

立法會
Legislative Council

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by the Administration)

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Panel on Security

**Minutes of special meeting
held on Thursday, 26 August 2010, at 4:30 pm
in the Chamber of the Legislative Council Building**

- Members present** :
- Hon LAU Kong-wah, JP (Chairman)
 - Hon James TO Kun-sun (Deputy Chairman)
 - Hon Albert HO Chun-yan
 - Hon CHEUNG Man-kwong
 - Dr Hon Philip WONG Yu-hong, GBS
 - Hon Emily LAU Wai-hing, JP
 - Hon Audrey EU Yuet-mee, SC, JP
 - Hon Andrew LEUNG Kwan-yuen, GBS, JP
 - Hon CHIM Pui-chung
 - Hon Cyd HO Sau-lan
 - Hon WONG Kwok-kin, BBS
 - Hon Paul TSE Wai-chun
 - Hon WONG Yuk-man
- Members attending** :
- Hon LEE Cheuk-yan
 - Hon Fred LI Wah-ming, SBS, JP
 - Hon Andrew CHENG Kar-foo
 - Hon TAM Yiu-chung, GBS, JP
 - Hon LI Fung-ying, SBS, JP
 - Hon Tommy CHEUNG Yu-yan, SBS, JP
 - Hon WONG Kwok-hing, MH
 - Hon LEE Wing-tat
 - Hon Jeffrey LAM Kin-fung, SBS, JP
 - Hon Ronny TONG Ka-wah, SC
 - Hon KAM Nai-wai, MH
 - Hon Paul CHAN Mo-po, MH, JP
 - Dr Hon Priscilla LEUNG Mei-fun
 - Hon WONG Sing-chi
 - Hon IP Wai-ming, MH
 - Hon Mrs Regina IP LAU Suk-ye, GBS, JP

- Members absent** : Dr Hon Margaret NG
Hon WONG Yung-kan, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon CHAN Hak-kan
Hon IP Kwok-him, GBS, JP
Hon LEUNG Kwok-hung
- Public Officers attending** : Mr Ambrose LEE, GBS, IDSM, JP
Secretary for Security
- Mr LAI Tung-kwok, SBS, IDSM, JP
Under Secretary for Security
- Mr NGAI Wing-chit
Deputy Secretary for Security
- Mr Philip YUNG Wai-hung
Commissioner for Tourism
- Mr CHAN Kwok-ki
Deputy Director of Immigration
- Mr David NG Ka-sing
Assistant Commissioner of Police (Crime) (Designate)
- Dr P Y LEUNG
Director (Quality and Safety)
Hospital Authority
- Dr K L HAU
Consultant/Forensic Pathologist
Department of Health
- Mrs Anna MAK CHOW Suk-har
Assistant Director (Family & Child Welfare)
Social Welfare Department
- Clerk in attendance** : Mr Raymond LAM
Chief Council Secretary (2) 1
- Staff in attendance** : Ms Connie FUNG
Senior Assistant Legal Adviser 1
- Miss Odelia LEUNG
Assistant Secretary General 2 (Acting)

Mr Bonny LOO
Assistant Legal Adviser 3

Miss Josephine SO
Senior Council Secretary (2) 1

Ms Camy YOONG
Clerical Assistant (2) 1

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I. Follow-up on the incident in the Philippines on 23 August 2010 involving a tour group from Hong Kong
(LC Paper Nos. CB(2)2199/09-10(01), CB(2)2203/09-10(01), CB(2)2204/09-10(01) & (02) and CB(2)2205/09-10(01))

The Chairman invited all persons to observe three minutes of silence in mourning for the eight Hong Kong residents who died in the hostage incident in Manila on 23 August 2010 involving a tour group from Hong Kong ("the incident").

2. The Chairman informed Members that the purposes of this special meeting were to discuss issues relating to the incident and to agree on a course of action to be pursued by Members, taking into account the latest development of the incident.

