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**Panel on Security**

**Updated background brief prepared by the Legislative Council Secretariat  
for the meeting on 13 May 2014**

**Follow-up on the incident in the Philippines on 23 August 2010  
involving a tour group from Hong Kong**

**Purpose**

This paper summarises relevant discussions of the Panel on Security ("the Panel") on the Administration's follow-up work on the incident in the Philippines on 23 August 2010 involving a tour group from Hong Kong ("the incident").

**Background**

2. On 23 August 2010, a Hong Kong tour group was taken hostage in Manila, Philippines, which resulted in serious casualties. Of the 21 affected tour group members (including a tour escort from Hong Kong), two returned to Hong Kong on 24 August 2010 under the escort of officers of the Immigration Department ("ImmD"). In the evening of 25 August 2010, another eight tour group members, the bodies of eight deceased members, as well as their accompanying relatives returned to Hong Kong from Manila on the Government's chartered flight, accompanied by a support team. Two injured tour group members and their accompanying relatives were brought back later by air ambulances respectively. A chronology of the actions taken by the Administration in relation to the incident is in **Appendix I**.

**Deliberations of the Panel**

3. The Administration's follow-up work on the incident had been discussed at several meetings of the Panel in 2010 and 2011. The deliberations are summarised in the following paragraphs.

4. Members were disappointed at the way the Philippine authorities had handled the incident. They considered that the Philippine police had failed to take decisive action to rescue the hostages, and the Philippine Government was responsible for allowing the situation to get out of control and end up with deaths and casualties. Members held the view that the Government of the Hong Kong Special Administrative Region ("HKSARG") should solemnly demand the Philippine Government to expeditiously conduct a thorough investigation into the incident, so as to find out the truth. The investigation report should give a full account of the incident and be based on solid evidence. It should also be made available to the injured and family members of the deceased, once available.

#### Investigation undertaken by the Philippine Government into the incident

5. Regarding the investigation undertaken by the Philippine Government, members considered that the Administration should request the Philippine Government to allow representatives of HKSARG to participate in the investigation work and if necessary, HKSARG should exert political pressure through the Central People's Government ("CPG") to make the Philippine Government accede to the request. Some members considered that HKSARG should take the initiative to conduct its own investigation, and the Philippine Government should be requested to provide HKSARG with the necessary support and assistance to facilitate the Police's investigation and a possible hearing of the Coroner's Court.

6. The Administration shared the views of members that the Philippine Government should conduct a thorough investigation into the incident in a fair, open and impartial manner. It advised that the Chief Executive ("CE") had written to the President of the Philippines after the incident to request the provision of a full investigation report substantiated with facts and evidence at the earliest possible time. Upon learning the incident in the morning of 23 August 2010, the Administration had immediately mobilised its resources and emergency measures to provide support to the victims in Manila. HKSARG sent a support team, led by the Under Secretary for Security and comprising government officers, medical experts, social worker and clinical psychologists, to render assistance in Manila. On 24 August 2010, the Under Secretary for Security and the Deputy Secretary for Security joined the Chinese Ambassador to the Philippines for a meeting with the President of the Philippines to discuss the incident. The request that an investigation should be conducted in the most impartial, thorough and professional manner was raised with the President of the Philippines at that meeting.

7. The Administration further advised that it fully understood members' concerns over the investigation. It had conveyed to the Philippine authorities

through the Ministry of Foreign Affairs of the People's Republic of China issues which it considered important and should be addressed in the investigation. The President of the Philippines had undertaken to conduct a full and fair investigation into the incident and provide HKSARG with a copy of the report as soon as possible.

8. Members noted that the Administration had, in accordance with the law, reported to the Coroner regarding the eight bodies that were brought back to Hong Kong on 25 August 2010. On receipt of the report, the Coroner had decided that an investigation into the death by the Police should be carried out, taking into account all relevant considerations in accordance with the law. The Coroner had also made eight respective orders to perform an autopsy on the eight bodies.

#### Outbound Travel Alert for the Philippines

9. Some members considered that the "Black" Outbound Travel Alert ("OTA") issued for the Philippines in the wake of the incident should remain in force before the Philippine Government completed the investigation and found out the truth about the incident, and the threat to the personal safety of Hong Kong travellers was removed.

10. The Administration advised that following the incident, it had raised OTA for the Philippines to "Black", urging Hong Kong residents to avoid all travel to the country. The "Black" OTA would remain in force until the risk of travelling to the Philippines was removed.

#### Assistance to victims in the incident

11. On the measures taken by the Administration to assist the victims in the incident, the Administration assured members that the victims and their families had received prompt and comprehensive assistance after the incident, with designated social workers acting as case managers to provide and coordinate cross-bureaux/departments services including emotional support, counselling, medical treatment and education, etc. These professional social workers would continue to follow up individual cases to address victims' various needs, so as to ensure that they could overcome the difficulties arising from the traumatic incident. The Administration further advised that the Tung Wah Group of Hospitals had also announced the establishment of an education fund for the young tour members to cover their educational expenses to be incurred in future.

