

For Information
12 October 2012

Legislative Council House Committee

Collision of vessels near Lamma Island on 1 October 2012

Purpose

This paper briefs Members on the course of the incident involving collision of vessels near Lamma Island on 1 October 2012, related rescue work, progress of investigation and support services provided to victims and their families.

Background

2. The collision of vessels near Lamma Island at night on 1 October 2012 has resulted in a death toll of 39 passengers and injuries of many other passengers. On the day following the tragedy at night, the Chief Executive (CE), together with the relevant Secretary of Department, Directors of Bureaux and representatives of departments, conducted a press conference to report on the casualties of the incident and the various actions taken by departments, including search and rescue, medical treatment for the injured and support services provided to the affected families. The remarks made by CE at the press conference are set out at **Annex A**.

3. The CE indicated at the press conference that in view of the seriousness of the collision incident, he was prepared to set up a statutory commission of inquiry under the Commissions of Inquiry Ordinance (Chapter 86), which would conduct an inquiry into the causes of the incident, ways to prevent recurrence of similar tragedies in future and related matters. On 9 October, the Executive Council agreed in principle to set up the commission of inquiry, and the Administration is actively identifying the most suitable candidate(s) as commissioner(s). We also issued a Legislative Council brief on 9 October, providing information on the latest position regarding the proposed establishment of the commission of inquiry. The LegCo brief is attached at **Annex B**.

The Incident and the Rescue

4. On 1 October 2012, when Sea Smooth, a ferry operated by the Hong

Kong and Kowloon Ferry Limited¹, was sailing from Central to Yung Shue Wan, Lamma Island with four crew members and 95 passengers on board, it collided with Lamma IV, a vessel owned by the Hongkong Electric Company Limited (HEC), off Shek Kok Tsui, northwest of Lamma Island, at about 2020 hours. At the time of the incident, Lamma IV was leaving Lamma Island for Central with 127 persons on board, including three crew members. After the collision, Sea Smooth did not sink, whereas Lamma IV sank rapidly, with its hull lying almost vertically in the water and only its bow above the water. Most of the passengers on board Lamma IV fell into the water, while some passengers were trapped in the cabin.

5. An emergency call was received at around 2022 hours. The first police launch arrived at the scene at around 2034 hours, while the first fire-boat arrived at around 2041 hours. The rescuers on board carried out rescue operation and underwater search immediately.

6. The Maritime Emergency and Maritime Rescue Co-ordination Centre of the Marine Department immediately co-ordinated a number of Government departments to conduct search and rescue, while the Marine Police assumed on-spot command of the operation. The Police, Fire Services Department, Marine Department, Auxiliary Medical Services, Government Flying Service and St. John Ambulance Brigade turned out for the search and rescue operation, mobilising over 1 100 officers, 95 vehicles, 24 vessels and five helicopters. Rescue officers remarked that they had difficulties in conducting search and rescue due to strong water currents, rough sea, low visibility under the water, great casualties and obstruction to exits by large quantities of cabin sundries, etc. For the purpose of better rescue and diving operations, the Marine Department deployed a barge to stabilise the hull of Lamma IV. Among the 124 passengers and three crewmen on board Lamma IV, a total of 39 persons lost their lives, 87 persons were injured and one person did not require hospital treatment. The 39 deceased came from 32 families. Among them, 11 were male and 28 were female, aged from 3 to 83. While 30 persons died on spot, the remaining nine passed away after admission to hospitals. Eight of the deceased were children at or under the age of 12, coming from seven families. Information on the sex and age of the deceased is set out in the table below:

¹ The licensed operator which provides ferry services from Central to Yung Shue Wan.

	Male	Female	Boys (12 years old or under)	Girls (12 years old or under)	Total
Passed away after admission to hospitals	1	5	0	3	9
Passed away on spot	7	18	3	2	30
Total	8	23	3	5	39

During the course of rescue, one fireman and three police constables were hospitalised for treatment of their injuries. Among them, a police officer was hit by falling objects inside the cabin of the vessel, resulting in fractured ribs and knees.

Medical Treatment

7. After the tragedy, a total of 101 injured passengers were respectively taken to five public hospitals, namely, the Queen Mary Hospital, Ruttonjee Hospital, Pamela Youde Nethersole Eastern Hospital, Kwong Wah Hospital and Queen Elizabeth Hospital. As at 9 October, with the exception of the nine persons who died unfortunately after admission to the hospitals, most of the injured (90 persons) have been discharged. The remaining two who are still hospitalised are in a stable or satisfactory condition.

