

立法會

Legislative Council

LC Paper No. LS80/02-03

Information Paper for the Joint Meeting of the Panel on Security and Panel on Health Services to be held on 29 April 2003

At the joint meeting of the Panel on Security and the Panel on Health Services on 5 March 2003, members considered how to follow up the purported new points relating to the cause and surrounding circumstances of the death of an inmate in Siu Lam Psychiatric Centre in November 2001. Members instructed the Legal Service Division to advise the options available, and to advise whether further inquiries would affect the progress of legal proceedings taken by family members of the deceased. Our views are set out below.

Another inquest under the Coroners Ordinance (Cap. 504)

2. In respect of the death of the said inmate, an inquest was held with a jury in October 2002. The jury unanimously returned an open verdict ("存疑裁決").

3. Section 20 of the Coroners Ordinance (Cap. 504) provides that where an inquest has been held, the Court of First Instance may, upon the application of a properly interested person ("properly interested persons" are specified in Schedule 2 to the Ordinance, a copy is attached in Annex I) or the Secretary for Justice, order an inquest to be held if the Court of First Instance is satisfied that by reason of fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry, or otherwise, it is necessary or desirable that another inquest should be held. The Court of First Instance may also order an inquest if it is satisfied that, by reason of the discovery of new facts or evidence, it is necessary or desirable that another inquest should be held. Apart from ordering a new inquest, the Court of First Instance may also quash the findings of the coroner or jury at the inquest already held. As specified in the Ordinance, parents and siblings of the deceased, and an authorized representative of a Government department which is concerned with the death of the deceased, are properly interested persons.

4. Members may note that under the repealed Coroners Ordinance (Cap. 14), only the then Attorney General had the power to require a coroner to reopen an inquiry and to make further investigation. Upon the recommendation of the Law Reform Commission ("LRC"), a provision to enable properly interested persons and the Secretary for Justice to apply to the Court of First Instance for an order referred to in paragraph 3 above was included in the existing Coroners Ordinance, which was enacted in April 1997.

5. Apparently the new points brought to the attention of members during the visit to the Siu Lam Psychiatric Centre have not yet been considered by experts. In considering whether to make an application to the Court of First Instance, the question whether the points are valid, whether they had been covered at the inquest already held, or whether they are new facts or evidence would need to be determined with the assistance of experts. A properly interested person may be represented by counsel or solicitor at an inquest. The party making an application would have to bear the costs of expert advice, and the cost of the legal advice and representation involved in the application.

6. The purpose of an inquest is to inquire into the cause of and the circumstances connected with the death (section 27). There are limitations in what a coroner or jury may include in the finding. Under section 44 of the Ordinance, the finding shall not be framed in such a way as to appear to determine any question of civil liability, and the coroner or jury shall not express an opinion on any matter other than (a) the identity of the deceased; (b) how, when and where he came by his death; (c) particulars required by the Births and Deaths Registration Ordinance (Cap. 174) to be registered concerning the death; and (d) the conclusion of the coroner or jury as to the death. However, members may wish to note that a coroner or jury may make recommendations designed-

- (a) to prevent the recurrence of fatalities similar to that in respect of which the inquest is being held;
- (b) to prevent other hazards to life disclosed by the evidence at the inquest;
- (c) to bring to the attention of a person, who may have power to take appropriate action, any deficiencies in a system or method of work which are disclosed by the evidence at the inquest and which are of public concern.

There is no provision in the Ordinance for implementation of the recommendations made. In not recommending to impose liability for failure to implement recommendations, the LRC believed that the very real risk of severe public criticism and would serve as an adequate deterrent of failure to implement recommendations.

Appointment of a Commission of Inquiry under the Commissions of Inquiry Ordinance (Cap. 86)

7. Under section 2 of the Commissions of Inquiry Ordinance (Cap. 86), the Chief Executive in Council ("CE in Council") may appoint one or more Commissioners to inquire into the conduct or management of any public body, the conduct of any public officer or into any matter whatsoever which is, in his opinion, of public importance. The CE in Council may specify the subject of the inquiry and may direct various matters in respect of the inquiry, including to whom and by what time a report is to be rendered (section 3). The CE in Council may appoint various staff to a Commission, and police officers and bailiffs are required to assist a Commission as it requires.

