, just and sensitive manner, and that every possible assistance should be given to persons with disabilities. As far as the Immigration Department is concerned, preferential help-through assistance is normally provided to physically

handicapped persons. The Department has a set of standing “Rules and Direction for Questioning of Suspects and the Taking of Statements” which was last re-issued to all immigration staff in February 1999. These Rules and Direction include, amongst other things, the proper procedures for handling mentally handicapped persons (relevant extract at Annex A). These procedures are applicable not only to the questioning of suspects, but also to circumstances where officers are required to obtain information or statements from mentally handicapped persons. Suitable training has been provided to immigration staff on the Rules and Direction.

12. It is clear from the Yu Man-hon incident that there is a general need to enhance the sensitivity of front line staff in dealing with disabled persons, particularly mentally handicapped persons and those with communication difficulties. There is also a need to critically review whether existing training and guidelines provided are sufficient.

13. Immigration Department is in the process of conducting an overall review on their training programmes and internal guidelines for dealing with persons with mental disabilities. The Department has set up a joint study group with the Equal Opportunities Commission (EOC) for the purpose. The study is expected to last for about six months during which immigration staff will be interviewed to get a better understanding of the difficulties they face in their daily duties when dealing with mentally handicapped persons. At the same time the views of focus groups comprising disabled persons and their families will be sought on the difficulties they encounter on their part. It is hoped that through gaining a better understanding of the concerns and requirements of both the clients and the service providers, the study will lead to concrete recommendations to improve the training and guidelines given to immigration staff. The advice of the Social Welfare Department will also be sought in the process.

14. Pending the completion of the joint study with the EOC, Immigration Department will issue detailed instructions to staff drawing their attention to the need to adopt a sensitive and caring attitude in dealing with persons with mental disabilities, and the requirement to abide by the standing Rules and Direction.

Strengthen Field Supervision

15. The Immigration Department has already stepped up field supervision at control points. The rapidly increasing volume of cross boundary travel creates significant pressure on the workload of immigration staff. Nevertheless, Immigration Department will endeavour to ensure the security and effective operation at all control points. Manpower requirements of the Department will be considered in the Government's annual resource allocation exercise.

Focal Point for Enquiry on Missing Persons

16. The Police have designated the Headquarters Command and Control Centre (HQCCC) as the focal point of contact for other Government Departments to check on reports of missing persons. Upon receipt of such enquiry the Duty Officer HQCCC will contact the officer commanding the Regional Missing Persons Unit (OC RMPU) in which the missing person resides through the appropriate Regional Command and Control Centre (RCCC) for confirmation or otherwise. This will ensure that a coordinated approach to be taken, involving all RCCCs where appropriate.

17. The Police have also issued a reminder to all Regional Command and Control Centres and all Duty Officers in Police Stations on both the importance of real time monitoring and dissemination of information relating to missing persons, and the need to adhere to existing operational procedures relating to classes of persons who require special care and attention.

18. Action is being taken to enhance the dissemination of information and data within the Police as a whole, in addition to those aspects specifically relating to the processing of missing person reports and enquiries. These include:

- (a) the development of a standard operating procedure for RMPUs including both equipment and access to all computer systems [fax, CIS (Communal Information System), ECACCS (Enhanced

Command and Control Computer System)] in both OC RMPU and RMPU general offices;

- (b) enhancement of the CIS system;
 - to include photographs, their real-time input via scanner from terminals in Police Stations;
 - to route all notification of missing person report messages, via the Police E-Mail Network (PEN) to all OCs RMPU and RCCCs as standard operating procedure;
- (c) enhancement to the PEN system by completely re-engineering all address groups, thus ensuring that messages are routed only to those officers who have an immediate need to access the data and thereby avoid information overload;
- (d) enhancement of the Police Web Page on the internet to include a special section relating to missing persons with facilities for the inclusion of photographs and real-time update. This will provide access to any member of the public with a computer equipped with an internet account; and
- (e) ultimately, the introduction of the Third Generation Command and Control System will serve to directly link all information and incident creation at both RCCCs and the Report Rooms of the Police Stations, thus ensuring real-time information flow and avoiding duplication or oversight.

Search Actions

19. As soon as it transpired on 28 August that Man-hon might have gone past the boundary to the Mainland side, immediate actions were taken by Immigration Department to contact Man-hon's parents and to liaise with the relevant Mainland authorities to try to locate him. Assistance was also provided by the Police. The level of liaison was progressively stepped up. On 31 August, the Chief Executive contacted the Mayor of Shenzhen to appeal for assistance to find Man-hon. The

Secretary for Security contacted the Director General of the Guangdong Provincial Public Security Bureau on the same day, asking the Mainland side to extend search actions to other cities and areas in Guangdong outside Shenzhen. On top of searching for Man-hon during daily patrolling duties, the Mainland side mounted a number of major search operations involving some 10 000 staffers covering both the city centre and more remote areas.