Progress of Marine Department's Investigation of the Incident

8. The Marine Department has set up a task force headed by an assistant director to conduct an in-depth investigation into the incident and to identify and analyse the causes of the accident. The scope of investigation covers a wide range of matters, including whether there was non-compliance with regulations on the part of crew members as far as steering and navigation were concerned, the course of collision, the structure of the vessels, the location and degree of damages to the vessels, the causes for one of the vessels to sink so rapidly following ingress of sea water into its cabin and the adequacy of safety facilities on board.

Progress of Police Investigation

9. The Marine Regional Crime Unit of the Police is conducting a follow-up investigation into the incident and has arrested a total of seven persons, namely the captains and crew members of the two vessels involved, for

suspectedly endangering the safety of others at sea.

10. The Police are conducting a criminal investigation into the incident and is adopting a two-prong approach: firstly, making further forensic examination and collection of evidence on board the two vessels; secondly, conducting interviews with those at the scene for the purpose of taking statements.

11. The Police are appealing for information from eye witnesses, including passengers of Sea Smooth and those who were on board the vessels in the vicinity at the time. During the last weekend and this Monday and Tuesday (8 and 9 October), the Police have set up a witness appeal counter at Yung Shue Wan Ferry Pier, Lamma Island. As at 8 October, over 30 persons had taken the initiative to contact the Police, including over 20 passengers of Sea Smooth who had provided further information through the counter at Yung Shue Wan Ferry Pier and the Police hotline. Members of the public may also continue to contact the Police through its hotline 9188 2710 to provide information concerning the incident. The Police will conduct interviews with all eye witnesses for further information. The investigation conducted by the Police will continue.

Support to Victims and Their Families

12. On the night of the incident, the Home Affairs Department (HAD) immediately activated its emergency response mechanism, mobilising over 100 staff members to provide the victims and their families with a range of assistance and services, including -

- Setting up inter-departmental help desks at the five hospitals to provide real-time information and assistance to the victims' families and co-ordinate the support measures of other Government departments. All these hospital help desks operated during the period from the night of 1 October to 9:00 pm of 4 October.
- Setting up a help desk at the Kwai Chung Public Mortuary from 2 to 4 October to assist families of the deceased in the identification of dead bodies and the provision of immediate information and support services. Enquiries about the needs of the affected families were also made with a view to facilitating follow-up actions of relevant departments. On 2 October, the Tai Wo Hau Community Centre was made a designated rest area for the affected families to wait for identification of dead bodies. Coach services running between the mortuary and the community centre were also provided.
- District Offices have despatched designated officers to each affected

family to follow up on their needs and co-ordinate with departments concerned in order to free them from such toil. Examples of the assistance required by the affected families include emergency financial assistance, burial and cremation services and funeral arrangements, psychological counselling, admission of their relatives into Hong Kong, school support, public housing tenancy, free legal advice service, etc.

- An emergency relief fund of \$8,000 has been offered through the General Chinese Charities Fund to each of the 21 families in need.
- Designated officers from District Offices have been in contact with the families of the deceased on burial and funeral arrangements and have also provided assistance in response to their wishes.

13. From 4 to 6 October, HAD set up condolence points in each of the 18 districts for public mourning. A total of 36 871 persons paid tribute to the deceased at the condolence points.

14. Immediately following the incident, the Social Welfare Department (SWD) deployed more than 100 medical social workers (to provide support at the help desks set up at the four hospitals and public mortuaries), as well as clinical psychologists and social workers of the Integrated Family Service Centres to help the victims and their families (mainly through outreach service, such as going to public mortuaries and paying home visits).

15. SWD has contacted 135 victims or victims' family members from 73 families, rendering immediate support and following up their welfare needs, including -

- Among the 32 families with deceased members, seven have a death toll of two. No children have become orphans as a result of the incident. However, there were four children who had lost one of their parents.
- Among the 73 families, 52 (including the 32 families with deceased members) are still receiving follow-up services from SWD's social workers or clinical psychologists.
- In addition, SWD has contacted 93 persons admitted to the hospitals (or their family members), aged from 1 to 76.

