

香港特別行政區政府
保安局



The Government of the
Hong Kong Special Administrative Region
Security Bureau

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18 November 2016

Mr Colin Chui
Clerk to Panel on Welfare Services
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Mr Chui,

At its meeting on 13 June 2015, the LegCo Panel on Welfare Services discussed enforcement agencies' procedures for dealing with persons with disabilities or persons with special needs (including mentally incapacitated persons) and support provided under the social welfare system for the above persons on law-related matters. We informed the meeting that the Police had set up a Working Group to Review the Care of Mentally Incapacitated Persons, and would announce the outcome of the Review.

I enclose an information paper prepared by the Police, which sets out the new initiatives to be implemented by the Police in the light of the recommendations of the said Working Group.

Yours sincerely,

(Signed)

(Andrew Tsang)
for Secretary for Security

c.c.

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Director of Social Welfare
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For Information

Legislative Council Panel on Welfare Services

Enhanced Services of the Hong Kong Police Force for Mentally Incapacitated Persons

Introduction

This paper sets out the new initiatives of the Hong Kong Police Force (HKPF) to enhance the services to mentally incapacitated persons (MIPs) arising from the recommendations of the HKPF's Working Group to Review the Care of Mentally Incapacitated Persons (WG).

Background

2. On 13 June 2015, the LegCo Welfare Services Panel discussed enforcement agencies' procedures for dealing with persons with disabilities or persons with special needs (including MIPs) and support provided under the social welfare system for them on law-related matters.

3. At the meeting, we informed the Panel that the HKPF had formed a WG in May 2015 with the objective of reviewing Police procedures and seeking continuous improvement of their services to the MIP community through refinement of procedures, enhancement of training, services and communication. The WG, chaired by an Assistant Commissioner of Police, comprised the HKPF's Clinical Psychologists, members from relevant Policy Wings, Police College and frontline staff representatives. The WG had also worked in partnership with subject officers from the Social Welfare Department (SWD) and consultant psychiatrists of the Hospital Authority, and Non-Governmental Organisations (NGOs), self-help groups and MIP parents' groups in devising new measures. We also undertook to update the public of the progress and announce the outcome of the review in due course.

4. The WG adopted a multi-agency approach in seeking enhancement of services provided to the MIP community, including making reference to overseas practices, seeking expert opinions, strengthening multi-agency collaboration, reviewing existing policy and guidelines as well as delivering the relevant training required.

New Measures for the Care of MIPs

5. The new initiatives recommended by the WG are highlighted in paragraphs 6 to 12 below.

“Care Card” Scheme

6. With reference to the practices of overseas law enforcement agencies and having canvassed the views from various stakeholders, the WG recommended the introduction of a Care Card Scheme for MIPs.

7. The Care Card Scheme is a voluntary scheme. Under the scheme, MIPs may carry a Care Card (the Card) which contains information on their medical and communication needs and emergency contacts. The Card would be useful in case of emergency or in case the MIP interacts with a law enforcement officer while not accompanied by any parents or guardians. The Card will assist police officers to identify the carrier as early as possible, and get to know the carrier’s medical and communication needs as well as ways to reach the carrier’s appropriate contact for necessary assistance.

8. The Card will be made available at all police report rooms, medical social services units at public hospitals, integrated family services centres, special schools and residential care homes for MIPs, relevant NGOs and MIP Parents’ Groups. A sample of the Card is at **Annex A**.

Behavioural Indicators Guide (the “Guide”)

9. To assist frontline police officers in identifying and effectively communicating with MIPs, the HKPF’s Clinical Psychologists and Consultant Psychiatrists on the WG have devised the Guide to serve as a quick reference tool with advice on common characteristics of MIPs.

10. The Guide categorizes the common characteristics of MIPs into three areas, namely, personal circumstances, behavioural indicators and conversational indicators. It also includes a broad range of guidance on effective communication with MIPs. The Guide will be made accessible to all police officers to assist them to provide service to MIPs. A copy of the Guide is at **Annex B**.

Notice to Appropriate Adults

11. Appropriate adults (AAs) play an important role in the course of Police investigations involving MIPs, such as providing emotional support and facilitating communication, helping an MIP to understand his/her rights and acting as an observer during a police interview. To enable AAs to provide better support to MIPs, a Notice has been devised to assist AAs in understanding their roles and responsibilities. An AA involved in any police enquiry will be served the Notice. The AA will be invited to sign on the Notice to acknowledge receipt of the Notice once he or she comes into contact with the Police. A copy of the Notice to AAs is at **Annex C**.

MIP New Package Webpage

12. To enable easy access by the public to information on the above new initiatives, a designated webpage will be created on the Police Public Page (www.police.gov.hk) to provide more detailed information on the improved measures for MIPs.

Other Enhanced Measures

13. The HKPF has also reviewed and refined its relevant procedures for handling cases involving MIPs. The details are set out in paragraphs 14 to 15 below.

Photographs of Injured Persons

14. For better protection of personal privacy, the consent of an AA will be required for photographing the injuries of an MIP, and photographs of the sensitive body parts of an MIP should only be taken in exceptional circumstances, for example, where the photographing is essential for the purpose of evidence collection to record

the extent and condition of the injury of a serious offence, and no other evidence such as a medical or forensic report can serve the same purpose.