3. The Chairman referred Members to the letter dated 25 August 2010 from the Consul-General of the Philippines, which declined the Panel's invitation to attend the meeting and set out the follow-up actions on the incident taken by the Government of the Republic of the Philippines ("the Philippine Government"). The Chairman also drew Members' attention to a draft motion tabled at the meeting. He advised that subject to the views and agreement of the Panel, the motion would be moved by Hon Miriam LAU in her capacity as the Chairman of the House Committee at a special meeting of the Council, and the President would be requested to call a special meeting of the Council under Rule 15(2) of the Rules of Procedure for the purpose of holding a motion debate on the incident.

(Post-meeting note: The draft motion was circulated to members vide LC Paper No. CB(2)2208/09-10 on 27 August 2010.)

4. Members noted the following papers tabled at the meeting -

- (a) a set of news reports and press releases from local and Philippines news organizations on the incident in the Philippines on 23 August 2010;
- (b) Resolution adopted by the House of Representatives of the Republic of the Philippines on 25 August 2010 concerning the hostage-taking incident which happened in Manila on

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23 August 2010 (English version only);

- (c) speaking note of Hon WONG Yuk-man (Chinese version only);
and
- (d) a news report dated 6 February 1996 entitled "Singapore accepts Filipino experts at murder probe" (English version only).

5. At the invitation of the Chairman, Secretary for Security ("S for S") briefed Members on the follow-up actions taken by the Government of the Hong Kong Special Administrative Region ("HKSAR") immediately after the incident and their progress, details of which were set out in the Administration's paper tabled at the meeting.

(Post-meeting note: The papers tabled at the meeting were issued to Members vide LC Paper No. CB(2)2207/09-10 on 27 August 2010.)

6. Dr Priscilla LEUNG expressed deep condolences over the death of the eight Hong Kong residents and sympathy to the injured and surviving tour group members as well as the bereaved families. She said that she was in support of the proposal for the Chairman of the House Committee moving a motion on the matter for debate in Council. Among other things, she was particularly concerned about the measures and actions taken by the Administration to assist the victims in the incident and their families. As regards the tour member Mr Jason LEUNG, who suffered severe head injuries and was now in a state of coma, Dr LEUNG enquired whether it was possible for the HKSAR Government to arrange Mainland experts in neurosurgery to join the local medical team.

7. In response, S for S assured Members that the Administration would spare no effort in providing the necessary support and assistance to the victims of the incident. As regards the tour member Mr Jason LEUNG who was injured seriously on the head, S for S advised that Mr LEUNG's condition had improved a little after his return to Hong Kong. At present, Mr LEUNG was placed under the intensive care of a dedicated medical team led by Dr Dawson FONG, the Chief of Service (Neurosurgery) of Tuen Mun Hospital. S for S said that if his family so wished, he would discuss with the Secretary for Food and Health the feasibility of arranging overseas or Mainland experts to join the Hong Kong medical team.

8. Expressing condolences and regards to the victims and their families, Mr Jeffrey LAM said that he was very disappointed at the way the Philippine authorities had handled the incident. He considered that the Philippine police had failed to take decisive action to rescue the hostages, and the Philippine Government was to be blamed for allowing the situation to get out of control and end up with deaths and casualties. While commending the Administration

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for its speedy and proactive response to the incident, Mr LAM held the view that the HKSAR Government should solemnly demand the Philippine Government to expeditiously conduct a thorough investigation into the incident, so as to find out the truth. The investigation report should give a full account of the incident and be based on solid evidence. It should also be made available to the injured and family members of the deceased, once available. He further said that in view of the large number of Hong Kong people doing business and working in the Philippines, the Philippine Government should come up with concrete measures to protect the personal safety of Hong Kong travellers.