8. For the purpose of an inquiry, a Commission is given various powers. These include the powers to receive evidence not admissible in civil or criminal proceedings, to summon witnesses, to examine witnesses on oath, to inspect premises, to issue warrants compelling attendance of witnesses and production of documents, as well as to issue warrants for the search of premises and seizure of articles and documents therein (section 4). A person who, inter alia, fails without reasonable excuse to attend at the time and place as specified in a summons issued by the Commissioner, or refuses to answer a question put by a Commission or to produce a document as required by the Commission is guilty of an offence and the offence may be dealt with by the Commission summarily as a contempt.

9. A person whose conduct is the subject of an inquiry, or who is implicated or concerned in the subject matter of the inquiry shall be entitled to be represented by a barrister or solicitor at the inquiry. The cost of an inquiry is to be met by the general revenue.

10. Members may note that a Commission of Inquiry has the power to inquire into any matter as required by its terms of reference. In this regard the powers of a coroner or jury are more restricted, since the recommendations that a coroner or jury may make are restricted to what is specified in the Coroners Ordinance (details in paragraph 6 above). Also, it is a discretion of the coroner or jury whether to make any recommendation.

11. The Research and Library Division has prepared an information note on Commissions of Inquiry appointed by the CE in Council (or former Governor in Council) in the past (Annex II). There was one occasion on which a Commission of Inquiry was appointed to look into the cause of death and surrounding circumstances. In the Commission of Inquiry into Inspector MacLennan's case in 1980, one of the terms of reference was "whether in the light of all the evidence available and any additional enquiry you make there were good grounds for believing the death of Inspector MacLennan was other than suicide and what conclusions you draw".

Independent inquiries appointed administratively

12. Apart from Commissions of Inquiry appointed under the Commissions of Inquiry Ordinance, the former Governor had also appointed bodies or persons to inquire into various matters of public importance not under statutory framework. The information note of the Research and Library Division states, as examples, a Committee of Inquiry to look into the Civil Service pay adjustment for that year and related matters in August 1988, and an independent inquiry appointed in 1993 to look into the Lan Kwai Fong disaster.

13. Members may note that the bodies or persons appointed outside the statutory framework do not have the statutory powers to summon witnesses, examine witnesses on oath, compel attendance of witnesses and production of documents, and issue search warrants.

Inquiry by a select committee or panel of the Legislative Council under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382)

14. Under section 9 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), the Legislative Council or a standing committee thereof may order any person to attend before the Council or before such committee to give evidence or to produce any paper, book, record or document. The power on a standing committee may be exercised by any other committee which is specially authorized by a resolution of the Council to exercise such powers in respect of any matter or question specified in the resolution. As defined in the Ordinance, a committee includes a panel consisting only of Members.

15. It is an offence for any person to disobey a lawful order made by the Legislative Council or a committee requiring him to attend or to produce any paper, books, documents or records. It is also an offence to refuse to be examined or refuse to answer questions during the course of an examination, to intentionally give a false answer, to present any false, untrue, fabricated or falsified document with intent to deceive the Legislative Council or a committee, or to tamper with or unduly influence any witness in regard to any evidence to be given by him. Where any person lawfully ordered to give evidence or produce any document etc. before the Legislative Council or a committee and he refuses to answer any question or produce any document on the ground that the same is of a private nature and does not affect the subject of inquiry, the President of the Legislative Council may (and shall if such question or the production is not relevant) excuse the answering or production. On the other hand, the President may order the answering or production.

16. Pursuant to the power under Legislative Council (Powers and Privileges) Ordinance, the Legislative Council has passed resolutions to appoint select committees or to authorize panels to inquire into various matters. A list of select committees and panels which carried out inquiry functions is in Annex III.

