

立法會
Legislative Council

LC Paper No. CB(1)344/13-14(04)

Ref. : CB1/PL/EDEV

Panel on Economic Development
Meeting on 25 November 2013

Updated background brief on
Follow-up actions arising from the Report of the Commission of Inquiry
into the Collision of Vessels near Lamma Island
on 1 October 2012

Purpose

This paper provides background information on the follow-up actions arising from the Report of the Commission of Inquiry into the Collision of Vessels near Lamma Island on 1 October 2012 and a summary of the views and concerns expressed by Members on relevant matters at meetings of the Council, the House Committee and the Panel on Economic Development ("the Panel").

Background

The collision incident

2. At about 2020 hours on 1 October 2012 off Shek Kok Tsui, northwest of Lamma Island, a passenger ferry, the Sea Smooth (海泰號), collided with a Hong Kong Electric Company Limited launch, the Lamma IV (南丫4號). After the collision, the Lamma IV sank quickly and the majority of persons on board the Lamma IV fell into the sea and some were trapped inside the vessel. As a result of the collision, 39 passengers on board of the Lamma IV deceased, almost all from drowning.

Commission of Inquiry

3. On 22 October 2012, a Commission of Inquiry ("CoI") was appointed by order of the Chief Executive in Council to inquire into the vessel collision

incident, pursuant to section 2 of the Commissions of Inquiry Ordinance (Cap. 86). The report of the CoI was issued on 30 April 2013. In the report, apart from recommending various measures on marine safety, the CoI identified a number of problems with the Marine Department ("MD") in regulating local passenger vessels and called for a systemic change in MD.

Review and reform of the Marine Department

4. On 30 April 2013, the Secretary for Transport and Housing ("STH") announced that he would chair a Steering Committee on the Systemic Reform of the Marine Department¹, to oversee a comprehensive and fundamental review and reform of the Department. A Task Force, headed by a Deputy Director, would be set up to assist the Director of Marine ("D of Marine") to take forward the reform.

Measures for enhancing marine safety

5. On 27 May 2013, the Panel received a briefing by the Administration regarding the follow-up actions arising from the report of CoI. Actions taken by MD immediately after the collision incident included a comprehensive re-inspection of the provision of lifejackets on all ferries, launches and kaitos as well as the structures of all ferries and launches; strengthening of work on ship inspections, plan approvals and routine patrol of local vessels by MD; and engaging a classification society and a maritime consultancy firm respectively to carry out an independent audit review and a benchmark survey.

6. In addition, MD had drawn up a package of measures to enhance the safety of local passenger vessels. Measures in the first phase included the improvement of vessel look-out, the need to maintain a muster list on the duties of crew members during emergencies; the requirement for the minimum safe number of crew; the signage for life jackets; and the need for installation of watertight door alarm. According to the Administration, MD would conclude the discussion with the trade on the implementation details within the third quarter of 2013 and would amend the relevant code of practice in September 2013.

7. The Administration had also been discussing with the trade on the medium and longer term measures which included the installation of Automatic Identification System ("AIS"), collision avoidance radar and Very High Frequency radio; practical operation assessment for coxswains; and rest arrangements for crew members.

¹ In addition to the Secretary for Transport and Housing, the Steering Committee comprises Ms Alice TAI, the former Ombudsman, and Mr Irving KOO Yee-yin, the Fellow and Member of the Executive Committee of the Hong Kong Management Association.

Internal investigation

8. Regarding the problems with MD officers as pointed out in the CoI report, STH had instructed the Permanent Secretary for Transport and Housing (Transport) to lead an internal investigation to identify responsibilities for any possible maladministration or dereliction of duty within MD. According to the Administration, the findings of the CoI would be taken as the starting point for the internal investigation and MD officers involved in the investigation included serving as well as retired officers in both directorate and non directorate.