9. Mr Jeffrey LAM said that to his knowledge, the Travel Industry Council ("TIC") had planned to strengthen the scope and content of its training courses designed for tour escorts with a view to improving tour escorts' capability to handle unexpected events, and TIC had approached the Hong Kong Police Force ("the Police") to solicit the latter's assistance for the purpose of reviewing the training component of crisis management already incorporated in the core curriculum of its tour escort training courses. He asked about the support rendered to TIC by the Administration in this regard.

10. In response, Commissioner for Tourism ("C for T") said that the Administration attached great importance to the service standards and training of tour escorts. All outbound tour escorts were required to be certified and could only gain the qualification after attending prescribed training courses, the content of which were reviewed periodically. TIC had liaised with the Police with a view to enhancing the existing crisis management elements of the training courses. The Tourism Commission and the Police would work with TIC on further improving the design of training courses so as to meet the changing needs of the travel industry.

11. Mr Tommy CHEUNG extended on behalf of Members belonging to the Liberal Party deep sympathy and condolences to the victims and their families. He said that he fully supported the proposal of moving a motion on the matter for debate in Council. Mr CHEUNG held the view that the Administration should consider posthumously awarding the tour escort Mr TSE Ting-chunn and the tour member Mr LEUNG Kam-wing the Medal for Bravery in recognition of the utmost bravery and self-sacrifice they displayed during the hostage incident on 23 August 2010. He also suggested that the Medal for Bravery be awarded to Mrs FU TSANG Yee-lai to recognize the exemplary bravery and unselfishness that she had displayed in extreme danger.

12. Regarding the investigation undertaken by the Philippine Government, Mr Tommy CHEUNG, Mr Andrew LEUNG and Mrs Regina IP expressed strong reservations that the Philippine authorities would take the matter seriously. Mr CHEUNG considered that the Administration should request the Philippine Government to allow representatives of the HKSAR Government to participate in the investigation work and if necessary, the HKSAR Government

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should exert political pressure through the Central People's Government to make the Philippine Government accede to the request.

13. Echoing Mr Tommy CHEUNG's views, Mr IP Wai-ming opined that the Administration should stand firm in its position and make a strong request to the Philippine Government for allowing the representatives of the HKSAR Government to participate in the investigation work.

14. In response, S for S advised that it was also the view of the Administration that the Philippine Government should conduct a thorough investigation into the incident in a fair, open and impartial manner. To this end, the Chief Executive ("CE") had written to Mr Benigno S AQUINO III, the President of the Philippines, after the tragic incident to request for the provision of a full investigation report substantiated with facts and evidence at the earliest possible time. It should be noted that upon learning the incident in the morning of 23 August 2010, the Administration immediately mobilized its resources and emergency measures to provide support to the victims in Manila. Among other things, the HKSAR Government sent a support team, led by the Under Secretary for Security ("US for S") and comprising government officers, medical experts, social worker and clinical psychologists, to render assistance in Manila. On 24 August 2010, US for S and the Deputy Secretary for Security joined the Chinese Ambassador to the Philippines, Mr LIU Jianchao, for a meeting with the President of the Philippines at the Malacanang Palace in Manila to discuss the hostage incident. The request that an investigation should be conducted in the most impartial, thorough and professional manner was raised with the President of the Philippines at the meeting.

15. As regards the suggestion concerning the award of bravery medals to some killed or surviving members of the tour group for performing exceptional acts of bravery, S for S said that there were established criteria for determining the award of bravery medals. To his knowledge, the Home Affairs Bureau ("HAB") was looking into the issue.

16. Mr WONG Kwok-hing said that the way the Philippine police handled the hostage incident was outrageously ridiculous. He was disappointed and saddened that the incident had resulted in the death of eight and injuries to seven members of the tour group. He said that the rescue operation on 23 August 2010 had reflected badly on the Philippine Government and had caused the public to question their ability to handle unexpected events and save lives in extreme danger. In view of the risks that existed, Mr WONG considered that the "Black" Outbound Travel Alert ("Black alert") issued for the Philippines in the wake of the hostage incident should remain in force before the Philippine Government completed the investigation and found out the truth about the incident.