Whether further inquiry would delay legal proceedings

17. Information as to whether the family of the deceased has initiated any legal proceedings is not available at this stage. In a civil proceeding, the claimant may initiate his proceeding at any time he prefers, subject to the limitation period applicable. If the family of the deceased has initiated legal proceedings, in principle they may proceed with the case as it is. The holding of a new inquest, a Commission of Inquiry or an inquiry by the Legislative Council is unlikely to affect the continuation of the case. If the defendant applied for a stay of the proceedings on the ground that there would be a coming inquiry, whether to order a stay of the proceedings is the discretion of the court after considering if it is just and convenient. Usually an order to stay would only be made to prevent undue prejudice or an abuse of process.

18. On the other hand, if the family of the deceased has not yet initiated legal proceedings, and they expect some new facts or findings, then they might consider to adopt a wait and see approach, deferring the commencement of legal proceedings until the completion of the further inquiry, and reviewing their case in the light of the new facts or findings, if any. This would be a tactical decision to be made by the family members of the deceased with the advice of their legal representatives.

Prepared by

LEE Yu Sung
Senior Assistant Legal Adviser
Legislative Council Secretariat
26 March 2003

Encls.

附表 2

[第 2 及 55 條]

有適當利害關係的人

1. 死者的父母、配偶、兄弟姊妹或子女。
2. 死者的註冊醫生。
3. 死者的遺產代理人，而該人須是《遺囑條例》(第 30 章)第 2 條所指的遺產代理人。
4. 死者壽險保單中的受益人。
5. 發出死者的壽險保單的保險人。
6. 如死者的死亡有可能是他在受僱工作期間受到的損傷所導致的，或有可能是死者在受僱工作期間患上的《僱員補償條例》(第 282 章)第 3 條所指的職業病、《肺塵埃沉着病(補償)條例》(第 360 章)第 2(1)條所指的肺塵埃沉着病或任何其他疾病(不論是否形容為職業病)所導致的，則在死者死亡時其所屬的《職工會條例》(第 332 章)第 2 條所指的職工會所委任的人。
7. 獲關注死者死亡的政府部門的首長所授權為本條例目的擔任該部門代表的任何人。
8. 死因裁判官認為其作為或不作為，或其代理人、受僱人或僱員的作為或不作為，是可能導致死者死亡的人。
9. 死因裁判官認為基於死者死亡的情況所涉的某一利害問題，而應視為有適當利害關係的人。

SCHEDULE 2

[ss. 2 & 55]

PROPERLY INTERESTED PERSONS

1. Any person who is a parent, spouse, sibling or child of the deceased.
2. Any person who is the registered medical practitioner of the deceased.
3. Any person who is a personal representative, within the meaning of section 2 of the Wills Ordinance (Cap. 30), of the deceased.
4. Any person who is a beneficiary under a policy of insurance on the life of the deceased.
5. Any person who is an insurer who has issued a policy of insurance on the life of the deceased.
6. Any person who is appointed by a trade union, within the meaning of section 2 of the Trade Unions Ordinance (Cap. 332), to which the deceased at the time of his death belonged if the death may have been caused by an injury received in the course of his employment or by an occupational disease, within the meaning of section 3 of the Employees' Compensation Ordinance (Cap. 282), or pneumoconiosis, within the meaning of section 2(1) of the Pneumoconiosis (Compensation) Ordinance (Cap. 360), or any other disease (whether described as an occupational disease or otherwise) which may have been contracted in the course of his employment.
7. Any representative of any department of the Government which is concerned with the death of the deceased and who is authorized by the head of that department to be such representative for the purposes of this Ordinance.
8. Any person whose act or omission or that of his agent, servant or employee may, in the opinion of a coroner, have caused the death of the deceased.
9. Any other person who, in the opinion of a coroner, should be regarded as a properly interested person by reason of any particular interest in the circumstances surrounding the death of the deceased.

INFORMATION NOTE

Commissions of Inquiry

1. Introduction

- 1.1 A total of 13 Commissions of Inquiry have been appointed by the Chief Executive in Council (or formerly the Governor in Council) since 1966. Except for the Commission of Inquiry into Kowloon Disturbances which was appointed under the Commissioners Powers Ordinance, all of the other 12 Commissions of Inquiry were appointed under the Commissions of Inquiry Ordinance (Chapter 86).¹
- 1.2 Section 2 of the Commissions of Inquiry Ordinance stipulates the circumstances under which a Commission of Inquiry can be appointed:
- "The Chief Executive in Council may appoint one or more Commissioners (hereinafter referred to as a Commission) to inquire into the conduct or management of any public body, the conduct of any public officer or into any matter whatsoever which is, in his opinion, of public importance".*
- 1.3 Table 1 summarizes the circumstances leading to the appointment of various Commissions of Inquiry since 1966.

