
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.

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