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**Transport and
Housing Bureau**
Government Secretariat
Transport Branch
East Wing, Central Government Offices,
2 Tim Mei Avenue,
Tamar, Hong Kong

本局檔號 Our Ref.

來函檔號 Your Ref. CB4/PL/EDEV

17 July 2018

Ms Shirley Chan
Clerk to Panel on Economic Development
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms Chan,

Panel on Economic Development (“ED Panel”)

**Discussion on the “Report of the Transport and Housing Bureau’s
Investigation into Staff Conduct in the Marine Department in
relation to the Vessel Collision Incident near Lamma Island on
1 October 2012” (“the Report”)**

Thank you for your letter of 27 June 2018, relaying a Member’s requests for holding a closed Panel meeting to discuss the redacted Report (“the proposed meeting”) and making related arrangements for Members to (a) peruse the redacted Report in a venue (“the Venue”) at the Legislative Council (“LegCo”) Complex shortly before the scheduled commencement of the proposed meeting, and (b) to sign the confidentiality undertaking (“the Undertaking”) upon entry to the Venue so as to facilitate Members to discuss the contents of the redacted Report in confidence at the proposed meeting. Our response is set out below.

With regard to the suggestion to make available the redacted version of the Report for Members’ perusal, we have already made arrangements twice, first in 2015 and subsequently in 2017, for Members

to read the redacted version of the Report at a designated venue after signing the Undertaking. We have explained in our previous letters that such perusal arrangements made were exceptional in nature against the background that internal disciplinary investigation reports were normally not disclosed to LegCo or the public. As the internal investigation has been concluded in 2014 and there was no update to the content of the Report since then, it stands to reason that a compelling case must be present to justify any further exceptional arrangements for the perusal of the Report.

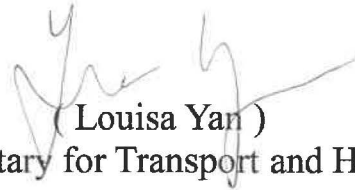
As for the Member's wish to discuss the contents of the Report at the ED Panel, Clause 2.6(a) of the Undertaking stipulates that Members who have signed the Undertaking may discuss the contents of the Report at meetings of the LegCo and/or any panels or committees of the LegCo which are conducted in camera and not open to the public, and which are attended only by Members who have signed the Undertaking. Our legal advice has confirmed that, the Government, being the holder of the confidential information contained in the Report, has the duty of confidentiality and the legal obligation to ensure the confidential information therein will not be disclosed in breach of that duty. As such, the proposed meeting must be held in a manner that meets the conditions stipulated in and in line with the spirit of the Undertaking.

We note that the suggestion is to arrange for Members to peruse the redacted Report in a venue at the LegCo Complex shortly before the scheduled commencement of the proposed meeting, if indeed it is agreed that such a meeting will be conducted. When we receive information on the suggested detailed arrangements for the proposed meeting, including for example identification of the Venue, access control to the Venue, observation of confidentiality requirement by the Panel Secretariat, etc., we will need to seek specific legal advice as to whether the suggested arrangements for the proposed meeting would comply with the confidentiality requirement.

Having duly considered the circumstances of the request and that the content of the Report remains as in 2014 with no further update, we wish to suggest, once again, that we focus our efforts on strengthening the Government's regulatory regime on local vessels with a view to

enhancing safety at sea. This is in fact a view expressed by many Members of the ED Panel before. We truly believe that such forward-looking approach is the most effective and productive way for us to work together towards enhancing the long-term marine safety in Hong Kong.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Louisa Yan', written over the printed name.

(Louisa Yan)
for Secretary for Transport and Housing