Concerns expressed by Members in previous discussions

9. The Administration briefed the House Committee on the collision incident on 12 October 2012. The Council held an adjournment debate on the follow-up work relating to the collision incident at its meeting on 18 October 2012. Members have since raised questions at Council meetings on issues related to the offering of financial assistance to the injured and families of the victims in the collision incident as well as the handling of the internal investigation. The Panel discussed the Administration's follow-up actions arising from the CoI report on 27 May and 22 July 2013, and received deputations' views on measures proposed by the Administration for enhancing marine safety and the safety of passenger vessels on 17 September 2013.

Officials' responsibilities

10. At the Panel meeting on 27 May 2013, STH and D of Marine offered their apologies to the families of the deceased, the injured and the public regarding the collision incident. Some members were of the view that the apologies were belated, insincere and involuntary. Members were gravely concerned about the errors committed by MD as identified in the CoI's report and considered that the collision incident had damaged Hong Kong's status as an international shipping centre. Some members commented that the public had already lost confidence in MD. They pointed out that the families of the victims of the collision incident had issued an open letter criticizing the Government, and MD in particular, for failing to shoulder their responsibilities in the collision incident. Members considered that an in-depth and impartial investigation into the deficiencies of the work of MD officials should be conducted to ascertain their responsibilities in the collision incident. Moreover, the Administration should come forward with an apology immediately should a similar incident happen in future.

Internal investigation

11. Some members considered that the impartiality of THB's internal investigation of MD was questionable as it would still be conducted by Government officials. They opined that an independent investigation should be conducted to find out the responsibilities of individual Government officers involved and recommend measures to prevent the recurrence of similar collision incidents. Some members commented that the Administration should ensure that the internal investigation procedures were transparent so as to ensure that justice was seen to be done. The Administration assured members that if any breaches of Civil Service Regulations were found, disciplinary proceedings would be pursued against the officers involved, irrespective of the ranking of the officers concerned. In the event that criminal offences were identified in the internal investigation, the cases would be referred to the relevant enforcement agencies for action.

12. The Panel passed a motion on 27 May 2013 expressing its great disappointment and regret towards the belated apologies from STH and D of Marine, and urging the Administration to conduct its investigation and system reforms independently and professionally. The motion also urged that public officers who had contravened any regulations should be held fully accountable and that the Administration should make compensation to the families of the victims of the Lamma ferry disaster.

Concerns about implementing vessel safety measures

13. Some members pointed out that despite the Administration's claim that nearly all passenger vessels inspected by MD after the collision incident were found to have complied with the structural plans of the vessels and the statutory safety requirements for lifejackets, many members of the public commented that they were not aware of the life-saving equipment on board and the safety procedures to be followed in case of a sea accident. A member expressed concern about the difficulty in locating and retrieving lifejackets on vessels during emergencies. Members pointed out the importance of the safety of passengers on board and urged the Government to take expeditious actions to implement the safety enhancement improvement measures.

14. Members noted the practical difficulties faced by the trade in implementing certain improvement measures such as coxswains' responsibility in ensuring that children wore lifejackets at all times when they were on board, appropriate ways to inform the passengers on board of the various safety measures, and the requirement for maintaining a passenger list for vessels other than spectator vessels. Members urged the Administration to

take note of these difficulties and work out feasible implementation arrangements with the trade.

15. Some members expressed concern about the supply of trained manpower for the trade in implementing the safety measures, particularly the requirements for the minimum safe number of crew for a ferry or launch and for a look-out on each vessel carrying more than 100 passengers during the hours of darkness and in reduced visibility. The Administration advised that the work of look-out did not require highly demanding training or certification and that the coxswain of a vessel was already performing the job of a look-out at present. There had already been arrangement on high-speed crafts navigating at night that one of the crew was assigned look-out duties. MD undertook to discuss with the trade to clarify their questions regarding the look-out requirement and would facilitate the provision of sufficient trained personnel for the requirement by the various training institutes.

Proposed installation of Automatic Identification System

16. Members noted the doubt raised by the trade about the practical effectiveness of the AIS proposed by the Administration in helping vessels to avoid collision. The Administration advised that vessels equipped with AIS would allow the detection of their navigation status by other vessels (including ocean going vessels) which enabled early collision avoidance actions as necessary. Members noted that AIS was installed on ocean going vessels and was a requirement adopted for local vessels by many ports in the world, such as Sydney and ports in the United Kingdom.