16. The support and services provided by SWD for victims and their families include -

- Officers were sent to the help desks at the four hospitals to arrange follow-ups by social workers or clinical psychologists for those families in need, and to provide information on welfare services.
- Rendering immediate emotional support and follow-up psychological counselling, including the emotional support services provided to family members who went to the Kwai Chung Public Mortuary on 2 and 3 October to identify and claim dead bodies.
- Referring families with deceased member(s) to the Immigration Department (ImmD) for priority processing of their death certificate applications, and recommending exemption of reissuance fee to be charged by the ImmD to those who have lost their identity cards.
- Referring families with deceased member(s) to HAD and the Food and Environmental Hygiene Department for their support regarding burial services.
- Assisting the families with deceased member(s) in applying for, receiving and making referrals to the emergency relief funds provided by various sectors in the community, which include -
 - HEC has engaged the Christian Family Service Centre to set up a donation account for public donations.
 - HEC has provided the deceased's families one after another an emergency financial assistance of \$200,000 for each deceased person.
 - Li Ka Shing Foundation has provided the deceased's families one after another an emergency financial assistance of \$750,000 for each deceased person.
 - the Hong Kong Jockey Club Charities Trust offers financial assistance through its Emergency Relief Fund to 32 families with deceased member(s) (\$100,000 for each family). As at 9 October, the Fund has offered financial assistance to 25 families.
 - Sun Hung Kai Properties offers emergency relief funds through its Building Homes with Heart Caring Initiative to families with pressing financial needs. As at 9 October, one family has been granted an emergency relief fund of \$50,000.
 - Po Leung Kuk has donated \$1 million and designated a bank account to collect public donations (the collection period will end on 5 January 2013). The SWD will assist in distributing the financial assistance to the families of the victims.
 - Tung Wah Group of Hospitals Emergency Relief Fund has

indicated that emergency financial assistance will be offered to families in need.

17. For the distressed HEC staff or those whose colleagues or relatives were involved in the disaster, SWD has arranged clinical psychologists to conduct debriefings or provide one-on-one emotional support and psychological counselling.

18. As for the general public, a total of 58 help calls were made to the SWD hotline (2343 2255), including eight calls from the victims' families and 50 calls from general members of the public who were emotionally disturbed by the incident. Among them, four have been referred for follow-up. In addition, SWD will arrange clinical psychologists and social workers to conduct debriefings for the residents of South Horizons and Lamma Island.

19. Apart from the aforesaid support services provided by SWD, the Steering Committee on the Community Care Fund is exploring how its financial resources can be used to help the families with deceased member(s) having financial difficulties.

Chief Secretary for Administration's Office
10 October 2012

(English Translation)

**Opening remarks by the Chief Executive
at the Press Conference held on 2 Oct 2012
on the Vessel Collision Incident off Lamma Island**

Chief Executive: Ladies and Gentlemen, last night in the vessel collision incident off Lamma Island, 37 people perished with many being injured. On behalf of my team, I would like to express our deepest mourning for the deceased and extend our heartiest condolences and sympathy to the victims and their families. We hope the injured will recover soon. We will render them all the support they need.

Here I would like to bring you up to date about the casualties. As at 4:00 pm today, 29 people were confirmed dead on the scene and 8 people were pronounced dead on arrival at hospital.

Regarding the number of injured people, 101 people were taken to five different hospitals. Four people are in serious or critical conditions.

The Police have set up a hotline 1878 999. If members of the public suspect that their family members have gone missing in the incident, please call the hotline.

I will be inviting Dr Ko to bring you up to date about the injured.

As to rescue work, the Fire Services Department, on receiving reports on the incident, deployed a number of fire boats to carry out rescue. Over 350 fire officers and ambulance men were deployed during the peak. The Police Force, the Government Flying Service, St. John Ambulance Brigade and the Auxiliary Medical Service were also involved.

The rescue work has been going on throughout the night. The Fire Services Department, the Police Force and various departments will be putting in their utmost efforts to rescue those who have gone missing and those who may be trapped inside the cabin.

A number of Mainland rescue ships arrived at the nearby waters in the small hours this morning to stand by for action. With our rescue work entering another phase, they have now left Hong Kong.

