

**Motion debate on  
“The incident of a Hong Kong tour group  
being taken hostage in the Philippines”  
held on 2 September 2010**

**Progress Report**

**Introduction**

During the motion debate on the above subject at the Special Meeting of the Legislative Council on 2 September, the HKSAR Government had explained the follow-up work on the incident. This paper sets out the latest progress of our follow-up work.

**Investigation**

(1) Investigation by the Philippine Authorities

2. The Philippine Government set up an Incident Investigation and Review Committee (IIRC) on 30 August 2010, chaired by the Secretary of Justice, to investigate into the causes and sequence of events leading to the incident, the accountability of those involved and to evaluate the action and response taken by relevant government departments. The IIRC started hearings into the incident on 3 September and submitted its first report to the Philippine President (the President) on 17 September. On 20 September, the Philippine Government released part of the report, which mainly covers the causes of and the sequence of events leading to the incident, and comments on those handling the incident. As far as we understand, the IIRC is only responsible for making recommendations to the President on the accountability of those involved and the punitive actions, and the President will make the final decision. The President had made special arrangement for that part of the report to be reviewed by a legal team in the Office of the President. On 11 October, the Philippine President made public the remaining part of the IIRC report, covering the accountability of those involved and the recommendations on punitive actions, as well as the review report of the legal team and the President’s final decision on the punitive actions to be taken.

3. On 12 October, the HKSAR Government issued a press statement (see **Annex**) which states that the people of Hong Kong, especially the survivors and the victims' families, will find the decision of the Philippine Government to lessen the recommended actions against the relevant officers named in the IIRC report hard to accept. The Hong Kong SAR Government is also disappointed with the decision. We have conveyed our views to the Philippine Government through the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the HKSAR (OCMFA) and the Chinese Embassy in the Philippines (the Embassy).

4. The Philippine Government has yet to complete the investigation into the causes of death of the eight victims and causes of injury of others. We hope the Philippine Government will make public their findings as soon as possible. As far as we understand, the IIRC will in due course submit a second report on the review of the mechanism and procedures of handling similar incidents. We hope that the report will come up with concrete improvement measures to enhance the crisis management mechanism, protect the safety of travellers and avoid recurrence of such incidents.

## (2) Investigation by the HKSAR Government

5. After the bodies of the eight deceased tour group members were returned to Hong Kong on 25 August by a charter flight, the Coroner had, by virtue of the Coroners Ordinance, issued an autopsy order and requested the Hong Kong Police Force (HKPF) to investigate into the death. Autopsies were conducted on the eight victims on 27 August 2010.

6. Under the close co-ordination of the OCMFA and the Embassy, the HKPF have worked closely with the Philippine authorities on the basis of the international police cooperation protocol. With the agreement and assistance of the Philippine authorities, four delegations (involving a total of 26 trips) were sent to Manila to gather information and evidence. The actions taken include collecting evidence from the coach; conducting ballistic examinations; and interviewing some of the eyewitnesses and Philippine police officers participating in the operation. The Philippine authorities also provided sworn statements, reports and other relevant materials to the HKPF.

7. While the HKPF representatives and a Senior Public Prosecutor of the Department of Justice attended as observers at the IIRC Public Hearing held in Manila between 3 and 8 September, a Philippine delegation also visited Hong Kong between 6 and 10 September. The HKPF, in accordance with the Laws of Hong Kong and the established mutual assistance protocol, arranged the delegation to interview five witnesses with their consent and in the presence of HKPF officers. The HKPF firearms experts also assisted the delegation in conducting ballistic examinations in Hong Kong. The HKPF and the Philippine authorities will continue to maintain cooperation and communication, including pursuing the ballistic examinations.

8. The HKPF submitted a progress report on the investigation to the Coroner's Office on 6 October, and is now seeking to submit a formal report at the earliest possible time. The Coroner will, upon receipt of the HKPF's investigation report, determine whether a death inquest should be conducted. We are confident that the Coroner's Court will arrive at a fair and professional judgment.

9. Section 10 of the Police Ordinance (Cap. 232) stipulates that the Police have a duty to take lawful measures to assist coroners to discharge their duties and exercise their powers under the Coroners Ordinance (Cap. 504). The Coroners Ordinance (the Ordinance) also provides for the Police to assist coroners to carry out investigation. Section 13 of the Ordinance stipulates the procedure for a "properly interested person" to request from the coroner various documents (including the Police's investigation report for the coroner) in the possession of the coroner. "Properly interested person", as defined in section 2 and Schedule 2 of the Ordinance, includes the family of the deceased, government departments which are concerned with the death of the deceased, and other specified parties. In view of the specific procedure stated in the Ordinance, the Administration is unable to state whether the Legislative Council Security Panel is a "properly interested person" within the meaning of the Ordinance and to make a request to the Coroner, on its behalf, for the provision of the Police investigation report. Upon the Panel's request, we forwarded a copy of its letter dated 15.10.2010 to the Clerk to Coroners for reference.