20. Community organisations, the media as well as private organizations also rendered assistance in searching for Man-hon. Newspapers, radio and TV stations in Shenzhen and Guangdong as well as the China National Radio had widely reported the news of Man-hon and appealed to the Mainland public to report to the authorities should they spot the missing boy. Mainland paging companies also carried similar messages. Community organisations including the Red Cross, transport organisations, schools in the Mainland have also agreed to put up posters and to look out for signs of Man-hon. We hope that through the concerted efforts of the Public Security Bureau, other official and community organisations, we can find Man-hon as soon as possible. The Government maintains regular and close contact with the Mainland authorities to keep in view the latest developments. Immigration Department maintains contact with the Command Centre of the Shenzhen Public Security Bureau on a daily basis to keep track on whether there is any spotting of Man-hon. The Secretary for Security contacted the Director General of the Guangdong Provincial Public Security Bureau again last month and the Mainland side has reaffirmed their agreement to search for Man-hon. Search efforts will continue and we will work closely with the Mainland side on this. A list of the search actions taken is at Annex B for Members' reference.

21. The Chief Executive and the Acting Secretary for Security have met Mrs and Mr Yu respectively to convey to them Government's regret over the incident, and to reassure them that the Government would continue to liaise with the Mainland authorities to search for their son. Both Immigration Department and the Police have regular contact with Mr and Mrs Yu to follow up on Man-hon's case and to render any necessary assistance. Immigration Department has set up a dedicated liaison team headed by a Senior Principal Immigration Officer to

maintain contact with Mr and Mrs Yu. The Department will immediately inform them if we receive any news related to Man-hon from the Mainland authorities. On the other hand, if Mr and Mrs Yu are aware of any information on the whereabouts of their son, they have been asked to inform the team as soon as possible so that the Department can follow-up by contacting the Public Security Bureau for assistance. The team will keep Mr and Mrs Yu informed of their actions and any feedback from the Mainland side. The team will render all necessary and appropriate assistance to the family, including bulk printing of posters. So far some 170 000 posters appealing for reports on the whereabouts of Man-hon have been produced. The Social Welfare Department and Home Affairs Department have also given counseling services and other necessary assistance to Mr and Mrs Yu.

Security Bureau
October 2000

Extract from "Rules and Direction for Questioning of Suspects and the Taking of Statements" of Immigration Department

Statements Taken From Mentally Handicapped Persons

As far as practicable any person suspected or known to be suffering from a mental disorder, whether suspected of a crime or not, should only be interviewed or have a statement recorded from them in the presence of one of the following appropriate adults:

- (a) a relative, guardian or other person responsible for his care or custody;
- (b) someone who has experience of dealing with mentally disordered or handicapped persons but who is not an immigration officer nor employed by the Immigration Department, such as a Social Worker; or
- (c) failing either of the above, some other responsible adult who is neither an immigration officer nor employed by the Immigration Department.

The appropriate adult should be invited to read over and sign any statement made by the interviewee in their presence. Any refusal to sign should be recorded on the statement by the interviewing officer.

If an officer of the rank of Chief Immigration Officer or above considers that any delay in an interview of a person suspected to be suffering from a mental disorder will involve an immediate risk of harm to persons or serious damage to property, then he may authorise a person's interview in the absence of an appropriate adult. Any such interview should desist once the immediate risk has been averted.

Search for Master Yu Man-hon

Actions Taken

28 August	<ul style="list-style-type: none">- The Shenzhen Frontier Inspection Station (SZFIS) and Shenzhen Public Security Bureau (SZPSB) were requested for assistance to locate Master Yu Man-hon immediately after the news came to light.-
29 August	<ul style="list-style-type: none">- Immigration Department escalated the level of liaison to SZPSB Command Centre.- Hong Kong Police also contacted the SZPSB through the Border Liaison Channel. Police officers accompanied the Yu family to Shenzhen to seek assistance to try to locate Man-hon.
31 August	<ul style="list-style-type: none">- The Chief Executive contacted Mr Yu Youjun, the Shenzhen Mayor to request assistance.- Acting Secretary for Security contacted Mr Liang Guoju, Director General of the Guangdong Public Security Bureau to ask for extension of the search operation to cover Guangdong Province.- Acting Assistant Director of Immigration Department, Mr Tang Man-kit and Mrs Yu appealed to the public for information to help locate Master Yu Man-hon in the two television interviews with the Shenzhen TV station.- SZPSB deployed 7,000 police officers to conduct an intensive search in Shenzhen for the missing boy.
Early September	<ul style="list-style-type: none">- The Guangdong Foreign Affairs Office and the Information Office helped to disseminate news on the search for Man-hon to the Guangdong media (including Guangdong Television, Guangdong Radio Station, Guangzhou Daily, Nangfong Daily, Yangcheng Evening News). The news was also reported in Beijing newspapers.- Assistance from paging services companies in the Mainland and Hong Kong was enlisted to help disseminate the news to the whole country.