¹ Apart from the Commissions of Inquiry appointed under the Commissions of Inquiry Ordinance, the former Governor had, in the past, appointed bodies or persons to inquire matters of public importance not under statutory framework. Examples of these non-statutory inquiries were: (i) in August 1988, a Committee of Inquiry was appointed by the then Governor to look into the civil service pay adjustment for that year and related matters; and (ii) on 4 January 1993, Mr Justice Bokhary was appointed by the then Governor to conduct an independent inquiry into the Lan Kwai Fong Disaster.

Table 1 - Commissions of Inquiry Appointed since 1966

Commission of Inquiry	Date of Appointment	Commissioners	Circumstances Leading to the Appointment	Terms of Reference
The Commission of Inquiry into Kowloon Disturbances, 1966	3 May 1966	<ul style="list-style-type: none"> • Michael Joseph Patrick Hogan, C.M.G. (Chairman); • Kenneth Lo Ching-kan; • Lindsay Tasman Ride, C.B.E., E.D., LL.D., J.P.; and • Maurice Wong Ping-kin. 	A labour dispute in Kowloon was escalated into a riot in April 1966. This incident raised considerable concern and the public was anxious to avoid similar disturbances from happening again.	<ul style="list-style-type: none"> • To inquire into and report on: <ul style="list-style-type: none"> (a) the disturbances in Kowloon between 5 and 8 April 1966, inclusive; (b) the events leading up to such disturbances; and (c) the causes thereof.
The Commission of Inquiry into the Collapse of Spectator Stand at Sek Kong	27 November 1968	<ul style="list-style-type: none"> • W. K. Thomson, O.B.E., J.P.; • Lam Chik-ho, M.B.E., J.P.; and • Yuen Tat-cho. 	On 9 November 1968, a stage was set up for the performance of the 48 Gurkha Infantry Brigade Tattoo. At or within a minute to the starting time of the performance, the nine back rows of the South Stand, containing about 1 600 spectators " <i>vanished from sight in one continuous rippling movement from east to west behind the front five rows</i> ".	<ul style="list-style-type: none"> • To inquire into: <ul style="list-style-type: none"> (a) the collapse of a spectator stand at a military tattoo held at Sek Kong on Saturday, 9 November 1968; (b) the causes thereof; and (c) the measures taken to deal with casualties caused thereby.
The Commission of Inquiry into the Fire on the Jumbo Floating Restaurant	6 November 1971	<ul style="list-style-type: none"> • Derek Cons, District Judge (Chairman); • Raymond Y. K. Kan; and • S. C. Johnson. 	A fire took place on board the vessel 'Jumbo' at Aberdeen Harbour on 30 October 1971. Thirty-four people died and 42 were injured in the incident.	<ul style="list-style-type: none"> • To inquire into the fire which took place on board vessel 'Jumbo' in Aberdeen Harbour on Saturday, 30 October 1971 and to make such recommendations arising therefrom as the Commission may deem appropriate.
The Commission of Inquiry into the Rainstorm Disasters, 1972	22 June 1972	<ul style="list-style-type: none"> • Yang Ti-liang, District Judge (Chairman); • Professor S. Mackey, O.B.E., J.P.; and • Eric Cumine, J.P.. 	On 18 June 1972, a landslide occurred on the embankment behind the "Sau Mau Ping Class II Licensed Area". Seventy-one people were killed and 60 were injured in the incident.	<ul style="list-style-type: none"> • To inquire into the circumstances in which disasters causing loss of life occurred during the rainstorms between 16 and 18 June 1972, with particular regard to those at Sau Mau Ping and Po Shan Road. • To make recommendations as to how such disasters may be avoided in the circumstances of Hong Kong and its climate.