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17. Mr CHIM Pui-chung and Dr Philip WONG shared the view that the Black alert issued for the Philippines should remain in force, unless the threat to the personal safety of Hong Kong travellers was removed.

18. S for S responded that the HKSAR Government fully understood Members' concerns over the investigation. The Administration had conveyed to the Philippine authorities through the Ministry of Foreign Affairs of the People's Republic of China issues which the HKSAR Government considered important and should be addressed in the investigation. The President of the Philippines had undertaken to conduct a full and fair investigation into the incident and provide the HKSAR Government with a copy of the report as soon as possible. Following the hostage incident which resulted in casualties, the HKSAR Government had raised the Outbound Travel Alert for the Philippines to "Black", urging Hong Kong residents to avoid all travel to the country. The Black alert would remain in force until the risk of traveling to the Philippines was removed.

19. Mr Andrew LEUNG and Mr Jeffrey LAM said that to their knowledge, TIC had, following the Government's issue of Black alert for the Philippines on 23 August 2010, agreed with airlines operating services between Hong Kong and Manila on the refund arrangements for group tickets and package tours to the Philippines. They enquired whether the Administration would consider requiring the airlines concerned to extend the refund arrangements to cover travellers not in tour groups.

20. S for S replied that airlines generally had their own commercial considerations and mechanism to deal with ticket refund or flight postponement for different types of customers. The Administration considered that it should, wherever possible, avoid interference with commercial decisions which should be left to the market. Nevertheless, S for S said that he would discuss the matter with C for T to see if any action was warranted.

21. Mr CHIM Pui-chung shared the view of Mr Jeffrey LAM that the HKSAR Government had done a reasonably good job in handling the incident. He said that since people in Hong Kong, including Legislative Council Members, had doubt about the credibility of the investigation conducted by the Philippine Government, the HKSAR Government should take the initiative to conduct its own investigation.

22. S for S responded that in accordance with the law, the Administration had reported to the Coroner regarding the eight bodies that were brought into Hong Kong on 25 August 2010. On receipt of the report, the Coroner had decided that an investigation into the death by the Police should be carried out, taking into account all relevant considerations in accordance with the law. The Coroner had also made eight respective orders to perform an autopsy on the

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eight aforesaid bodies. Upon receipt of the Police's investigation report, the Coroner would then decide whether an inquest into the death should be held.

23. Mr Albert HO considered that the Administration should form a view on the need for holding a death inquest. He pointed out that section 16 of the Coroners Ordinance (Cap. 504) provided that a coroner should hold an inquest into the death of a person when required by the Secretary for Justice ("SJ") to do so. In view of the wide public concern over the incident, Mr HO considered that SJ should respond proactively to Members' suggestion and order an inquest into the death of the eight Hong Kong residents who died in the incident. He further said that the Philippine Government should be requested to provide HKSAR with the necessary support and assistance to facilitate the Police's investigation and the future hearing of the Coroner's Court.

24. Mr Andrew CHENG, Mr LEE Cheuk-yan and Mr LEE Wing-tat said that they were surprised to learn from media reports that the Philippine police had already drawn a conclusion that those who died in the hostage incident were all killed by the hostage taker who should shoulder all the responsibilities for turning the incident into bloodshed. They commented that this unsupported conclusion had eroded public confidence and prompted one to question the reliability and credibility of the investigation conducted by the Philippine Government. They shared the view that the HKSAR Government should take appropriate actions to ensure that the Philippine investigation would be carried out properly. An option considered worth pursuing was to request the Philippine Government to allow Hong Kong representatives to participate in the investigation work. The HKSAR Government should raise the issue to the highest level with the Mainland authorities so that the Central People's Government could put pressure on the Philippine Government to make the latter accede to the request. Mr CHENG said that apart from resolving the matter through the normal diplomatic channel at the state level, the HKSAR Government should exhaust all possible measures, including the Black alert issued for the Philippines, to keep up the pressure on the Philippine authorities.