Compensation for the victims and review of the mechanism for handling similar incidents in the future

12. Some members considered that the Philippine Government had moral as well as legal responsibilities to offer the injured and family members of the deceased a sincere apology and reasonable compensation. They urged HKSARG to raise the issue with the Philippine Government on behalf of the victims and their families. They also considered that there was room for improvement in the Administration's handling of unexpected events outside Hong Kong. Members asked whether the Administration had reviewed its established mechanism and procedures for handling sudden and unexpected incidents outside Hong Kong which had widespread impact on or posed significant threat to the personal safety of Hong Kong residents travelling abroad.

13. According to the Administration, it had an established emergency response mechanism to help Hong Kong residents caught in distress overseas. With a view to enhancing the mechanism, a total of 30 improvement measures had been implemented following a review of the contingency plan in 2009. The experience in handling the hostage-taking incident in Manila demonstrated the effectiveness of the enhanced emergency response mechanism. The Administration would keep the mechanism under regular review having regard to the prevailing situation to ensure that it remained effective. Close communication between HKSARG and the Office of the Commissioner of Ministry of Foreign Affairs of the People's Republic of China in the Hong Kong Special Administrative Region ("OCMFA") as well as the assistance rendered by the local Chinese Diplomatic and Consular Missions were an integral part of the emergency response mechanism for Hong Kong residents in distress outside Hong Kong. Close liaison had been established among ImmD, OCMFA and the Embassy right from the beginning of the incident. On the issue of demanding the Philippine Government to offer a public and solemn apology as well as compensation to the injured and family members of the deceased, the Administration assured members that it would definitely follow up the question of accountability upon the completion of the investigation in accordance with the wishes of the victims and their family members.

Report of the Incident Investigation and Review Committee ("IIRC")

14. Members noted that the Philippine Government set up an IIRC on 30 August 2010, chaired by the Secretary of Justice, to investigate into the causes and sequence of events leading to the incident, the accountability of those involved and to evaluate the action and response taken by relevant government departments. IIRC started hearings into the incident on 3 September 2010 and submitted its first report to the Philippine President on 17 September 2010. On

20 September 2010, the Philippine Government released part of the report, which mainly covered the causes of and the sequence of events leading to the incident, and comments on those handling the incident. On 11 October 2010, the Philippine President made public the remaining part of the IIRC report, covering the accountability of those involved and the recommendations on punitive actions, as well as the review report of the legal team and the President's final decision on the punitive actions to be taken.

15. The view of the Administration was sought on the observations and findings of IIRC as contained in its report. Concern had also been raised on the possibility that the findings of the Police's investigation might be in great contrast to the findings of IIRC and follow-up actions to be taken by the Administration in respect of the findings of the two sides.

16. According to the Administration, IIRC's report gave a detailed account of the incident and contained severe criticisms of the key responsible Philippine officials. Final conclusions, however, had yet to be drawn as IIRC advised that the causes of the eight deaths and seven injuries needed further investigation. The Administration hoped that the Philippine authorities would step up their efforts to complete the work as soon as possible. It would continue to work with the Philippine authorities on follow-up forensic and ballistic examinations. The Administration was disappointed at the decision of the Philippine Government, after reviewing the report of IIRC, to lessen the punitive actions recommended by IIRC against relevant officers named in the report. The Administration further advised that the Police had submitted a progress report on its investigation to the Coroner's Office in early October 2010, and was seeking to submit the formal report at the earliest possible time. After considering the report, the Coroner would decide whether or not to conduct a death inquest.

#### Coroner's inquest into the death of tour group members

17. Members noted that the Coroner determined on 30 November 2010 that a death inquest into the incident would be held in Hong Kong. In mid-December 2010, the Coroner issued summons to 116 Philippines witnesses, among whom were 105 government officials and 11 civilians. The death inquest commenced on 14 February 2011. On 20 February 2011, the Vice Consul of the Consulate General of the Philippines in Hong Kong informed the Coroner that 72 witnesses decided not to testify in the inquest while the rest of the witnesses had yet to reply. A total of 10 Philippine witnesses had eventually testified in the death inquest through video-link.

18. Concern was expressed about how the court could identify the facts, if only 10 witnesses from the Philippines had testified. Concern was also

expressed about the lack of assistance from the Philippine authorities for arranging the witnesses to come to testify in the death inquest in Hong Kong.