Table 1 - Commissions of Inquiry Appointed since 1966 (cont'd)

Commission of Inquiry	Date of Appointment	Commissioners	Circumstances Leading to the Appointment	Terms of Reference
The Commission of Inquiry into the Case of Peter Fitzroy Godber	13 June 1973	<ul style="list-style-type: none"> • Justice Alastair Blair-Kerr, Senior Puisne Judge. 	Peter Godber, a Chief Superintendent, was prosecuted in 1973 for having wealth disproportionate to his official earnings. He was given a week to explain his unearned wealth. He slipped out of Hong Kong undetected to join his wife. There were rumours among the public that Godber might be helped by the police. Rallies were organized by students demanding government action.	<ul style="list-style-type: none"> • To report on the circumstances in which a person, whose prosecution under the Prevention of Bribery Ordinance was at an advanced stage of consideration, was able to leave Hong Kong.
The Commission of Inquiry into the Ap Lei Chau Oil Spill	13 November 1973	<ul style="list-style-type: none"> • Justice W. E. Collier; • Professor S. Mackey, O.B.E., J.P.; and • Peter P. K. Ng, J.P.. 	On the evening of 8 November 1973, when oil was being pumped from a tanker via pipelines at Ap Lei Chau into a tank, a loud bang was heard and oil was leaking from the bottom of the tank. As a result, a large amount of oil escaped into the sea.	<ul style="list-style-type: none"> • To inquire into the circumstances in which a storage tank at the Shell Oil Installation at Ap Lei Chau fractured, during the nights of 8 and 9 November 1973; • To ascertain how oil escaped from that tank into the sea, in spite of the various safety devices provided; and • To make recommendations to the Governor for the prevention of similar accidents in the future.

Table 1 - Commissions of Inquiry Appointed since 1966 (cont'd)

Commission of Inquiry	Date of Appointment	Commissioners	Circumstances Leading to the Appointment	Terms of Reference
The Commission of Inquiry into the Hong Kong Telephone Company Limited	21 February 1975	<ul style="list-style-type: none"> • Sir Alastair Blair-Kerr, K.B. (Chairman); • G. M. Macwhinnie, J.P.; • J. L. Soong; • Lydia Dunn; • C. P. Hung; and • Dr. L. K. Ding. 	<p>The Hong Kong Telephone Company Limited announced to the public that it had applied to Government for increases in telephone rental and other charges on 27 August 1974. This announcement aroused considerable adverse comments from the press, as the Company had been able to make reasonable profits and pay dividends to their shareholders till 1974. The Advisory Committee on Telephone Services in its report to Government regarding this application for charge adjustment commented that <i>"there can be little doubt that the situation arose through mismanagement by the Company"</i>. The then Financial Secretary informed the Legislative Council on 22 January 1975 that <i>"there is a need to examine further the organization and structure of the Company and its future policies for the expansion of its services together with implication for its finances, ... this examination shall be undertaken by a Commission of Inquiry."</i></p>	<ul style="list-style-type: none"> • To examine the affairs of the Hong Kong Telephone Company, including: <ul style="list-style-type: none"> (a) its management and organization, its debt liabilities and its profitability; (b) the causes of its present cash flow problem; (c) its plans for expansion and the implications for its finances; and (d) the adequacy, efficiency and quality of its services which it provides and is planning to provide. • In the light of the foregoing to recommend: <ul style="list-style-type: none"> (a) what steps should be taken to render the Hong Kong Telephone Company financially viable having regard to:- <ul style="list-style-type: none"> (i) its financial position and prospects; (ii) the need to maintain an adequate and efficient service of proper quality; (iii) what is equitable to telephone users; and (iv) the role of the telephone service in Hong Kong. (b) what measures should be taken to ensure: <ul style="list-style-type: none"> (i) that public control over the operations of the Company is adequate, having regard to its character as a private company; and (ii) that a proper balance is struck between the availability of funds for the future maintenance and development of the Company's service and a reasonable return to shareholders on their investments.