25. Mr Andrew CHENG further said that it was necessary for the HKSAR Government to devise a viable and effective mechanism to deal with similar incidents in the future in case Hong Kong residents outside the Chinese territory were involved in unexpected incidents. In his view, the HKSAR Government should assume a more proactive role in negotiation and liaison with other overseas authorities, with a view to providing timely protection and assistance to Hong Kong residents for evacuation from dangerous areas when an unexpected incident took place. His view was echoed by Ms Audrey EU and Ms Emily LAU.

26. The Deputy Chairman and Mr Ronny TONG shared the view that the Philippine Government failed to demonstrate its sincerity in taking forward the investigation and resolve to find out the truth. They considered that the

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HKSAR Government should press for a role in the Philippine investigation, whether through direct participation or in the capacity of observers. Mr TONG further cited a case in 1995 where the Philippine Government had made a similar request to the Government of the Republic of Singapore ("the Singapore Government"). In that case, the Singapore Government allowed Philippine forensic experts to attend the inquiry into the death of a Filipino domestic helper who worked in Singapore.

27. In response to Members' views and concerns, S for S made the following points -

- (a) according to Article 13 of the Basic Law, the Central People's Government was responsible for the foreign affairs relating to HKSAR. Against this background, on learning the incident on 23 August 2010, the HKSAR Government urged the Philippine Government, through the Chinese Embassy in the Philippines and the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in Hong Kong ("OCMFA") that ensuring the safety of the hostages was of utmost importance in the rescue action. The HKSAR Government also requested that the incident be resolved in a peaceful manner. The Chinese Embassy in the Philippines had immediately made representations with the Philippine side and required the latter to undertake all-out rescue efforts whilst ensuring the safety of the hostages;
- (b) the Administration fully shared Members' views that the investigation by the Philippine Government should be conducted in the most independent, thorough and professional manner. Indeed, the HKSAR Government had requested the Philippine Government to provide in its investigation report a full account of the incident, including the rescue operation mounted by the Philippine police in the evening of 23 August 2010 and the causes of death and injuries. If major deficiencies were identified in the investigation report of the Philippine Government, the HKSAR Government would not hesitate to follow up;
- (c) the Administration understood Members' views that the HKSAR Government should seek to participate directly in the investigation by the Philippine Government. According to the advice obtained from OCMFA, this might however constitute an infringement of the sovereignty or jurisdiction of the Philippine Government. Additionally, there was no precedent which a foreign jurisdiction participated directly in the investigation of criminal cases undertaken by another sovereign government. The mode of collaboration between the two sides in the case as referred to by Mr Ronny TONG was essentially different from the request now

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put forward by Members;

- (d) notwithstanding the above, the Police's forensic experts in the support team which had flown immediately to Manila to support the victims after the incident had, with the prior consent of the Philippine authorities, observed the investigation of the causes of death during the autopsy performed on two dead bodies and collected relevant evidence at the scene. The Police would, based on information available, compile its own investigation report for submission to the Coroner. The purpose of the Police's independent investigation was to find out the causes of and the circumstances connected with the death of those eight Hong Kong residents. The Police would ensure that its own investigation into the incident would be conducted in an impartial and objective manner;
- (e) the Police would submit a detailed report to the Coroner upon completion of the investigation in accordance with section 9 of the Coroners Ordinance. The Coroner would independently consider the report and decide whether to hold an inquest. If a death inquest was to be held, the Coroner's Court might, during the course of the inquest, summon witnesses, examine witnesses on oath, compel attendance of witnesses and production of documents;
- (f) at the working level, law enforcement agencies in Hong Kong, including the Police, had all along been maintaining close cooperation with their overseas counterparts through regular and established liaison channels. The Philippine Government was one of those jurisdictions with which Hong Kong had entered into bilateral agreements on mutual legal assistance in criminal matters ("MLA"). Under the said MLA agreement, the Philippine Government had an obligation to provide Hong Kong with assistance and support in the investigation and prosecution of criminal offences and in the proceedings relating to criminal matters, pursuant to its own law;
- (g) the issue of travel alerts under the Outbound Travel Alert System aimed to assist the public to better understand the risk or threat to personal safety when travelling outside Hong Kong. Travellers should avoid all travel to a city/country under a Black alert, the highest level in the three-tier Outbound Travel Alert System, in view of the severe threat to personal safety. The issue of Black alert should not be construed as a means to pressurize the Philippine Government; and