19. According to the Administration, the Philippine authorities had initially agreed to render assistance to facilitate the Coroner's death inquest. However, they did not explain their eventual lack of support in the matter. The Administration was working to ensure the attendance of witnesses from the Philippines at the death inquest and CE had sought assistance again from OCMFA in this regard.

20. Noting that the Administration and the Philippine Government had entered into a bilateral agreement on mutual legal assistance in criminal matters ("MLA"), members were concerned whether the Philippine Government had violated any provisions under the relevant MLA for its lack of support in facilitating the Coroner's death inquest.

21. According to the Administration, although the Philippine Government had entered into MLA with Hong Kong, it was not applicable to death inquests. Nevertheless, the Administration had drawn on the statutory framework and spirit of MLA and had requested the Philippine authorities to seek the Philippine witnesses' cooperation in the death inquest. Specifically, the Administration had undertaken to offer legal protection and arrangements to those Philippine witnesses who had not given evidence via video-link but were willing to testify in the death inquest.

22. Members noted the Coroner's findings released on 23 March 2011 that the eight Hong Kong citizens who died in the incident were killed unlawfully.

#### Further follow-up work of the Administration

23. In its reply to an oral question raised at the Council meeting of 10 July 2013 regarding the follow-up actions taken by CPG and HKSARG since the occurrence of the incident, the Administration advised that it had been providing necessary assistance to the victims and their families, including medical treatment for the injured through the Hospital Authority as well as psychological and living support to the concerned tour group members and their families through the Social Welfare Department. This apart, it had also been closely liaising with CPG and the local Consulate General of the Philippines to urge the Philippine Government to seriously follow up the four demands of Hong Kong people as well as the victims and their families, including formal apology, compensation, holding officials accountable for the mishandling of the incident and devising and implementing effective measures to ensure the safety of tourists. Members also noted the further follow-up actions taken by CPG and HKSARG from the Administration's reply to another written question

raised at the Council meeting of 16 October 2013. Details of such follow-up actions taken by CPG and HKSARG as set out in the Administration's replies are in **Appendix II**.

#### Relevant motions moved at the Council

24. A motion on "The incident of a Hong Kong tour group being taken hostage in the Philippines" was moved and carried at the special meeting of the Council held on 2 September 2010.

25. An adjournment debate on "The refusal of Philippine government officials and rescue crew involved in the Manila hostage incident to come to Hong Kong to testify in the Coroner's Court" was moved at the Council meeting of 16 March 2011.

26. An adjournment debate on "Handling of the Philippine hostage incident by HKSARG" was moved at the Council meeting of 23 October 2013 upon the recommendation of the House Committee on 18 October 2013.

27. A motion on "Imposing economic sanctions on the Philippines and restoring Hong Kong people's dignity" was moved and carried at the Council meeting of 6 November 2013.

#### **Latest development**

28. On 5 November 2013, CE announced that the Administration would take necessary sanctions against the Philippines, unless substantial progress on resolving the incident was made within one month. In a press release issued on 29 January 2014, the Administration stated that despite many rounds of discussion, the Philippine side had only addressed three of the demands of the victims and the families positively, but was still unable to meet the demand for a formal apology. The Administration announced that it would implement the first phase of sanctions. With effect from 5 February 2014, it would suspend the 14-day visa free arrangement applicable to holders of diplomatic or official passports of the Republic of the Philippines.

29. On 23 April 2014, CE announced that the Philippine Government and HKSARG as well as the victims and their families had reached consensus on the resolution of the four demands. In a joint statement issued by the two sides on 23 April 2014, the Philippine Government expressed its most sorrowful regret and profound sympathy, and extended its most sincere condolences for the pain and suffering of the victims and their families. The Police Director General of the Government of the Republic of the Philippines had written to all victims or

their families. The Mayor of Manila had also conveyed two resolutions passed by the City Council of Manila, among which Resolution No. 115 expressed the apology of the City Government of Manila for the incident. Regarding compensation, an additional token of solidarity would be given to the victims or their families as a most sincere gesture of compassion of the people of the Philippines. The relevant press release is in **Appendix III**.

30. The Administration announced on the same day that the sanction against the Philippines was lifted immediately. The 14-day visa-free arrangement applicable to holders of diplomatic or official passports of the Republic of the Philippines for visiting Hong Kong was reinstated. The "Black" OTA for the Philippines was also reverted to "Amber", which was the level before the incident.