## **Support for the victims and their families**

### (1) Funeral and burial arrangements

10. The Chief Executive announced on 27 August that the Administration would offer permanent burial spaces for the eight deceased citizens in the Tribute Garden. Two families with four deceased had accepted the offer. The four deceased citizens now rest in peace in the Tribute Garden. The remaining two families with four deceased had declined the offer and had chosen cremation and deposited the ashes in other sites. The Food and Environmental Hygiene Department (FEHD) had provided these families with relevant assistance. On funeral services, the Home Affairs Department (HAD) had worked jointly with other relevant government departments to provide assistance having regard to the wishes of the families of the deceased.

### (2) Situation of the injured victims

11. Following the incident, the Hospital Authority (HA) has continued to provide medical treatment and psychological support to the injured victims of the incident. Of the three injured victims, the two victims who sustained hand and face injuries respectively received surgeries and treatment in the Prince of Wales Hospital after they returned to Hong Kong on 25 August. They were later discharged on 11 September and on 17 October respectively and are currently receiving multidisciplinary care and regular follow-up at HA's specialist clinic. As for the other person who sustained serious head injury, he had received surgeries in Tuen Mun Hospital after returning to Hong Kong on 26 August and has been hospitalized since then. The medical and healthcare team of the HA will continue to closely monitor the progress of recovery of the injured victims. In addition, HA's clinical psychologists have been providing psychological support to the victims and their family members.

### (3) Welfare services for the survivors and the family members of the deceased and injured

12. Immediately after the incident, the Social Welfare Department (SWD) has arranged designated social workers from Integrated Family Service Centres to provide assistance and support to every affected family. Upon thorough assessment of the welfare needs of these families, social workers have been

providing the families with appropriate services according to their circumstances. These services include intensive counselling, emotional support, child care service, financial assistance and referral service. Clinical psychologists of SWD have also provided psychological assessment and counselling to those families in need.

13. In providing assistance to these families, social workers of SWD have maintained close liaison and collaboration with other government departments and organisations in order to render comprehensive care and support to the families according to their needs. Services provided include liaising with the Housing Department to arrange an additional public housing unit for a family in need; contacting non-governmental organisations to arrange child care service for an injured person who is temporarily unable to take care of her children; working with the Education Bureau and schools to make appropriate arrangement for the affected children to resume schooling; providing emotional assessment and support for the hostages and the families of the deceased when the Police were taking statements and conducting investigation; and collaborating with FEHD and District Offices of HAD to assist the deceased's families in handling burial and funeral arrangements.

14. As regards financial assistance, SWD had immediately made available emergency funds to individual families in need to meet the living expenses after the incident. A number of organisations had provided financial assistance to the victims and their families through SWD, including the Hong Kong Jockey Club Charities Trust, the Community Chest of Hong Kong, the Lok Sin Tong Benevolent Society – Kowloon, the Chinese General Chamber of Commerce, Po Leung Kuk, Oriental Daily News Charitable Fund and Sing Tao Charitable Foundation. In addition, many local and overseas donors as well as private firms had made inquiries with SWD on the donation arrangements. SWD assisted in connecting these persons/organisations with the victims and their families, and had passed the donations to the latter after confirming their willingness to accept.

15. With regard to educational expenses, the Tung Wah Group of Hospitals (TWGHs) has set up the "Love our Children" Education Fund to support the children of the affected families in completing tertiary education in order to encourage them to study hard and live a positive life. The TWGHs is working out the application procedures and funding arrangement.

16. With the assistance of SWD's social workers and clinical psychologists as well as other relevant parties, the affected families have gradually recovered from the trauma, their emotion has become more stable, and they are striving to resume normal lives. The children involved have also resumed schooling with no indication of emotional problem. Social workers responsible for their cases will continue to provide comprehensive assistance and support to the individual families, particularly those with long-term welfare needs, according to their needs.

#### (4) Emotional support for the community

17. The emotion of many Hong Kong people has also been affected by the tragedy. The clinical psychologists of SWD had, through the electronic media and newspapers, provided advice on handling negative emotions and encouraged those with emotional problems to seek assistance. To assist persons who have experienced anxiety or emotional disturbance as a result of the incident, SWD and some non-governmental organisations have operated hotlines to provide immediate counselling for them. Since the incident happened up to 30 September, social workers of the SWD departmental hotline received 138 calls requesting for assistance because of the incident. Apart from providing immediate counselling, the hotlines have also referred those in need to the appropriate service units for further follow-up.

#### **Support for the travel industry**

18. The HKSAR Government attaches great importance to the service quality and training of tour escorts. All outbound tour escorts are required to be accredited, and applicants need to complete prescribed training courses in order to attain the qualification. The Travel Industry Council of Hong Kong (TIC) regularly reviews the training courses to ensure that their contents are up-to-date and could meet the development of the travel industry.