4 September	<ul style="list-style-type: none"> - Security Bureau, Immigration Department and Social Welfare Department had a meeting with Mr Yu to discuss how best to search for Man-hon. - Immigration Department continued to keep in close touch with Yu Man-hon's parents. The Department maintained 24-hour regular contact with the PSB of Guangdong Province and Shenzhen so as to expeditiously follow-up on any information relating to the boy.
5 September	<ul style="list-style-type: none"> - With the consent of Master Yu's parents, the fingerprint and other personal particulars of the boy were sent to the PSB to facilitate verification when necessary. - The Shenzhen PSB conducted another extensive search operation in the evening. The search covered Dongguan, Zhuhai and remote areas of Shenzhen. - Social Welfare Department visited the Yu family in Hong Kong.
6 September	<ul style="list-style-type: none"> - KCRC and various agencies including the Hong Kong Cross Border-Container Trucker Owners Association and the Hong Kong Cross Border Buses Company made arrangements to display posters on the search for Man-hon on the trucks and at rail stations.
7 September	<ul style="list-style-type: none"> - Staff of the Social Welfare Department visited and provided counselling services to the Yu family in Shenzhen.
11 September	<ul style="list-style-type: none"> - The Shenzhen Transport Bureau agreed to put up posters in public transport to draw the public's attention to the case. Immigration Department provided 3 000 posters to the Shenzhen Transport Bureau.
14 September	<ul style="list-style-type: none"> - The Chief Executive had a meeting with Mrs Yu. The Chief Executive contacted the Hong Kong and Macao Affairs Office and Guangdong Provincial Government to ask for continued support in searching for the boy.
15 September	<ul style="list-style-type: none"> - A charitable organisation gave a donation to the Yu family to place advertisement in the Yangcheng Evening News appealing for reports on whereabouts of Man-hon. - Social Welfare Department visited and provided counselling services to Mr Yu in Shenzhen .

18 September	- Social Welfare Department visited Mr Yu in Hong Kong.
19 September	- Mrs Regina Ip, Secretary for Security, contacted Mr Liang Guoju, Director General of the Guangdong Public Security Bureau to request for his continual support. The Mainland Railway Bureau also agreed to render assistance. - Immigration Department contacted relevant Mainland authorities to seek assistance for the putting up of appeal posters in primary and secondary schools including those at Lohu, Futian, Longgang, Yiantian, Baoan etc.
21 September	- Security Bureau announced the investigation reports submitted by Immigration Department and the Police and the recommendations for improvement. - Immigration Department and Social Welfare Department staff visited Mrs Yu in Shenzhen.
26 September	- Immigration Department staff visited Mrs Yu in Shenzhen and briefed her on the progress of the search operation. - Immigration Department informed Shenzhen PSB of Mrs Yu's request for a meeting with the PSB officials to discuss with them how best to locate Man-hon. - Shenzhen PSB indicated that the authorities would check out hospitals and centres for the mentally handicapped to see whether they could find Man-hon.
End of September	- The Guangdong Radio Station broadcast the search news. China National Radio agreed to use its South China Channels to broadcast the news which would cover Fujian, Guangxi and the areas of south Jiangxi River.
9 October	- Apart from putting up posters at Lo Wu, pamphlets were also produced and placed at the Lo Wu departure hall for the information of northbound passengers.
11 October	- Immigration Service Officers Association appealed to its members for donations to help the family to place further advertisements.
13 October	- The Shenzhen PSB Command Centre told Immigration Department that the search for the boy would continue. The Shenzhen PSB received on average 100 calls everyday on Man-hon. Necessary follow up actions were taken for each and every call.

Continued Follow-up Actions

- Immigration Department will continue to keep in close contact with the Guangdong PSB and the Shenzhen PSB Command Centre (telephone contacts over six times daily) with a view to locating the boy as soon as possible. Immigration Department will regularly report progress and development to Security Bureau.

- The special liaison team of Immigration Department will continue to keep in close touch with the Yu family with a view to providing them with any necessary assistance as well as keeping them posted of the latest development.

- Other than visiting the Yu family and providing them with counselling services, the Social Welfare Department regularly contact them by phone and stand ready to render appropriate assistance.

- Immigration Department will continue to assist in providing posters. More than 170,000 appeal posters have been produced so far.