### **Relevant papers**

31. A list of the relevant papers on the Legislative Council website is in **Appendix IV**.

Council Business Division 2  
Legislative Council Secretariat  
9 May 2014



**Follow-up to the 23 August 2010 Philippine Tour Group Incident**

**A chronology of government actions**

**23 August 2010**

- At around 11:00 am, the tourism trade reported to the Immigration Department (ImmD) “1868” hotline that a Hong Kong tour group in Manila, Philippines, comprising 20 members and a tour guide was held hostage by a gunman in a coach.
- The ImmD immediately rang the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the Hong Kong Special Administrative Region (OCMFA) and the Chinese Embassy in the Philippines (the Embassy), requesting for incident updates and assistance.
- The OCMFA informed the ImmD at 12:20 pm that Embassy staff were already at the scene to provide assistance.
- The Security Bureau (SB) rang the Philippine Consulate-General in Hong Kong stressing that the safety of the hostages was of utmost importance and requesting that the incident be resolved in a peaceful manner so that all tour group members could be released safe and early. The Consulate-General acknowledged that the above were mutual objectives and undertook to relay our requests to the responsible authorities in Manila.
- At a press briefing around noon, the Secretary for Security (S for S) gave an account of the latest developments, which included (1) an inter-departmental task force was set up in the Government to handle the incident; (2) three immigration officers and one police officer were sent to Manila to provide assistance; (3) the OCMFA and the Embassy were taking follow-up actions and rendering assistance; (4) upon the request of the SB, the Philippine Consulate-General in

Hong Kong undertook to ensure the safety of the Hong Kong tourists; and (5) efforts had been made to contact the families of the tour group members in Hong Kong and offer assistance.

- Three immigration officers departed for Manila at the 2:45 pm flight, a police officer also arrived in Manila the same evening. Upon arrival, the officers immediately joined the Embassy staff at the scene and met the released tour group members at the hotel respectively.
- The situation took a sharp turn for the worse after 7 pm when gunfire broke out at the scene. It was reported that the hostages were killed. The Chief Secretary for Administration (CS) and the S for S immediately summoned the Philippine Consulate-General in Hong Kong to express tremendous disappointment and regret over the Philippine Government's departure from their earlier undertaking in handling the incident.
- At the same time, the Chief Executive (CE) convened a high-level meeting to map out a large-scale relief operation. At a press briefing at 11 pm, the CE, accompanied by the CS and the S for S, announced the following decisions/actions by the HKSAR Government (the Government):
  - (1) Chartered flights be arranged immediately to bring the family members of the affected Hong Kong residents to Manila. They would be accompanied by a support team from Hong Kong led by the Under Secretary for Security, comprising medical staff, social worker, clinical psychologists, police and immigration officers, as well as other relevant officers, to provide assistance in Manila;
  - (2) Black Outbound Travel Alert be issued for the Philippines. All Hong Kong tour groups in the country were requested to return as soon as possible, whereas groups due to depart for the Philippines should cancel their journey. The Government would reserve sufficient seats with airlines for Hong Kong residents in the Philippines to return as soon as possible;

- (3) The HKSAR Flag would fly at half-mast the following day, i.e. 24 August, and all principal officials would cancel unnecessary public activities; and
- (4) The Philippine Government was requested to confirm all follow-up arrangements and to give an explanation for the incident as early as possible.

### **24 August 2010**

- The chartered flight departed for Manila at 1:30 am and arrived at 4:00 am.
- The support team took immediate actions, including: visiting the injured at hotels and hospitals, comforting their families, offering professional medical advice upon learning the conditions of the injured and confirming the names of the deceased<sup>1</sup>, etc. Through the Chinese Ambassador to the Philippines, the Under Secretary for Security expressed our strong request to the Philippine Government on the early repatriation of the bodies of the deceased to Hong Kong via the chartered flight, as well as the provision of the best possible medical care to the injured.

At noon, the CS summoned the Philippine Consulate-General in Hong Kong again and requested for full assistance in dealing with the aftermath of the incident, including prompt assistance in the repatriation of the bodies of the deceased and provision of appropriate medical care to the injured Hong Kong residents. He also asked for a comprehensive and thorough investigation. The Consulate-General undertook to convey our requests to the top authorities of the Philippines.

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<sup>1</sup> There are a total of 21 members in the tour group (including the tour escort), of whom eight died, seven were injured and six released.

The inter-departmental task force met and decided on the following:

- (1) Since the Philippine Government had yet been able to issue death certificates and other relevant approval documents for transporting the bodies of the deceased, the chartered flight would standby in Manila until the bodies, other tour group members and their families could return to Hong Kong;
  - (2) Two members of the tour group and their families confirming their readiness to travel would return to Hong Kong on a scheduled flight on the same day in the company of immigration officers;
  - (3) The Social Welfare Department would assign a case manager to each of the affected families to provide welfare and other assistances, and help coordinate support services provided by various government departments; and
  - (4) The Home Affairs Bureau would set up condolence points in 18 districts throughout the territory; a government website would also be set up for the public to send condolences and pay respects to the victims.
- In the afternoon, the Under Secretary for Security and the Chinese Ambassador to the Philippines met with the President and Vice-President of the Philippines to discuss the incident in which Hong Kong tourists were held hostage and gunned down. The Philippine authorities were requested to provide a comprehensive and thorough investigation report on the incident, appropriate medical care for the injured, assistance to expedite the repatriation of the bodies of the deceased to Hong Kong, as well as full assistance to the work of our support team in Manila.
  - In the evening, the CE convened the high-level meeting again and, in the light of further developments, sought to bring the bodies of the deceased, all other tour group members and their families back to Hong Kong as soon as possible, and to handle all follow-up and support work in Hong Kong properly.