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- (h) there were established mechanism and procedures for handling sudden and unexpected incidents outside Hong Kong which had widespread impact on or posed significant threat to personal safety of Hong Kong residents travelling abroad. The Administration would keep the mechanism under review from time to time, having regard to the prevailing situation.

28. The Deputy Chairman, Mr LEE Wing-tat and Mr Albert HO expressed dissatisfaction with the Administration's response. They said that the absence of any precedent case for reference should not be used as an excuse for not fighting for the rights and interests of Hong Kong people to make representation in the investigation conducted by the Philippine authorities. They considered that the involvement of government representatives from the HKSAR Government in the Philippine investigation was essential, as this could help remove the doubts of Hong Kong people before it was too late to do so.

29. Responding to Mr LEE Cheuk-yan's and Dr Philip WONG's enquiry on the measures taken by the Administration to assist the victims in the incident, in particular the two young tour members from the WONG's family whose parents had died, Assistant Director (Family & Child Welfare)/Social Welfare Department ("AD/SWD") assured Members that the victims and their families had received prompt and comprehensive assistance after the incident, with designated social workers acting as case managers to provide and coordinate cross-bureaux/departments services including emotional support, counselling, medical treatment and education etc. These professional social workers would continue to follow up individual cases to address victims' various needs, so as to ensure that they could overcome the difficulties arising from the traumatic incident. In the particular case concerning the two young tour members Miss Tracey WONG Cheuk-yiu and Mr Jason WONG Ching-yat, AD/SWD advised that the employer of the deceased tour member Mr WONG Tze-lam was very concerned about the conditions of Mr WONG's two children. Immediately after the incident, it contacted the Administration and sent staff to Manila to help the WONG's family. The designated case manager responsible for the children would stay in close communication with their relatives and Mr WONG's employer. AD/SWD further said that the Tung Wah Group of Hospitals had also announced the establishment of an education fund for the young tour members, including Mr WONG's two children, to cover their educational expenses to be incurred in future.

30. Ms Audrey EU extended, on behalf of Members belonging to the Civic Party, heartfelt condolences to all the victims and their families. She asked about the arrangement of funeral services for the eight Hong Kong residents who died in the hostage incident, and whether they could be buried in the Tribute Garden.

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31. In response, S for S advised that earth burials in the Tribute Garden were permitted for those who were posthumously awarded bravery medals by CE. At present, HAB was looking into the matter alongside with the proposal of awarding members of the tour group the Medal for Bravery for the courage and self-sacrifice they displayed during the incident.

32. Ms Audrey EU said that she learned from discussion fora on the Internet that news reporters in Manila were allowed to remove the lids of the coffins and take photos of the dead bodies of those eight Hong Kong residents who died in the hostage incident, and tourists were permitted to get near to and take photos in front of the tour bus where the incident took place. She considered these totally unacceptable and asked whether the HKSAR Government had lodged any complaint with the Philippine Government. She said that the Philippine Government should apologize to the bereaved families, as these insensitive acts clearly demonstrated the Philippine Government's and its people's lack of respect for the deceased.

