

**Extract from minutes of meeting of the
Panel on Security held on 2 December 2008**

- Members present** : Hon LAU Kong-wah, JP (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Hon Albert HO Chun-yan
Dr Hon Margaret NG
Hon CHEUNG Man-kwong
Hon WONG Yung-kan, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
Hon CHIM Pui-chung
Hon CHAN Hak-kan
Hon WONG Kwok-kin, BBS
Hon WONG Yuk-man
Hon IP Kwok-him, GBS, JP
- Members attending** : Hon WONG Kwok-hing, MH
Hon Cyd HO Sau-lan
Hon Tanya CHAN
Dr Hon Priscilla LEUNG Mei-fun
Hon Paul TSE Wai-chun
- Members absent** : Dr Hon Philip WONG Yu-hong, GBS
Hon LAU Wong-fat, GBM, GBS, JP
- Public Officers attending** : Item VII

Mr Ambrose LEE, IDSM, JP
Secretary for Security

Mr NGAI Wing-chit
Deputy Secretary for Security 3

Mr David CHIU, IDSM
Deputy Director of Immigration

Mr Francis CHENG
Principal Assistant Secretary for Transport and Housing
(Transport) 9

Clerk in attendance : Mr Raymond LAM
Chief Council Secretary (2) 1

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Mr YICK Wing-kin
Assistant Legal Adviser 8

Miss Josephine SO
Senior Council Secretary (2) 1

Miss Helen DIN
Legislative Assistant (2) 1

Action

X X X X X X X X X X

VII. Assistance provided by the Administration to Hong Kong residents encountering problems outside Hong Kong
(LC Paper Nos. CB(2)389/08-09(02)-(04) and CB(2)380/08-09(01))

53. S for S briefed Members on the assistance provided by the Administration to Hong Kong residents stranded in Thailand since the international airport in Bangkok ceased operation on 26 November 2008.

(Post-meeting note: The speaking note of S for S was issued to members vide LC Paper No. CB(2)399/08-09 on 3 December 2008.)

54. Mr WONG Kwok-hing criticized the Administration for being slow in responding to requests for assistance from Hong Kong residents who were stranded in Thailand. He enquired about the reasons why the HKSAR Government fell behind the Government of the Macao Special Administrative Region (MSAR) and the Government of the People's Republic of China in providing chartered flights for residents stranded in Thailand. He asked whether it was due to S for S's absence from Hong Kong that resulted in the making of belated decision. He also asked who made the final decision to charter flights in this case. Mr WONG was concerned how similar cases would be handled in the future, and measures to be adopted by the Administration to ensure proper judgment could be made at the outset.

Action

55. Mr WONG Yuk-man said that the incident in Thailand had reflected the inadequacies of the current mechanism in assisting Hong Kong residents stranded overseas. Citing the experience of representatives of Zi Teng who encountered problems in securing seats on Hong Kong-bound flights, he expressed strong dissatisfaction that the Administration had not responded and handled the crisis in an effective manner. He criticized the Administration for failure to maintain the needed sensitivity, assess accurately the number of Hong Kong residents stranded in Thailand, arrange timely evacuation and anticipate the magnitude of the problem.

56. In response, S for S made the following points -

- (a) the HKSAR Government had an established emergency response mechanism to help Hong Kong residents stranded overseas in times of crises and unexpected incidents. Under normal circumstances, airlines were responsible for making appropriate arrangements for passengers who had bought tickets to return to Hong Kong. Nevertheless, in circumstances where the personal safety of people stranded overseas was at risk, ImmD would immediately provide the necessary assistance and support for those in need. The system had been working well over the years;
- (b) following the incident in Thailand, with assessment that the airport in Bangkok would not resume operation shortly and the prevailing situation in Thailand did not pose imminent danger to people in the country, the Government and the airlines made the decision to use Utapao Airport in Pattaya to fly Hong Kong residents back by special flights starting from 27 November 2008. In view of the fact that stranded Hong Kong residents who travelled individually had difficulty in boarding the flights and that the situation in Thailand had deteriorated, the HKSAR Government decided at the morning meeting chaired by the Chief Secretary for Administration (CS) on 1 December 2008 to arrange chartered flights to Pattaya's Utapao Airport to speed up the return of stranded Hong Kong residents;
- (c) the HKSAR Government was not slow in taking back stranded residents who travelled in tour groups, as compared with the MSAR Government. On 28 and 29 November 2008, six special flights were mounted to bring back 1 100 residents from Pattaya; and

Action

- (d) from the time the HKSAR Government decided to arrange chartered flights, relevant details had been uploaded to the ImmD's website. The Office of the Telecommunications Authority had also disseminated such information to Hong Kong residents concerned through mobile phone roaming services. Furthermore, the Government had made an announcement on radio and television to call on residents to notify their relatives or friends who were still in Thailand about the chartered flight arrangements.

57. S for S emphasized that the HKSAR Government was very concerned about the situation of those Hong Kong residents who were stranded in Thailand, and it felt regret over the death of a Hong Kong resident in a traffic accident when the latter was on the way to another airport.