19. Both Legislative Council members and the travel industry are concerned with the readiness of outbound tour escorts in coping with emergency situations involving tour groups. The TIC has invited the HKPF to offer training for the management of travel agents and the tutors of tour escort courses. Two seminars were held on 20 and 27 September to brief the trade on the skills to handle riots or terrorist activities affecting tour groups. Police

negotiators and Crime Prevention Bureau officers explained to the participants how to prevent crime to protect the interests of travellers. Representatives from 90 travel agents attended the seminars. The TIC will continue to organise similar seminars as needed, and encourage travel agents to conduct training for their frontline staff.

20. Regarding the coverage of travel insurance, the Travel Industry Compensation Fund Management Board has contacted the Hong Kong Federation of Insurers (HKFI) to encourage the provision of relevant products by insurance companies to enhance protection for travellers. The travel insurance now available on the market generally offers protection to losses incurred by tour group travellers who cancel their trips as a result of the issuance of Red or Black Outbound Travel Alerts (OTA). We encourage the public to take out travel insurance which suits their needs before travelling and take note of the coverage. At a briefing arranged by the Outbound Committee of the TIC on 15 September, the representatives of the HKFI introduced to the Committee the insurance protection currently available for travellers and tour escorts under the OTA system as well as the coverage of different insurance products. The aim is to give travel agents a better understanding of various travel insurance products so that they can make informed choices and explain clearly to travellers the contents of the products.

### **Review of emergency response mechanism**

21. Most of the 30 improvement measures arising from a review of the Contingency Plan for Emergency Response Operations outside the HKSAR (EROOHK) conducted by the Government last year have been implemented. These include enhancement of training and equipment of emergency response team members, agreement with local airlines on seats arrangement, etc.. The experience in handling this incident demonstrates the effectiveness of the enhanced emergency response mechanism.

22. The close communication between the HKSAR Government and the OCMFA as well as the assistance rendered by the local Chinese Diplomatic and Consular Missions (CDCM) are an integral part of the emergency response system for Hong Kong residents in distress outside Hong Kong. Close liaison had been established among the Immigration Department (ImmD), the OCMFA and the Embassy right from the beginning of the incident. The direct and close

communication among the three parties has been instrumental to the swift response to the situation. Building on this strong foundation, we are exchanging views with the OCMFA to explore ways to further enhance mutual cooperation on crisis management, for instance, to offer familiarisation briefings on the work of Assistance to Hong Kong Residents Unit of the ImmD for more CDCM staff, to enhance direct communication and liaison between the staff of CDCM and ImmD, etc.

23. In addition, the Registration of Outbound Travel Information service, to be launched by the ImmD by the end of this year, will enable the HKSAR Government to disseminate directly, through electronic means, the latest outbound travel alert and other related information to Hong Kong residents travelling abroad. Travellers may register through the designated website, their travel itinerary, email address and contact telephone number before departure. Upon registration, they will receive the latest outbound travel alert or other related information issued on their destinations by the HKSAR Government directly through the registered email address or mobile phone short message services (i.e. SMS).

### **Outbound Travel Alert**

24. The Black OTA for the Philippines is still in force. As the incident has aroused public concern about their personal safety when travelling to the Philippines, we will pay close attention to what measures the Philippines will take to restore our confidence in visiting the country. The Security Bureau is also exploring ways to further enhance the information published on the OTA System webpage to better inform the public of the risks involved in travelling to overseas countries.

25. Various departments of the HKSAR Government will continue to make all-out efforts to deal with the aftermath of the incident and closely follow up on the investigation.

**Commerce and Economic Development Bureau**

**Food and Health Bureau**

**Home Affairs Bureau**

**Labour and Welfare Bureau**

**Security Bureau**

**November 2010**

Government statement on Manila hostage-taking incident report review

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Following is a statement by a Government spokesman today (October 12) on the decisions of the Philippine Government after reviewing the report of the Incident Investigation and Review Committee of the Philippines on the hostage-taking incident in Manila:

The Philippine Government has announced the follow-up actions to be taken against the persons involved in handling the incident.

Hong Kong people expect the Philippine Government to handle the question of responsibility of the officials and persons involved in a fair manner, and follow through the required actions seriously. The Philippine Government decided to lessen the recommended actions against the relevant officers named in the first report by the Incident Investigation and Review Committee. The people of Hong Kong, especially the survivors and the victims' families, will find this hard to accept. The Hong Kong SAR Government is also disappointed. We ask that the Philippine Government follow through the required actions. The eventual actions to be taken against the persons involved must live up to their pledge to be accountable to the public. That is also what is owed to the dead and the injured. We will convey our views to the Philippine Government through proper channels.

The Philippine Government has yet to complete the investigation into the causes of death of the eight victims and causes of injury of others. We hope the Philippine Government will make public their findings as soon as possible. As far as we understand, the Review Committee of the Philippines will in due course submit a second report on the review of the mechanism and procedures of handling similar incidents. We hope the report will come up with concrete improvement measures to avoid recurrence of such tragedies.

Meanwhile, the Hong Kong Police is working at full steam in the investigation as required by the Coroner's Court to submit the final report to the Court for consideration as soon as possible. Upon receipt of the relevant information, the Coroner will decide whether to hold a hearing. We are confident that the Coroner's Court will arrive at a fair and professional judgment.

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