Video Recording of Interviews with Suspects

15. To provide additional safeguards for the parties concerned during the investigation process, video recorded interviews shall be conducted in all cases involving suspects who are blind, mentally handicapped or suspected to be mentally handicapped.

Training

16. The HKPF adopts a multi-agency approach in collaboration with various government departments and NGOs to enhance the training provided for police officers. Medical experts, social workers and parents of MIPs have been invited, from time to time, to deliver training to, and conduct sharing with, frontline police officers.

17. Before implementing the new initiatives, a comprehensive training package has been delivered to all regular, auxiliary and civilian members of the HKPF. Apart from introducing the new initiatives and enhanced procedures, emphasis has been placed on the importance of professional sensitivity, empathy, compassion and awareness in handling cases involving MIPs.

Engagement with MIP Community

18. Over time, the HKPF has arranged various activities with the MIP community to promote two-way interactive communication, mutual understanding and respect. The engagement takes many different forms, e.g. thematic sharings with NGOs and self-help groups for MIPs, crime prevention seminars for the MIP community, visits by MIPs and related groups to Police Stations, and participating in Police events such as the Police College Open Day.

Assistance from SWD

19. In consultation with and with support from MIP parents' groups, SWD is in the process of developing a "Pilot Scheme on Volunteer AAs for MIPs" to provide support for MIPs involved in police enquiries in circumstances where an AA could not be located after exhausting all possible means. Volunteer AAs could be family members or carers with experience in dealing with MIPs. Relevant training including the characteristics of MIPs, general legal knowledge, brief criminal proceedings, etc. will be provided for the volunteer AAs to enable them to play their role before the Pilot Scheme rolls out in early 2017.

Way Forward

20. The new initiatives highlighted in paragraphs 6 to 12 above will be implemented by the HKPF on 21 November 2016 upon conclusion of Force-wide training. The HKPF remains committed to the protection of the rights of MIPs and will continue to monitor and review the effectiveness of the above new measures. The HKPF will ensure the consistent delivery of existing and new initiatives provided to MIPs and strictly adhere to the HKPF's values of professionalism, fairness and compassion.

Hong Kong Police Force
November 2016

Care Card

Scheme

Service Target and Objective

The Care Card Scheme aims at allowing law-enforcement officers to identify mentally incapacitated persons (including persons with intellectual disabilities and autism) as early as possible, and be aware of their medical and communication needs and ways to contact their relatives.

守護咭

計劃

服務對象及目的

「守護咭」計劃旨在使執法人員能及早識別精神上無行為能力的人士，包括智障及自閉症患者，並知悉其醫療和溝通上的需要，以及其親屬的聯絡方法。

請填妥背頁資料，並撕出放在身上。
Please fill in the form at the back, tear it off and carry it along with you.

計劃概念

「守護咭」的概念是讓有需要人士自願填寫其醫療需要、溝通需要、緊急聯絡人以及其聯絡方法，並可隨身攜帶該咭。當有關人士在沒有親友陪同下遇上緊急情況，如迷路、意外受傷、為刑事案件的受害者、或被執法人員調查時，執法人員可透過「守護咭」及早知悉持咭人的醫療及溝通需要，並通知其親友提供協助。

The Purpose

The Care Card is to let those in need have their medical and communication needs and emergency contacts available. They can carry the card in case of an emergency e.g. getting lost, being injured accidentally or being victimized in a crime. Furthermore, if they are subject to an enquiry by law-enforcement officers, but are not accompanied by any friends or relatives, the law-enforcement officers can become aware of their medical and communication needs, and inform their friends and / or relatives to render assistance.

TotalCaring Award
全面關懷大獎 2006/07
香港警察 服務為本 精益求精
The Hong Kong Police. We Serve with Pride and Care.

10 years +
開心與關懷
caringorganisation
Awarded by The Hong Kong Police Force

TotalCaring Award
全面關懷大獎 2006/07
香港警察 服務為本 精益求精
The Hong Kong Police. We Serve with Pride and Care.

Illustrated by Police Painting and Calligraphy Club

守護咭
care card

我的名字是 _____ 男 女
My name is : _____ Male Female

我的緊急聯絡人是 _____
My emergency contact: _____

他/她的電話號碼是 _____
His/her contact no.: _____

我有這些殘疾 _____
My illness/disability: _____

我的藥物及醫療需要 _____
My medication and medical needs are: _____

我的行為特徵和溝通需要 _____
My behavioural characteristics and communication needs are: _____

BEHAVIOURAL INDICATORS GUIDE

A Quick Tool to Identify Mentally Incapacitated Persons

According to the Mental Health Ordinance Cap. 136, a mentally incapacitated person (MIP) refers to a person who is (a) suffering from mental disorder; or (b) being mentally handicapped. Some commonly encountered MIPs include those with autism, schizophrenia, dementia or mild mental retardation. They are a vulnerable group of people who need our care, respect and patience when dealing with them. Below are some of the simple indicators that can help you identify a MIP:

Search for Behavioural Indicators

Personal Circumstances:

- Place of Education (e.g. special school)
- Employment (e.g. sheltered workshop)
- Nature of residence (e.g. hostel for mentally incapacitated person)
- Some intellectually disabled or mentally ill persons may carry
 - ★ Registration cards for persons with disabilities or
 - ★ Medical appointment cards or hospital bracelets
- Medication carried by the person

Behavioural:

- Sign of hallucination and delusion (e.g. superman delusion)
- Socially inappropriate behaviours (e.g. giggling, yelling, being aggressive, inappropriate laughter, odd hand gestures)
- Disorientation (e.g. confused about time, place and person's identity)
- Rapid change of mood (e.g. being angry at one moment and becoming excited at another)
- Poor eye contact (e.g. avoid eye contact or look blank)
- Age-inappropriate behaviour (e.g. appear too childish, over affectionate, withdrawn)
- Poor personal hygiene

Conversational:

- Non-responsive
- Disorganized conversation (e.g. only brief answers, slurring, meaningless content, jumping from topic to topic)
- Incoherent conversation (e.g. provide answer irrelevant to the question asked)
- Repeat the last few words of what someone has just said (parrot talk / echolalia)
- Socially inappropriate tone (e.g. speak in odd tones, make funny sound)

****Please note that each MIP may present with very different characteristics and thus identification is sometimes difficult. You should handle with care if any of the above indicators are observed. In case of any doubt as to whether the subject is a MIP, officers should treat him/her as a MIP and initiate MIP handling procedures, or contact the Regional Child Abuse Investigation Unit (CAIU) for assistance.**

Tips on Effective Communication with a MIP

Things to Consider

- Conduct the interview as soon as possible
- Respect the subject as an adult
- Reduce the stress of the subject
- Allow the subject to finish his sentence or tasks in hand before communication
- Get the subject's attention before talking
- Use concise sentence, one matter per question
- Use simple languages
- Speak slowly
- Use body language, photos or other aids to facilitate communication
- Appropriately use open ended questions
- Clarify their meaning, use their language
- Allow slow or no response towards instructions or questions
- Address their physical needs, e.g. eating or drinking / using the toilet

Things to Avoid

- Treat the subject as a 'child'
- Conduct the interview in an environment with distractions
- Speak in a loud voice
- Use long and complicated questions
- Suggest to the subject what you guess in respect of a particular detail of an incident and press the subject to say "yes" or "no" to your suggestion
- Push for an answer
- Infer a meaning from the subject's response



**NOTICE TO 'APPROPRIATE ADULT' FOR PERSON ASSISTING/UNDER
POLICE ENQUIRY/IN POLICE CUSTODY WHO IS
MENTALLY INCAPACITATED OR AGED UNDER 16**

Please read the following information and keep it for reference.

1. **You are present as an appropriate adult to provide support to a person involved in police enquiries who is:**
 - aged under 16; or
 - mentally incapacitated.

2. **As an appropriate adult, if applicable, you should read the 'Notice to Persons in Police Custody or Involved in Police Enquiries' (Pol. 153) to know and understand their rights. You will be asked to countersign to acknowledge the service of a copy of the Notice to the person under police enquiry.**

3. **You will be asked to accompany the person assisting/under police enquiry during these occasions:**
 - police interview, including statement taking;
 - an identification parade;
 - the provision of an intimate body sample for forensic analysis;
 - the body search by police prior to detention in a police detention facility (only if the appropriate adult is of the same gender); and
 - the formal charging by police.

4. **Your role as an appropriate adult is to:**
 - provide emotional support and assistance to the person assisting/under police enquiry. You may inform the police the welfare matters related to the person;
 - help the person understand his / her rights;
 - act as a witness to observe whether any police interview / investigative procedure is being conducted fairly;
 - inform police of his / her medication and medical needs, if any; and
 - facilitate communication between police and the person assisting/under police enquiry, including inform police of his / her communication needs, if any.

5. **During police investigation, you will be asked to sign the written interview record. Before signing the written interview record, you should read the statement and satisfy yourself that the statement accurately records the questions asked and answers given. You are not required to confirm the authenticity of the content of the statement. After the interview, the Police will provide a copy of the statement to the interviewee.**

6. **You should not:**
 - provide answers on behalf of the person assisting/under police enquiry; or
 - interfere with police interview or enquiry other than in the performance of your role as an appropriate adult.

Note:

- Original of this Notice is to be retained by the OC Case as case property.

Formation/Ref. No.	:
Issuing Officer	:
Interpreter (if any)	:
Language / Dialect	:
Date & Time of Issue	:
Name of Person Assisting/under Police Enquiry/ in Police Custody	:
Name of Appropriate Adult	:
Identification Document No. of Appropriate Adult / Staff No. of Social Worker	:
Remark (if any)	:

*I have read / Police has read over to me the above paragraphs and acknowledge receipt of a copy of this Notice at (hours) on (Date).

(Appropriate Adult)

(Interpreter, if any)

(Issuing Officer)

* Delete as appropriate