58. Mr CHAN Hak-kan said that he was surprised to find that the HKSAR Government had not assisted Hong Kong residents stranded in Thailand as quickly as it used to be, as in serious disasters which occurred in the past, such as the South Asian tsunami in 2004 and the traffic accident in Egypt in 2006. He queried whether it was due to the Administration's under-estimation of the actual situation in Thailand. He also enquired about the conditions and procedures for activating the emergency response mechanism, and the government officials responsible for activating and overseeing the mechanism.

59. S for S replied that there were clear and effective alerting, notification and activation procedures to ensure that the relevant government officials were informed promptly of any natural or man-made disaster that had happened anywhere in the world with the likelihood of Hong Kong residents being affected, or in which Hong Kong residents were injured or died. The procedures were built upon a system which sought to monitor worldwide news events on a 24-hour basis by the Information Services Department and a hotline (i.e. 1 868) of ImmD's Assistance to Hong Kong Residents Unit (AHU) that similarly operated round the clock. The emergency response mechanism, fronted by ImmD's AHU to cater specifically for external situations, was currently under the schedule of Deputy Secretary for Security 3 (DS(S)3) under which assistance was provided as appropriate by the relevant government bureaux and departments, and Chinese Diplomatic and Consular Missions overseas. S for S said that after Bangkok Airport ceased operation in the evening of 25 November 2008, the Government immediately liaised with the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in Hong Kong and the Chinese Embassy in Thailand to seek their assistance. S for S further said that the Administration acknowledged the public aspirations for a better coordinated emergency response mechanism. SB would conduct a review to see whether any adjustment or improvement would be required. The review report would be made available to the public.

Action

60. Mr LEUNG Kwok-hung echoed Members' views and criticized the Administration for its failure to take timely and effective measures to assist Hong Kong residents stranded in Thailand during the weekend on 28 and 29 November 2008. He asked whether S for S himself had given any instructions to the Permanent Secretary for Security (PS for S), DS(S)3 or the Director of Immigration that they should report the matter to the Chief Executive (CE) or CS if considered necessary, and take appropriate action having regard to the latest developments in Thailand.

61. In response, S for S said that although he was visiting South Korea and Japan at the time the incident occurred, he was in constant touch with senior officials in SB and had been kept abreast of the developments in Thailand as well as the actions taken. Regarding the allegation that SB had failed to provide the necessary assistance and support to Hong Kong residents in Thailand, S for S pointed out that SB had since September 2008 issued its travel advice repeatedly. The latest advice was that Hong Kong residents should avoid unnecessary travel to Bangkok. Those who were already there were reminded to attend to their personal safety and avoid places where demonstrations were held.

62. Ms Emily LAU said that it was important for a fully responsible Government to put the interests of its people at the forefront of its administration. The airport crisis in Thailand had revealed that the HKSAR Government failed to take community sentiments fully into account in formulating policies and measures to facilitate safe evacuation of Hong Kong residents stranded overseas. She held the view that a comprehensive review should be conducted to consider what improvements should be made to the Government's emergency response mechanism, including the structure and operation of the system, the respective roles and responsibilities of relevant government bureaux/departments, and principal government officials' involvement in making the decision to charter flights.

63. S for S responded that Hong Kong residents had the freedom to travel to other countries or regions and freedom to enter or leave Hong Kong. As such, the whereabouts of Hong Kong residents travelling abroad could not be traced. On the day the international airport in Bangkok ceased operation, the Administration estimated the number of stranded residents who travelled individually based on information provided by the travel industry. The Administration estimated that about 2 000 Hong Kong residents were affected by the incident and stranded in Thailand. Eight special flights had been mounted between 28 and 30 November 2008 to fly Hong Kong residents back from Utapao Airport in Pattaya. S for S stressed that the Government had been liaising closely with airlines to seek the approval of Thailand authorities for arranging more flights to Pattaya. As to why the Government had not arranged chartered flights at the outset, S for S said that Utapao Airport was a military

Action

air base with very limited capacity in handling passengers, and that the most pressing task at that time was to secure more flights, rather than considering chartered flights. However, in view of the fact that residents who travelled individually had difficulty in boarding flights to Hong Kong and the crisis in Thailand would deteriorate, the HKSAR Government decided to arrange chartered flights to Pattaya to take Hong Kong residents back.

64. Dr Priscilla LEUNG took the view that the Administration was too slow in taking action to arrange chartered flights, which was important to the rescue of lives. While agreeing that there was a pressing need to review and improve the existing mechanism of AHU for providing assistance to Hong Kong residents in distress overseas or involved in major external disasters, she expressed concern about the direction of the review to be conducted by SB.

65. S for S said that the Administration was well aware of the public expectation in this regard. The review would focus on identification of measures that would help improve the response time and evacuation plan for emergency response operations outside Hong Kong. The Administration would explore with airlines the possibility of reserving a certain proportion of seats for allocation to specific passengers by the HKSAR Government, so as to accommodate the need of taking back Hong Kong residents in future relief operations. The Administration would also consider establishing a mechanism for making use of Mainland's chartered flights as a possible option.