Earlier the Marine Department arranged a works vessel to stabilise the sunken vessel and to facilitate the rescue work. The latest situation is that two large-scale salvage vessels arranged by the Hongkong Electric Company Limited have arrived at the scene. Once the sunken vessel is taken out of the water, we will complete the rescue work as soon as possible.

I will be inviting the Secretary for Security to brief you on the latest situation of our rescue work. The Marine Department will supplement if necessary.

In order to provide prompt support to the injured and the victims' families, I have asked the Social Welfare Department, the Home Affairs Department and the Hospital Authority to get start with all the necessary work. They will arrange a dedicated case officer for each affected family and individual. The case officers will contact the families and the injured and coordinate efforts with various departments on follow-up actions.

I will be inviting the Director of Social Welfare to bring us up to date on this.

With regard to investigation, the Marine Department is probing into the course and causes of the incident. The Police are conducting investigation into possible criminal liabilities. I am sure the Coroner's Court will be conducting proceedings in this regard.

Given the serious nature of the incident and public interest, subject to deliberation at the Executive Council and with the power conferred on the Chief Executive in Council under the Commissions of Inquiry Ordinance (Cap 86), I will set up a commission of inquiry to look into the causes of the incident and to identify actions to be undertaken to prevent similar occurrences in future.

The commission of inquiry will be represented by people with high credibility and independent of the Government. After deliberation at the Executive Council, we will announce the composition and terms of reference of the commission shortly.

In order to let members of the public express their condolences and sympathy for the victims and their families, the Government will be putting condolence books in 18 districts of Hong Kong.

I will be inviting the Director of Home Affairs to bring us up to date on the arrangements.

I have also decided to designate October 4 as a day of mourning. For three days, HKSAR flags at all Government buildings will be flown at half-mast as a mark of mourning. Principal Officials will be cancelling their non-essential official activities during the period. We will be observing three minutes of silence on Thursday noon at the East Wing Forecourt of Central Government Offices. All public services, except for emergency and immigration services, will be suspended during the three-minute silence, and all staff on duty will observe the three-minute silence at their work places.

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LEGISLATIVE COUNCIL BRIEF

APPOINTMENT OF A COMMISSION OF INQUIRY INTO THE COLLISION OF VESSELS NEAR LAMMA ISLAND

INTRODUCTION

At the meeting of the Executive Council on 9 October 2012, the Council ADVISED and the Chief Executive ORDERED that –

- (a) a Commission of Inquiry (“the Commission”) under the Commissions of Inquiry Ordinance (Cap. 86) should in principle be set up to –
 - (i) inquire into the facts and circumstances leading to and surrounding the collision of the two vessels that took place near Lamma Island, Hong Kong on 1 October 2012;
 - (ii) ascertain the causes of the incident and make appropriate findings thereof;
 - (iii) consider and evaluate the general conditions of maritime safety concerning passenger vessels in Hong Kong and the adequacy or otherwise of the present system of control; and
 - (iv) make recommendations on measures, if any, required for the prevention of the recurrence of similar incidents in future.
 - (b) the Commission be set up with the Terms of Reference and other key terms at **Annex**.
2. The Government is in the course of securing the most appropriate person(s) to be appointed as Commissioner(s) (and if two or more

Commissioners are to be appointed, one will be appointed the Chairman). The Executive Council's approval will be sought for the formal appointment of the Commission once the suitable person(s) have been identified. The formal appointment shall be published in the Gazette.

THE INCIDENT

3. At about 2020 hours on 1 October 2012 off Shek Kok Tsui, northwest of Lamma Island, a Hong Kong & Kowloon Ferry Ltd¹ ferry "Sea Smooth" (海泰) carrying 4 crew and 95 passengers enrouting from Central to Yung Shue Wan, Lamma Island collided with a Hong Kong Electric Company Limited launch "Lamma IV". The latter vessel carrying 127 persons including 3 crew members was leaving Lamma Island for Central. After the collision, the ferry "Sea Smooth" (海泰) remained afloat while the launch "Lamma IV" sank quickly and rested almost vertically with its bow protruding above the water. The majority of persons on board "Lamma IV" fell into the sea and some were trapped inside the vessel.

4. The emergency call was received at around 2022 hours. The first Police launch arrived at the scene at around 2034 hours and the first fireboat arrived at around 2041 hours. They commenced rescue operation and conducted underwater search immediately.