- Taking account of the progress of the Philippine Government in processing the death certificates and the relevant approval documents for transporting the bodies, the Government actively prepared for the return of most of the tour group members, their families as well as the bodies of the deceased to Hong Kong via a chartered flight in the afternoon of 25 August.
- Two tour group members returned to Hong Kong on a scheduled flight in the evening, accompanied by immigration officers. They were met by their family members and social workers upon arrival at the airport and escorted home.

### **25 August 2010**

- Upon the strong request of the support team and with great assistance from the Ministry of Foreign Affairs, the Philippine Government issued the death certificates and all necessary approval documents for the repatriation of the bodies in the morning.
- The Government chartered flight departed Manila at 6 pm and arrived Hong Kong at around 7 pm, carrying a total of eight bodies and all tour group members who were fit for travel. Their relatives and support team members were also onboard the flight.
- The CS together with the directors of the relevant bureaux, the representatives of the Central Government Offices in the HKSAR and the President of the Legislative Council received the tour group at the airport. Condolences were offered to the tour group members and a brief ceremony was held to receive the eight deceased members.
- Two injured tour group members (including one brought back to Hong Kong on a separate air ambulance later in the evening) were immediately transferred to the Prince of Wales Hospital for treatment under the arrangement of the SB and the Hospital Authority.
- The bodies of the eight deceased members were transferred to the Kwai Chung Public Mortuary in the accompany of their families.

- Case managers of the Social Welfare Department were in the company of the tour group members and their families throughout to understand their needs and provide necessary assistance.

**26 August 2010**

- Taking into account professional advice, the SB and the Food and Health Bureau were actively following up on the last tour group member who sustained serious injury, including his medical care or arrangements to bring him back to Hong Kong.

## **Press Releases**

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LCQ6: Manila hostage-taking incident  
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Following is a reply by the Secretary for Security, Mr Lai Tung-kwok, to a question by the Hon James To Kun-sun in the Legislative Council today (July 10):

Question:

A Hong Kong tour group was taken hostage in Manila, the Philippines, on August 23, 2010 (the hostage-taking incident). In the end, eight Hong Kong people were shot dead and several others were injured with some of them still receiving follow-up treatment such as operations to date. On September 1, 2011, the then Premier of the State Council said that he hoped that "the Philippine Government will accord great importance to the demands made by the Hong Kong SAR Government as well as the people of Hong Kong, and handle the issues arising from the incident properly". However, nearly three years have lapsed since the hostage-taking incident but the Philippine Government has yet to make any apologies and compensation to the victims and their family members. In this connection, will the Government inform this Council of the follow-up actions taken by the Central Government and the SAR Government since the occurrence of the hostage-taking incident with a view to urging the Philippine Government to respond to the demands of the Hong Kong people, the victims and their family members, so as to enable Hong Kong people to "share the dignity and glory of being Chinese", together with a list of the details, including the dates and contents, of such follow-up actions?

Reply:

President,

The HKSAR Government is highly concerned that some Hong Kong residents lost their lives or were injured in the Manila hostage-taking incident. We also understand the grief of Hong Kong people over the incident. Since the incident, apart from providing necessary assistance to the victims and their families, including medical treatment for the injured through the Hospital Authority as well as psychological and living support to the concerned tour group members and their families through the Social Welfare Department, we have also been closely liaising with the Central People's Government (CPG) and the local Consulate General of the Philippines to urge the Philippine Government to seriously follow up the four requests of Hong Kong people as well as the victims and their families, including formal apology, compensation, holding officials accountable for the mishandling of the incident and devising and implementing effective measures to ensure the safety of tourists.

As mentioned in the question, during the Philippine President's visit to the Mainland China in September 2011, the then Premier Wen Jiabao urged the Philippine Government to attach importance to the requests of the Government and people of the HKSAR and properly handle the aftermath of the incident. In addition, after receiving a letter addressed to the then President Hu Jintao from some victims and their family members and tens of thousands of petition signatures collected from the community, the CPG urged the Philippine Government to address the requests of the victims and families and properly handle the aftermath of the incident through proper channels including the Chinese Embassy in the Philippines. Upon the request of the HKSAR Government, the CPG again urged the Philippine Government to properly handle the four requests at the 5th Sino-Philippine

consular meeting in June 2013.