33. S for S responded that he was as furious as Members at the way the Philippine Government had handled the matter. US for S said that he would ask the officers who went to Manila and stayed behind to handle the aftermath of the incident to look into the matter. The HKSAR Government might consider taking up the case and lodging a formal complaint with the Philippine Government through the Chinese Embassy in the Philippines, if the situation so warranted.

(Members agreed to extend the meeting by 30 minutes.)

34. Mrs Regina IP considered the rescue operation carried out by the Philippine police on 23 August 2010 far from effective. She asked whether the Administration would in future consider sending negotiators or Police officers from the Special Duties Unit to help rescue the hostages, if similar hostage taking incidents involving Hong Kong residents broke out again in places outside Hong Kong, especially in less developed countries.

35. S for S replied that the Administration would carefully consider the suggestion.

36. Mr TAM Yiu-chung expressed on behalf of Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") deep condolences over the death of eight Hong Kong residents and sympathy to the injured and surviving tour group members as well as the bereaved families. Mr TAM said that DAB shared similar views that the Philippine Government should be requested to allow representatives of the HKSAR Government to participate in the investigation work. As a matter of fact, DAB members had discussed the matter earlier on with OCMFA, and the latter had promised to convey DAB's request to the Philippine authorities for consideration. Mr TAM

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said that given the widespread concerns of the general public about the credibility of the Philippine investigation, the Administration should, apart from exploring the possibility of participating in the Philippine investigation, expedite the Police's investigation so as to facilitate the Coroner's consideration of whether a death inquest should be held.

37. In response, S for S advised that the Administration fully appreciated Members' views on the need for a role in the Philippine investigation. However, he reiterated that seeking direct participation in the Philippine investigation might constitute an infringement of the sovereignty or jurisdiction of the Philippine Government.

38. Regarding the Police's investigation into the incident on 23 August 2010, Assistant Commissioner of Police (Crime) (Designate) assured Members that the Police would make its best endeavours to expedite the process. Although the Police could not take enforcement action in Manila, it would seek assistance from and exchange information with the Philippine police in accordance with Interpol practice. As explained earlier, the Police had immediately after the incident sent some staff members, including forensic pathologists, to Manila to collect evidence and assist in the Philippine investigation. It would submit a detailed report to the Coroner at the earliest possible time to facilitate his decision on whether a death inquest should be held.

39. Mr Fred LI and Ms Emily LAU held the view that the Administration should take heed of the consensus view of Members that the HKSAR Government should press for a role in the Philippine investigation, whether through direct participation or in the capacity of observers. They called on the Administration to follow up the matter actively with the Philippine Government through the Ministry of Foreign Affairs of the People's Republic of China.

40. Ms Emily LAU asked whether the Administration had anticipated the possibility that the findings of the Police's investigation might be in great contrast to the Philippine findings and if so, how the Administration would take follow-up actions in respect of the findings of the two sides.

41. S for S responded that the Administration would carefully study the investigation report of the Philippine Government. If major deficiencies were identified in the investigation report, the HKSAR Government would not hesitate to follow up.

42. Ms Cyd HO and Mr CHEUNG Man-kwong shared the view that the matter warranted a comprehensive, thorough and impartial investigation, since the truth behind the incident was the best consolation to the victims and their families. Ms HO and Mr CHEUNG further urged the Administration to push hard for a direct involvement in the Philippine investigation. They said that the HKSAR Government should raise the request with the Central People's

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Government so that the Ministry of Foreign Affairs could make representations to the Philippine authorities.

43. In response, S for S reiterated that the Administration fully appreciated Members' views that while the HKSAR Government would conduct its own investigation into the incident, it should seize the opportunity to participate in the Philippine investigation. He agreed to reflect Members' view to the Central authorities for consideration.

44. Responding to Ms Cyd HO's enquiry about the scope of assistance provided under the MLA agreement signed with the Philippines, S for S advised that the assistance by other jurisdictions to criminal investigations conducted in Hong Kong could come in many forms, including -

- (a) obtaining and delivery of statements and evidence;
- (b) facilitating the attendance of witnesses;
- (c) obtaining production of judicial or official records;
- (d) effecting the temporary transfer of persons in custody to appear as witnesses in court; and
- (e) providing information, documents and records.