5. The Marine Emergency and Maritime Rescue Co-ordination Centre (MRCC) of Marine Department co-ordinated a search and rescue operation forthwith with Marine Police as the On-scene Commander. The Police, Fire Services Department, Marine Department, Auxiliary Medical Services, Government Flying Service and St. John Ambulance were deployed for the search and rescue. A total of more than 1 100 staff, 95 vehicles, 24 vessels and five helicopters from various departments/forces were involved in the operation. Rescue staff reported that they encountered difficulties such as strong tidal current, wavy waters, poor underwater visibility, large number of victims and large quantities of miscellaneous articles inside the ship wreckage which blocked the passageway. To aid the search and rescue and facilitate the diving operation, Marine Department deployed a barge to stabilize the vessel. Among the 124 passengers and three crew members on board of "Lamma IV", there were 39 deceased and 87 injured. One passenger did not require any medical treatment.

¹ Licensed operator providing ferry service between Central and Yung Shue Wan.

CONSIDERATIONS

6. The incident has resulted in heavy casualties among the passengers and crew members. The entire community is shocked. Families of the deceased and the injured as well as the general public expect an early investigation by independent authorities to find out the causes of the incident and make recommendations for necessary actions to prevent the recurrence of similar tragedies. Hong Kong's maritime safety has also been called into question.

7. While various government departments will undertake a series of investigations in accordance with the relevant statutory procedures and administrative guidelines, given the scale of the tragedy and the serious concerns expressed by the public at large and politicians, there is a need for an independent, objective and apolitical inquiry.

8. Having considered the above and the experience concerning Commissions of Inquiry set up previously in respect of matters of great public importance including the Garley Building fire killing 40 people in 1996, the Chief Executive announced in the press conference on 2 October that he intended to set up a Commission of Inquiry under the Commissions of Inquiry Ordinance (Cap. 86) to investigate into the matter.

9. With sufficient and appropriate safeguards in place to avoid any prejudice to other proceedings or inquiries that are anticipated, such as possible criminal prosecution that may be brought against anyone who is criminally liable; any coronial inquest into the deaths; and any civil actions by the personal representatives of the deceased and those injured, a statutory inquiry by the Commission can be tasked to fulfill a broader evaluation and assessment of the incident. A Commission has a wider power to inquire into any matter as specified in its terms of reference from a broader perspective. It can specifically inquire into the causes of and the circumstances leading to and surrounding the incident and make any necessary recommendations in order to address the wider public concern as identified.

10. While a commission of inquiry may be set up on an administrative basis as in the case of the Lan Kwai Fong tragedy in 1993, we consider a statutory commission under the Commissions of Inquiry Ordinance (Cap. 86) more appropriate for the present case because –

- (a) A Commission may compel persons to give evidence and disclose documents and witnesses can be examined on oath. Any evidence given by any persons before the Commission shall not in general be admissible against him in any civil or criminal proceedings by or against him. Further, the Commission and witnesses are given statutory protection in relation to the proceedings. A non-statutory committee does not have similar power to summon witnesses, order the production of documents or take evidence on oath and any cross-examination and disclosure may only be done by consent of the interested parties.
- (b) When there is substantial dispute on facts relating to the causes of and circumstances leading to the collision, the power of the Commission to examine witnesses on oath and to cross-examine them will be essential to establishing the causes of the incident. We expect that the evidence would normally (subject to any consideration of confidentiality or prejudice to possible criminal proceedings) be taken in public in the presence of other interested parties who would then have the opportunity to cross-examine witnesses and to make submissions on evidence.

11. It is true that a statutory Commission has its disadvantages. Its procedures tend to be more elaborate and would normally require more resources and take a longer time to complete than a non-statutory committee. Further, the persons to appear before a Commission may find it necessary to have legal representation (though they are not required to do so). Nevertheless, in the circumstances of this case and for the reasons outlined above, we consider that the merits of a statutory Commission outweigh its disadvantages for a public matter of this nature and scale.

12. The Commission may summon government departmental representatives as witnesses and the inquiry conducted by the Commission may proceed in parallel to the non-judicial investigations carried out by relevant government departments.

13. Subject to eventual appointment of the Commission, the Commission will start operation as soon as practicable. It is expected that the Commission will report to the Chief Executive within six months from the date of appointment or such time as the Chief Executive in Council may allow. A Commission would normally appoint a Counsel to the Commission

and solicitors to assist in its work. An Administrative Officer Staff Grade B will be appointed to serve as Secretary to the Commission.