Furthermore, the HKSAR Government has requested the Philippine side to proactively follow up the aforementioned demands on various occasions, including the Asia-Pacific Economic Co-operation meeting held in September last year, during which the Financial Secretary met with the President and Minister of Foreign Affairs of the Philippines and reiterated the four requests of the victims and their family members, as well as their strong feelings, and urged the Philippine Government to take further measures. The Minister of Foreign Affairs undertook to ask the Consul General in Hong Kong to meet and brief the victims and their families on the follow-up work. In addition, the Security Bureau has assigned a designated officer to communicate with representatives of the victims' families with a view to providing practical assistance according to their needs. Since 2012, the HKSAR Government has been in contact with the local Consulate General of the Philippines for 21 times to follow up the four requests.

We understand that the public is still dissatisfied with the Philippine Government for their refusal to admit its responsibility in the Manila hostage-taking incident. The HKSAR Government will do its utmost to continue to follow up the incident.

Ends/Wednesday, July 10, 2013  
Issued at HKT 16:13

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## Press Releases

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LCQ2: Follow-up actions on Manila hostage-taking and Lamma Island vessel collision incidents

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Following is a question by the Hon Leung Kwok-hung and a reply by the Acting Secretary for Transport and Housing, Mr Yau Shing-mu, in the Legislative Council today (October 16):

Question:

Quite a number of members of the public have relayed to me that they are dissatisfied with the Government's performance in handling the aftermath of disasters. For instance, they are dissatisfied that the Government's attitude towards the Philippine authorities has been weak and feeble in the Manila hostage-taking incident, and that in the maritime disaster off Lamma Island on October 1 last year causing 39 deaths, the Government merely expressed perfunctory condolences and adopted delaying tactics in dealing with the related issue of responsibility, with no intention to seek justice for the victims and their families. Moreover, in his speech during the National Day Reception this year, the Chief Executive made no mention of the maritime disaster, and the Government did not organise any memorial activity on the first anniversary of the maritime disaster. In this connection, will the Government inform this Council:

(a) given that the Taiwanese authorities promptly put forward sanctions after the incident of a Taiwanese fisherman being shot dead by the Philippine law enforcement officers, whether the Government will impose all possible sanctions against the Philippine Government, so as to press the Philippine Government to admit responsibility and offer apologies and compensations to the victims of the Manila hostage-taking incident and their families; if it will, what sanctions will be imposed in the coming six months; if not, the reasons for that; whether it has assessed if the taking of a dilatory approach in handling the incident will render the victims and their families unable to hold the persons involved responsible within the statutory period;

(b) given that the Director of Marine has made an apology to the victims of the maritime disaster and their families, whether the authorities will demand the relevant heads of bureaux and departments to suspend duty immediately or even hold them accountable for the incident and require them to step down; if so, when this will be done; if not, the reasons for that; and

(c) whether the Government will publish within three months the internal investigation report regarding the maritime disaster; if it will, of the publication date; if not, the reasons for that, and whether the Government intends to take a dilatory approach to handle the incident so that the victims and their families are unable to hold the persons concerned legally responsible for the incident?

Reply:

President,

I would like to reply to the Member's question on behalf of the Secretary for Transport and Housing (STH) who is now on an overseas visit.

The Government attaches great importance to and is deeply concerned about the unfortunate incidents of the Manila hostage-

taking incident and the vessel collision off Lamma Island. We have continued our efforts unceasingly in taking follow-up actions subsequent to the incidents. Immediate and appropriate support was made available to the injured and the families of the deceased after the incidents. In addition to providing the injured with the most suitable medical treatment, the families were offered assistance on burial matters, medical and psychological treatment, as well as emotional and financial support. On the vessel collision incident, the Social Welfare Department and the Transport and Housing Bureau (THB) have been keeping in touch with victims' family members and following up on their specific needs. STH had also met in person with the families concerned and offered condolences.

Regarding the Manila hostage-taking incident: the HKSAR Government is highly concerned about the incident. We understand the grief of the bereaved families, the injured and the whole society over the incident. Since the incident happened more than three years ago, we have been liaising continuously with the Central People's Government and the local Consulate General of the Philippines to urge the Philippine Government to seriously follow up and respond to the four requests of the injured and the families of the deceased, including apology, compensation, sanctions against officials responsible for the mishandling of the incident and devising and implementing effective measures to ensure the safety of tourists.