Manpower supply in the trade

17. A member pointed out that even if those improvement measures involving the employment of additional crew and training would be implemented one year after the publication of the amended code of practice, the trade had concern about meeting the deadline in view of the acute shortage of manpower in the marine industry. The member urged the Administration to exercise due care in taking forward the measures, otherwise operators might have to close down their business as a result. The Administration estimated that for implementing the improvement measures the trade would require about 70 additional seamen who had received basic sailor training. The Administration had taken note of the trade's concern about manpower shortage and had been liaising with the trade, training institutions, such as the Vocational Training Council and the Maritime Services Training Institute as well as unions in exploring ways to improve the effectiveness of recruitment for the whole industry.

18. Members urged the Administration to pay heed to the possible difficulties the trade would face in the course of implementing the new measures for enhancing marine safety, such as implications on manpower, increase in operating cost and the training required. They requested the Administration to continue to engage the trade in the discussion of the implementation schedule and work in collaboration with the relevant organizations to provide more training programmes to enhance the provision of manpower, especially technicians, for the trade.

Assistance to victims' families

19. Members urged the Government to provide assistance to the families of the victims of the collision incident including assistance in case victims' families intended to initiate civil proceedings against the Government. A member opined that the findings of the CoI report had revealed a clear case of maladministration by MD officials and that the Government should shoulder the responsibility for making compensation to the victims' families. Regarding MD's study on the feasibility of introducing a Marine Accident Victims Assistance Fund which began in April 2013, members opined that the matter should be taken forward as soon as practicable.

Latest development

20. The Administration will update the Panel at the meeting on 25 November 2013 regarding the latest development on the follow-up actions taken in respect of the CoI report.

References

21. The relevant papers are available at the following links:

Legislative Council Brief on Appointment of a Commission of Inquiry into the collision of vessels near Lamma Island on 1 October 2012 dated 22 October 2012 (File Ref. CSO/ADM/CR 6/581/12)

http://www.legco.gov.hk/yr12-13/english/panels/e/dev/papers/e/dev0527-csoadmcr658112_20121022-e.pdf

The Administration's paper on the Collision of vessels near Lamma Island on 1 October 2012 dated 12 October 2012 (LC Paper No. CB(2)8/12-13(01)

<http://www.legco.gov.hk/yr12-13/english/hc/papers/hc1012cb2-8-1-e.pdf>

The Government's press release dated 14 November 2012 on reply to a Legislative Council question regarding rendering financial assistance to victims and families of the vessel collision incident near Lamma Island

<http://www.info.gov.hk/gia/general/201211/14/P201211140343.htm>

The Government's press releases dated 30 April 2013 for the press conference on the Report of the Commission of Inquiry into the Collision of Vessels near Lamma Island on 1 October 2012

<http://www.info.gov.hk/gia/general/201304/30/P201304300644.htm>

<http://www.info.gov.hk/gia/general/201304/30/P201304300708.htm>

The Government's press release dated 3 May 2013 on appointment of members to the Steering Committee on Systemic Reform of the Marine Department

<http://www.info.gov.hk/gia/general/201305/03/P201305030444.htm>

Administration's paper on follow-up actions arising from the Report of the Commission of Inquiry into the Collision of Vessels near Lamma Island on 1 October 2012 (LC Paper No. CB(1)1073/12-13(03))

<http://www.legco.gov.hk/yr12-13/english/panels/eDEV/papers/eDEV0527cb1-1073-3-e.pdf>

Administration's paper on update on follow-up actions arising from the Report of the Commission of Inquiry into the Collision of Vessels near Lamma Island on 1 October 2012 (LC Paper No. CB(1)1522/12-13(01))

<http://www.legco.gov.hk/yr12-13/english/panels/eDEV/papers/eDEV0722cb1-1522-1-e.pdf>

Report of the Panel on Economic Development for 2012-2013

<http://www.legco.gov.hk/yr12-13/english/panels/eDEV/reports/eDEV0710cb1-1418-e.pdf>

Council Business Division 1
Legislative Council Secretariat
19 November 2013