IMPLICATIONS OF THE PROPOSALS

14. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It has no economic, productivity, environmental or sustainability implications. The proposal has financial and civil service implications as set out below.

FINANCIAL IMPLICATIONS

15. Since the financial resource requirements will depend on the approach to the inquiry that the Commission will adopt and the number of witnesses and hearings that it will conduct, it is not possible to give a precise estimate of the financial implications of the proposal at this stage. A rough estimate based on previous Commissions of Inquiry is that the total cost would be in the region of \$25 to \$35 million, representing mainly the legal fees for the support of the Commission and legal services provided for public officials. Section 14 of the Commissions of Inquiry Ordinance provides for the cost of such an inquiry to be a charge on the general revenue. We will first arrange for the funding required to be met from existing provision and provide supplementary provision as needed.

CIVIL SERVICE IMPLICATIONS

16. We expect that the Secretariat of the Commission will be staffed by civil servants redeployed to fill the time-limited posts. The head of the Secretariat will be an Administrative Officer Staff Grade B, to be supported by a small team of supporting staff.

PUBLICITY

17. A press release will be issued and a spokesman will be available for answering public enquiries. The Chief Secretary for Administration and relevant officials would brief Members of the Legislative Council on the incident and the handling of the aftermath at a special House Committee meeting on 12 October 2012.

BACKGROUND

18. The Commissions of Inquiry Ordinance empowers the Chief Executive in Council to 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.” (section 2(1) of Cap. 86).

19. When appointing a Commission, the Chief Executive in Council may “nominate a Chairman if 2 or more Commissioners are appointed, and confer on such Chairman a second or casting vote for use where the Commission shall, in any case, be equally divided on any question arising during the proceeding”. The Chief Executive in Council may also appoint a secretary, assistant secretaries and other staff, and a legal advisor to the Commission (section 2(2) of Cap. 86).

20. Every inquiry held under the Ordinance shall be deemed to be a judicial proceeding (section 11 of Cap. 86). The Commission may, among other powers conferred on it under section 4 of Cap. 86, receive and consider any material whether by way of oral evidence, written statements, documents or otherwise, notwithstanding that such material would not be admissible as evidence in civil or criminal proceedings; determine the manner in which such material shall be received; summon any person to attend to give evidence or to produce any article or document; issue warrants of arrest to compel attendance; prohibit the publication to or disclosure of any person attending before the Commission of all or part of the material received by the Commission; enter and inspect any premises, issue warrants for the searching of premises and the seizure therein of any article or document or any class of articles, etc. (section 4 of Cap. 86).

ENQUIRIES

21. For enquiries about this brief, please contact Mr LO Chi-hong, Laurie, Deputy Director of Administration (Special Duties), at 2810 2691.

Administration Wing,
Chief Secretary for Administration's Office
9 October 2012

Terms of Reference and Other Key Terms of Appointment of the Commission of Inquiry into the Collision of Vessels Near Lamma Island

Terms of Reference

Inquire into the facts and circumstances leading to and surrounding the collision of the two vessels that took place near Lamma Island, Hong Kong on 1 October 2012:

- (a) ascertain the causes of the incident and make appropriate findings thereof;
- (b) consider and evaluate the general conditions of maritime safety concerning passenger vessels in Hong Kong and the adequacy or otherwise of the present system of control; and
- (c) make recommendations on measures, if any, required for the prevention of the recurrence of similar incidents in future.

Submission of Report

The Commission shall report to the Chief Executive within six months from the date of appointment or such time as the Chief Executive in Council may allow. The Commission may submit such interim reports on any aspects of the inquiry as it may see fit.

Directions to the Commission

- (a) the Commission may appoint experts to provide reports or other form of assistance on any matters covered by the Inquiry;
- (b) the Commission shall have and exercise the powers conferred by section 9 of the Commissions of Inquiry Ordinance to punish all or any of the contempts specified in section 8; and

- (c) the determination of any criminal or civil liability of any person shall be outside the terms of reference of the Commission.

Secretariat Support

Mr LO Chi-hong will be appointed as Secretary to the Commission to provide the necessary administrative support for the inquiry. The Commission will also be provided with other support staff.