While attending the recently held Asia-Pacific Economic Cooperation (APEC) Economic Leaders' meeting, the Chief Executive relayed the requests of the injured and the families of the deceased to President Xi Jinping, who directed relevant authorities to follow up on the spot. Subsequently, when the Chief Executive met the President of the Philippines for the first time, he took the opportunity to request an official discussion about the hostage-taking incident, leading to the subsequent official meeting between the two sides. During the meeting with the President of the Philippines, the Chief Executive reiterated the four requests of the injured and the families of the deceased. He clearly expressed his disagreement with the view of the Philippine side that the incident had already been resolved. He reiterated that the relationship between Hong Kong and the Philippines would continue to be affected if the matter was not properly resolved. He stated that both sides should take appropriate actions so that Hong Kong and the Philippines could put behind the incident and once again work on developing the bilateral relationship. Both sides finally agreed to assign senior officials to discuss and continue to follow up on the incident.

Besides, the Ministry of Foreign Affairs of the People's Republic of China has issued a statement to express regret over the fact that the incident remained unresolved, and urged the Philippine Government to pay heed to the requests and concerns of the families of the victims, and make best endeavours to work out a proper solution. In addition, while attending meetings of the East Asian Leaders in Brunei, Premier Li Keqiang met and conveyed to the President of the Philippines that he was concerned that the Manila hostage-taking incident, which had remained unresolved for long, had aroused the sentiment of the Chinese citizens in particular the Hong Kong people. He urged the Philippine Government to pay high attention and solemnly handle the aftermath of the incident, so as to resolve the incident in a reasonable and appropriate manner as soon as possible.

We understand that the public is still dissatisfied with the Philippine Government for their refusal to admit its responsibility in the Manila hostage-taking incident. Although the meeting between the Chief Executive and the President of the Philippines has resulted in a small step forward, the HKSAR Government will continue to do its utmost to follow up the

incident by taking all practical actions in a just and systematic manner, with a view to meeting the requests of the injured and the families of the deceased.

In respect of the vessel collision incident near Lamma Island on October 1, 2012, the Government still bears in mind the lesson learnt and will spare no efforts in taking forward the recommendations put forth by the independent Commission of Inquiry (CoI) and maritime experts. This year, on the eve of the first anniversary of the incident, the Chief Executive wrote in his blog to offer deep condolences to the families of the victims, and reiterated that the Government has been working earnestly in taking up follow-up actions. The suspension of this year's National Day fireworks display is an expression of the Government's solemn grief over the incident.

As the principal official with policy purview over transport matters, STH is responsible for overseeing the overall operation of the Marine Department (MD). For mistakes made in the past and long-standing malpractices, the STH, Professor Anthony Cheung Bing-leung, had publicly stated that he would take responsibility by personally chairing a steering committee to conduct a comprehensive systemic review and reform of the MD, and to oversee the Department in implementing various marine safety improvement measures. At the meeting of the Economic Development Panel of the Legislative Council on May 27, as the policy secretary in post, STH again extended apologies to the public and the families of the victims. He has also 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 the Department, and to ensure the investigation is comprehensive, thorough and fair.

I would like to point out that under Section 7 of the Commissions of Inquiry Ordinance, evidence given by any person before the Commission shall not be admissible against him in any civil or criminal proceedings by or against him. The THB Investigation Team can therefore only take the transcripts of hearings of the CoI as the starting point of the investigation. Evidence, however, has to be collected anew.

President, since its establishment in late June, the Investigation Team has been conducting its work in full swing without delay. The current investigation covers a considerable period of time and involves a large number of officers. The Investigation Team has to consult voluminous amount of files and documents in the MD that are dated back to as early as 1995 and 1996, and seek legal advice in the process. It has so far completed the general vetting of the files and documents, and asked relevant officers of MD by batches to provide information and attend individual interviews. The number of MD officers involved in the investigation is more than those testified before the CoI, including serving as well as retired officers in both directorate and non-directorate ranks. In the light of the complexity of the investigation, it is considered not appropriate to randomly set a fixed time-table. The Secretary nonetheless has reiterated that the investigation would be conducted at full speed and that accounts would be provided when there is substantive progress and outcome.

Furthermore, there are established guidelines and procedures on disciplinary actions against and interdiction of civil servants. If necessary, cases will be handled in accordance with the relevant regulations and procedures. THB will also seek the advice of the Civil Service Bureau when needs arise. We have always maintained that if the process of investigation reveals suspected crime, cases will be referred to the law enforcement agencies for immediate actions. THB will not defer until the completion of the entire investigation for such

referrals. Indeed, the Secretary for Justice (SJ) has repeatedly stressed that the Department of Justice would deal with the criminal investigation and further prosecutions (if any) in a fair and impartial manner, irrespective of whether the persons investigated are government officials and irrespective of their positions.

Lastly, since it is learned that some families of the victims intend to initiate civil proceedings against the Government, facilitating arrangement has been made. SJ has delegated a government counsel to liaise and communicate with the legal representatives of the families. So far, the Legal Aid Department has approved 11 applications for assistance so that families of the victims might seek damages of the liability of the incident through legal procedures.