Table 1 - Commissions of Inquiry Appointed since 1966 (cont'd)

Commission of Inquiry	Date of Appointment	Commissioners	Circumstances Leading to the Appointment	Terms of Reference
The Commission of Inquiry into the Leung Wing-sang Case	6 February 1976	<ul style="list-style-type: none"> • Justice T. L. Yang, Judge of the Supreme Court. 	Leung Wing-sang claimed that Lau Cheong-wah, who was a Station Sergeant at the time, induced him to confess to wounding by paying him \$10,000. Leung did not mention this alleged payment in his own trial but it was subsequently disclosed in a separate trial of two other Superintendents of Police for corruption. This alleged payment aroused considerable public interest and led to the appointment of a Commission of Inquiry.	<ul style="list-style-type: none"> • To inquire into: <ul style="list-style-type: none"> (a) the circumstances leading up to and surrounding the arrest and charging of Leung Wing-sang; and (b) whether or not these circumstances might have prejudiced Leung's trial.
The Commission of Inquiry into the Accident at Sek Kong Air Strip on 1 July 1977	16 September 1977	<ul style="list-style-type: none"> • Justice A. Zimmern, Judge of the High Court. 	On the night of 1 July 1977 during a live television broadcast by Television Broadcasts Limited at Sek Kong of a sporting motor cycle exhibition and competition, two of three bamboo structures which had been erected to hold cameras collapsed. As a result, two persons died and 65 people were injured in the incident.	<ul style="list-style-type: none"> • To inquire into and report on the events preceding a live television broadcast by Television Broadcasts Limited on 1 July 1977 from military land at Sek Kong; • To inquire into and report on the events during the evening of 1 July both prior to the broadcast and while it was taking place; • Having regard to its report thereon, to apportion responsibility for the events during the evening of 1 July; and • To advise on any other matter which the Commission thinks proper.

Table 1 - Commissions of Inquiry Appointed since 1966 (cont'd)

Commission of Inquiry	Date of Appointment	Commissioners	Circumstances Leading to the Appointment	Terms of Reference
The Commission of Inquiry into Inspector MacLennan's Case	8 July 1980	<ul style="list-style-type: none"> • Justice T. L. Yang, Judge of the High Court. 	The news of the death of MacLennan, a Police Inspector, aroused a heated public debate. It was alleged that MacLennan, who was to be arrested for eight counts of gross indecency on the day of his death, was " <i>the victim of a high powered police frame-up</i> ", as he had participated in an investigation of homosexual officials including high ranking policemen. The Coroner's Inquest took place between 29 February and 13 March 1980 but the press found the Inquest wanting. The press in the following six months called for a full judicial inquiry.	<ul style="list-style-type: none"> • To inquire:- <ol style="list-style-type: none"> (a) Whether, in the light of all the evidence available and any additional enquiries you [the Commissioner] make, there are good grounds for believing the death of Inspector MacLennan was other than suicide and what conclusions [the Commissioner] draw[s]; (b) What official investigations immediately after the death of Inspector MacLennan were conducted, whether there were any shortcomings in them, and if so, what conclusions [the Commissioner] draw[s] as to the reasons for these shortcomings; (c) Whether the charges which were about to be preferred against him on the day of his death were properly brought, and whether on evidence properly obtained; (d) What investigations or enquiries (other than those resulting in the charges at (c)) were conducted regarding Inspector MacLennan, whether they were conducted with propriety, and what bearing, if any, they had on Inspector MacLennan's death; and (e) Whether the investigations and enquiries under (b), (c) and (d) were properly motivated.

Table 1 - Commissions of Inquiry Appointed since 1966 (cont'd)