45. Mr WONG Yuk-man expressed deep condolences over the death of Hong Kong residents and sympathy to all victims and their families. He said that Members belonging to the League of Social Democrats were in support of the proposal of the Chairman of the House Committee moving a motion on the incident for debate in Council. While commending the swiftness of the HKSAR Government and the conscientiousness of individual officers in handling the aftermath of the incident, Mr WONG considered that the HKSAR Government could have done a better job in its endeavours to save the hostages before the gun shooting incident took place. In his view, the hostage incident might even have come up with different results, if the HKSAR Government had, right at the beginning, made a valid judgment on the chance of failure in the Philippine authorities' negotiation with the hostage taker and the severity of the consequence of the incident, and enlisted as early as possible the Central People's Government's support and intervention in the incident.

46. Mr Paul TSE shared the view that the HKSAR Government had done an admirable job in handling the aftermath of the incident. He hoped that the Administration could learn a lesson from the incident and make improvements to its way of handling unforeseen tourism incidents outside Hong Kong. In particular, it should explore the possibility of seeking closer cooperation with overseas authorities in the planning and implementation of rescue operations, as

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well as the undertaking of investigation work in similar incidents. Mr TSE further said that based on the recent performance of the Philippine Government, including the rather disappointing statements made by some Philippine Government officials and the President of the Philippines on different public occasions, he could hardly be convinced that the investigation carried out by the Philippine Government would be fair and trustworthy. He echoed the view that there should be some form of HKSAR Government's involvement in the Philippine investigation, and called on the Administration to stand firm in its position in putting forward the request to the Philippine Government for its consideration.

47. Summing up the discussions, the Chairman said that it was the consensus view of Members that the HKSAR Government should press for a direct involvement in the Philippine investigation. He hoped that the Administration would take heed of and seriously consider this request of Members.

48. Members unanimously agreed -

- (a) to request the President to call a special meeting of the Council under Rule 15(2) of the Rules of Procedure for the purpose of holding a motion debate on the incident in the Philippines on 23 August 2010 involving a tour group from Hong Kong;
- (b) that the motion in the **Appendix** be moved by Hon Miriam LAU in her capacity as the Chairman of the House Committee; and
- (c) to request the President to consider waiving the notice period for moving the motion.

The Chairman said that he would write to the President to convey the proposals agreed by the Panel.

49. There being no other business, the meeting ended at 7:10 pm.

(Draft)

**Motion on "The incident of a Hong Kong tour group
being taken hostage in the Philippines"**

Wording of the motion

That this Council is deeply shocked and saddened that the taking of a Hong Kong tour group as hostages by a gunman on 23 August this year during its visit to the Philippines has ended up in a tragedy with heavy casualties, and wishes to express its profound condolences to the Hong Kong people who died and extend its deepest sympathy to those who were injured and to the family members of the deceased and injured; this Council expresses its strong dissatisfaction at the serious failures that had obviously occurred in the Philippine Government's operation to rescue the hostages which resulted in innocent Hong Kong people being killed, and urges the SAR Government to:

- (a) solemnly demand the Philippine Government to expeditiously conduct an investigation into the incident; proactively strive to directly take part in the investigation work concerned to find out the truth about the incident and make public the investigation report so as to give a clear account to the deceased and injured and their family members; and demand the Philippine Government to offer a public apology and compensation to the deceased and injured and their family members;
- (b) expeditiously take measures and actions to render full assistance to the injured and survivors as well as the family members of the deceased and injured;
- (c) formulate a contingency mechanism to deal with similar incidents in the future and clearly define the negotiation channels for the SAR Government and its role in incidents involving Hong Kong people in distress overseas; and
- (d) discuss with the tourism sector the relevant follow-up work.