66. Mr Albert HO questioned whether the delayed decision on sending chartered flights was due to financial consideration. If so, he would consider it a poor decision since the Administration failed to adjust priorities in the light of public expectations. He added that the Administration should be mindful of the knock-on effect of the airport crisis, given that it was a matter of life and death to those Hong Kong residents stranded in Thailand.

67. In response, S for S stressed that the Government attached great importance to the safety of Hong Kong residents. In this particular incident, financial cost was not a major concern of the Administration. As the estimated number of Hong Kong residents stranded in Thailand was about 2 000, the Administration initially considered that mounting special flights by airlines could serve the purpose of flying back all affected residents. However, in view of the changed situation in Thailand and the difficulty faced by some residents in getting on board, the Administration decided to arrange chartered flight on 1 December 2008.

68. Mr CHEUNG Man-kwong regretted that the Administration had failed to take timely and effective measures to assist Hong Kong residents stranded in Thailand during the weekend on 28 and 29 November 2008, which had caused, directly or indirectly, the death of a Hong Kong resident. He said that the overall performance of the Government in the handling of the crisis and the

Action

subsequent relief operation was rather disappointing. He hoped that the Administration could learn from this incident and avoid recurrence of similar problems in future.

69. S for S reiterated that the Administration felt regret over the death of a Hong Kong resident in a traffic accident, which should be regarded as an isolated incident. Nevertheless, the Administration would consider the views and suggestions put forward by Members in reviewing the existing response mechanism.

70. Mr Paul TSE said that the incident would have a negative impact on the tourism industry. He asked whether the emergency response mechanism contained the element of "consultation with the relevant parties and industry". He also asked whether the Administration had understood from the airlines operating special flights, prior to making any decision on whether chartered flights should be arranged, the total number of seats that could be allocated to Hong Kong residents who did not have air tickets of these airlines. He considered that the Administration should, where circumstances so warranted, instruct Hong Kong-based airlines to fulfil their corporate social responsibility to provide seats to Hong Kong residents.

71. S for S responded that SB had been working closely with the Tourism Commission, through which the views of the travel industry were solicited. The Administration would consider Members' views on ways to review and improve the emergency response mechanism. The suggestion of imposing an obligation on Hong Kong-based airlines, however, needed to be carefully examined having regard to the fact that Hong Kong had all along been upholding the free market economy policy.

72. The Deputy Chairman and Dr Margaret NG expressed concern whether SB was operating smoothly during the period when S for S was visiting South Korea and Japan. They were particularly concerned about the functioning and operations of the Accountability System for Principal Officials (POs), and enquired whether SB was operating without leadership during S for S's absence.

73. In reply, S for S advised that during his absence, the administrative responsibilities and matters in connection with day-to-day operation were undertaken by PS for S and other senior civil servants in SB under delegated authority. Separately, the Secretary for Constitutional and Mainland Affairs (SCMA) attended Council Meetings of LegCo on his behalf to respond to motion debates and LegCo questions.

74. Responding to the Deputy Chairman's question on SCMA's role in the decision making process of sending or not sending chartered flights, S for S said that to his knowledge, SCMA was not involved in making the decision to charter flights. The decision was made at the morning meeting chaired by CS

Action

on 1 December 2008. S for S emphasized that the Government had never ruled out the possibility of sending chartered flights to Thailand.

75. In response to Dr Margaret NG's enquiry, DS(S)3 advised that he had been keeping S for S and PS for S informed of the developments of the incident and the actions taken. S for S supplemented that as he was out of town, he had not reported the matter to his superiors.

76. Dr Margaret NG said that under the Accountability System, POs were supposed to be responsible for all aspects of their portfolios. She expressed concern as to who would be ultimately responsible for the failure of the policy decision concerning the relief operation of Hong Kong residents stranded in Thailand. She added that if the decision on sending chartered flights was a collective decision made by the political team, those POs involved in the initial decision of not sending chartered flights might have to step down for this serious policy failure.

77. In response, S for S apologized to the public for what had happened. He said that as a politically appointed Principal Official, he should shoulder total responsibility for the success or failure of policies under his portfolio. He reiterated that the Administration would review the emergency response mechanism, with a view to identifying possible improvement measures that might help enhance the system to prevent the recurrence of similar incidents in future.

78. The Deputy Chairman shared Dr Margaret NG's view that the Accountability System had not facilitated the Government in making a prompt response to public demands and concerns. He considered that the Administration should conduct an inquiry to investigate the incident.

Admin

79. The Deputy Chairman, Dr Margaret NG and Mr Paul TSE requested the Administration to provide a paper setting out the chronology of events in respect of the crisis in Thailand which resulted in hundreds of Hong Kong residents stranded in Bangkok, including information on when the Government decided to arrange chartered flights, officials involved in the decision of sending or not sending chartered flights, the total amount of public money spent on the evacuation and information on the review to be conducted by SB.

80. There being no other business, the meeting ended at 6:10 pm.

X X X X X X X X X X