Commission of Inquiry	Date of Appointment	Commissioners	Circumstances Leading to the Appointment	Terms of Reference
The Commission of Inquiry into Witness Protection	12 January 1993	<ul style="list-style-type: none"> Justice Kempster V-P. 	<p>On 30 May 1991, Nguyen Manh-cuong was killed at the Whitehead Detention Centre for Vietnamese. In consequence of a witness statement given by Bui Van-xuan, Nguyen Van-bau ("Bau") was charged with murder. Since Bui expressed concern for his own and his family's safety if he gave evidence implicating the accused, he declined to give evidence.</p> <p>On 26 October 1992, the prosecution decided to offer no evidence, resulting in the formal acquittal of the accused. This decision was queried, as Bau could not be charged with the murder of Nguyen Manh-cuong again. The public would like to know why the prosecution did not enter a nolle prosequi such that the accused remained liable to be re-indicted, and whether or not the existing witness protection arrangements were adequate for the protection of witnesses.</p>	<ul style="list-style-type: none"> To examine the circumstances leading to the decision to offer no evidence in the case of Nguyen Van-bau; To inquire why, instead of deciding to offer no evidence, the prosecution did not enter a nolle prosequi or did not make further attempts to adjourn the case; To inquire into the adequacy or otherwise of the witness protection arrangements made or offered to the witness Bui Van-xuan and, if appropriate, to describe other arrangements that might be made to him; and To inquire into the adequacy or otherwise of existing arrangements for the protection of prosecution witnesses and, if appropriate, to make recommendations as to how such arrangements should be improved.
The Commission of Inquiry into the Garley Building Fire	17 December 1996	<ul style="list-style-type: none"> Justice Woo Kwok-hing. 	The Garley Building fire of 20 November 1996 led to the death of 40 people and 81 injuries. Government announced the establishment of a Commission of Inquiry to look into all aspects of the Garley Building fire, including the response of all of the emergency services.	<ul style="list-style-type: none"> To inquire into the causes of the fire and the circumstances leading to the Garley Building tragedy on 20 November 1996; To consider the response of the emergency services to the fire, and to advise on the adequacy and the co-ordination of that response; and To make recommendations as to the actions needed to prevent such a tragedy from happening again.

Table 1 - Commissions of Inquiry Appointed since 1966 (cont'd)

Commission of Inquiry	Date of Appointment	Commissioners	Circumstances Leading to the Appointment	Terms of Reference
The Commission of Inquiry into Airport Opening	21 July 1998	<ul style="list-style-type: none"> • Justice Woo Kwok-hing (Chairman); and • Dr Edgar Cheng Wai-kin. 	As a result of the serious problems of flight information display, baggage handling, ramp handling and other passenger terminal amenities associated with the opening of the new Hong Kong International Airport, Government announced to appoint an independent inquiry into the causes of such problems.	<ul style="list-style-type: none"> • To examine the planning and preparation for the opening of the new airport, including the adequacy of communication and co-ordination between all interested parties; • To examine the decision to open the new airport on 6 July 1998 and the extent to which it was ready to begin operation on that date; • To examine the operation of the new airport since it opened on 6 July 1998 (including but not limited to flight information display system, franchised air cargo services, ramp handling and baggage handling and airside security) and to identify the roles of the various parties involved; and • To identify problems encountered in the operation of the new airport and to establish their causes and where the responsibility for each of them lies.

Prepared by Elyssa WONG and Karina WU
20 March 2003
Tel: 2869 9304

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**List of Select Committees and Panels which carried out inquiry
functions, and motions seeking to invoke power of summoning
(as at 18 March 2003)**

No.	Meeting Date	Summary of Events	Member Involved	Remarks
1.	1.5.1985	<p><i>Motion :</i> "That a select committee be appointed to consider and report on the appropriate measures to be taken to resolve the problems involved in the prosecution and trial of complex commercial crimes, including changes in the procedures before and during trial and the mode of trial."</p>	Sir Roger Lobo	Motion passed
	7.8.1985	<p><i>Statement</i> Report of the Select Committee on the problems involved in the prosecution and trial of complex commercial crime - August 1985.</p>	Hon Peter C WONG	Select Committee automatically dissolved at end of session. No definitive conclusion made.
	20.11.1985	<p><i>Motion :</i> "That a select committee be appointed to examine the Report by the Select Committee tabled in the Legislative Council on 7 August 1985 and to consider further and report on the appropriate measures to be taken to resolve the problems involved in the prosecution and trial of complex commercial crimes, including changes in the procedures before and during trial and the mode of trial."</p>	Hon Lydia DUNN	Motion passed
	30.7.1986	<p><i>Statement</i> Report of the Select Committee appointed by this Council on 20 November 1985 to 'consider further and report on the appropriate measures to be taken to resolve the problems involved in the prosecution and trial of complex commercial crimes, including changes in the procedures before and during trial and mode of trial'.</p>	Hon Peter C WONG	Select Committee Chairman: Hon Peter C WONG