Ends/Wednesday, October 16, 2013  
Issued at HKT 13:25

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## **Press Releases**

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Opening remarks by CE at media session on Manila hostage-taking incident (with video)

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Following are the opening remarks by the Chief Executive, Mr C Y Leung, at a media session on the Manila hostage-taking incident at the ground floor lobby of the Office of the Chief Executive today (April 23):

Since my meeting with the President of the Philippines in Bali, Indonesia, in October 2013, the Hong Kong Special Administrative Region (SAR) Government has been holding discussions with the Philippine Government to find a mutually satisfactory resolution to the four demands made by the victims and their families of the Manila hostage-taking incident, that is apology, compensation, sanctions against responsible officials and individuals, and tourist safety measures.

Following the efforts in the past six months, I now announce that the two governments and the victims and their families have reached consensus on the resolution of the four demands.

As stated in the joint statement just issued by the two sides:

Firstly, the Philippine Government expresses its most sorrowful regret and profound sympathy, and extends its most sincere condolences for the pain and suffering of the victims and their families. The Police Director General of the Government of the Republic of the Philippines has written to all victims or their families.

Secondly, regarding compensation, in the spirit of solidarity and in acknowledgement of the loss of the victims and their families, an additional token of solidarity will be given to the victims or their families as a most sincere gesture of compassion of the people of the Philippines.

As regards sanctions, and this is the third point, as regards sanctions against responsible officials and individuals, the Philippine Government has provided the Hong Kong SAR Government details on the administrative and criminal proceedings pursued, and given the assurance that measures are being undertaken to hold to account those responsible and to conclude the outstanding proceedings as soon as possible. The Philippine Government undertakes to keep the Hong Kong SAR Government informed of progress made in resolving the outstanding proceedings.

Fourthly, concerning tourist safety measures, the Philippine Government has assured the Hong Kong SAR Government that it is committed to ensuring that such an incident will not recur. The Philippine Government has also implemented a range of measures to guarantee the welfare and safety of those visiting the Philippines.

The Mayor of Manila has also conveyed two resolutions passed by the City Council of Manila. Resolution No. 115 expresses the apology of the City Government of Manila for the incident, and Resolution No. 147 declares July 14 of the lunar calendar and August 23 of the Gregorian calendar of every year as days of prayer for the souls of those who died in the incident.

Both the Hong Kong SAR and Philippine Governments have worked tirelessly in the past six months to seek a resolution to the matter. There were twists and turns in the process.

Substantive progress was made in last November, but there remained a substantive difference between both sides. The Hong Kong SAR Government therefore implemented the first phase of sanctions with effect from the 5th of February, 2014. Thereafter, the two sides continued with the discussions and eventually reached a consensus today.

I am grateful to our state leaders and the Ministry of Foreign Affairs for their concern and support. I also thank the victims and their families for their trust and willingness to work with us.

The resolution of the incident enables the normalisation of the bilateral relations between Hong Kong and the Philippines. I therefore announce that the sanction against the Philippines is lifted immediately. The 14-day visa-free arrangement applicable to holders of diplomatic or official passports of the Republic of the Philippines for visiting Hong Kong is reinstated.

At the same time, since the Philippine Government has implemented a range of measures to guarantee tourist safety, I announce that the Black Outbound Travel Alert against the Philippines is lifted with effect from today. The Outbound Travel Alert that applies to the Philippines will revert to Amber, as was the case before the hostage-taking incident.

It has been over three years since the Manila hostage-taking incident. Yet, the sufferings of the victims and their families remain close to our hearts. With the final resolution of the incident, I sincerely hope that the deceased may rest in peace, and the injured and their families can move on with courage and strength. I also believe that the bilateral relations between the peoples of Hong Kong and the Philippines will start a new chapter.

(Please also refer to the Chinese portion of the opening remarks.)

Ends/Wednesday, April 23, 2014  
Issued at HKT 18:49

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**Relevant papers on the incident in the Philippines  
on 23 August 2010 involving a tour group from Hong Kong**

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Security	26.8.2010	<u>Agenda</u> <u>Minutes</u>
Legislative Council	2.9.2010	<u>Motion on "The incident of a Hong Kong tour group being taken hostage in the Philippines"</u>
Panel on Security	2.11.2010 (Item IV)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	16.3.2011	<u>Motion on Adjournment</u>
Panel on Security	19.3.2011 (Item III)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	10.7.2013	<u>Official Record of Proceedings</u> <u>(Question 6)</u>
Legislative Council	16.10.2013	<u>Official Record of Proceedings</u> <u>(Question 2)</u>
Legislative Council	23.10.2013	<u>Motion on Adjournment</u>
Legislative Council	6.11.2013	<u>Motion on "Imposing economic sanctions on the Philippines and restoring Hong Kong people's dignity"</u>