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**Transport and  
Housing Bureau**  
**Government Secretariat**  
**Transport Branch**  
East Wing, Central Government Offices,  
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Clerk to Panel  
Panel on Economic Development  
Legislative Council  
Legislative Council Complex  
1 Legislative Council Road, Central  
Hong Kong  
(Attn: Mr Derek LO)  
(Fax: 2869 6794)

16 May 2014

Dear Mr LO,

**Panel on Economic Development**  
**Meeting on 28 April 2014**  
**List of Follow-up Actions**

At its meeting held on 28 April 2014, the Panel on Economic Development passed the following motion:

*“The Transport and Housing Bureau conducted an investigation into staff conduct in the Marine Department in relation to the vessel collision incident near Lamma Island on 1 October 2012, and the relevant investigation report was submitted to the Secretary for Transport and Housing on 31 March 2014. This Panel urges the Administration to submit the investigation report to the Legislative Council for perusal by Members under a confidentiality agreement.”*

Further to our letter of 2 May 2014, we would like to stress that we fully respect the function of the Legislative Council (“LegCo”) under Article 73 of the Basic Law; we also understand LegCo Members’ rationale behind the above-mentioned motion. In the circumstances and having taken into consideration all relevant matters including the legal issues involved, the Government will make arrangements for all LegCo Members to read the Investigation Report. The broad arrangements will be:

- (a) sufficient copies of the Investigation Report will be deposited with the LegCo Secretariat for a reasonable period of time for Members’ perusal. All copies are to be returned to the Transport and Housing Bureau thereafter;
- (b) Members can read the Investigation Report in a secure venue which the Government will work out with the LegCo Secretariat subject to signing a confidentiality undertaking beforehand;
- (c) a draft of the confidentiality undertaking will be sent to the LegCo Secretariat for Members’ consideration, with a view to agreeing on its contents;
- (d) Members and the LegCo Secretariat may not by any means make copies of the Investigation Report or any part thereof;
- (e) certain parts of the Investigation Report will have to be redacted as appropriate in order to comply with the mandatory requirements under the Personal Data (Privacy) Ordinance and such other legal requirements as may be necessary; and
- (f) in the event that LegCo Members wish to discuss the Investigation Report at any meetings of the Council or any committees, any such discussion will have to be conducted in camera and not open to the public.

As Members are aware, the Secretary for Justice met representatives of the members of the bereaved families (“Representatives”) on 15 May 2014. At the meeting, the Secretary for Justice put forward a proposal with a view to facilitating the Representatives to consider the Investigation Report in the context of civil proceedings. The Representatives indicated that they are willing to consider the proposal put forward by the Secretary for Justice. In the circumstances and in the interest of fairness, our intention is that LegCo Members will have access to the Investigation Report (on the basis of the broad arrangements outlined above) at about the same time when the Representatives are given access to the Investigation Report.

We will work out detailed arrangements with the LegCo Secretariat as soon as possible.

Yours sincerely,



( Mrs Magdalen WONG )  
for Secretary for Transport and Housing

c.c. Secretary for Justice (Attn.: Mr Keith YEUNG, SC & Ms Lorraine CHAN)

Fax.: 2877 0171 & 2877 9585

Secretary for the Civil Service (Attn.: Ms Vivian SUM) Fax.: 2868 5069

Director of Marine (Attn.: Mr Michael WONG) Fax.: 2854 9210