

政府總部  
運輸及房屋局

運輸科  
香港添馬添美道 2 號  
政府總部東翼



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.

24 November 2017

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**

**Submission from bereaved family of the victims  
of the vessel collision incident near Lamma Island**

Thank you for your letter of 3 November 2017, enclosing a submission from a bereaved family of the victims of the vessel collision incident near Lamma Island to the Chairman of the Panel on Economic Development ("ED Panel"). With regard to the request made by the bereaved family to discuss the contents of 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") at the ED Panel, as well as for the bereaved family to observe the said meeting after signing a confidential undertaking, our response is set out below.

To follow up on the Report of the Commission of Inquiry into the Collision of Vessels near Lamma Island on 1 October 2012, an investigation team ("the Team") was set up by THB in June 2013 to investigate on the possible maladministration and negligence of duty on the part of Marine Department ("MD") officers in carrying out their duties in the past relating to Lamma IV. The Team completed its work

in early 2014, and has subsequently forwarded the full version of the Report to the Civil Service Bureau for consideration of taking disciplinary actions against MD officers, as well as to the Police for the purpose of their criminal investigation into the incident.

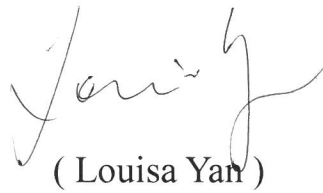
We understand that the bereaved family and Legislative Council (“LegCo”) Members are keen to learn of the details of the Report. Hence, to the extent permitted by the current laws of Hong Kong, we have endeavoured to make the contents of the Report available for perusal by the bereaved family and LegCo Members. To this end, the Government provided a redacted version of the Report to a bereaved family on 12 June 2015 pursuant to a court order, solely for consideration of whether to make a civil claim. Also, during the two periods from June to August 2015 and from April to May 2017, THB, at the request of LegCo Members, made available the redacted version of the Report for perusal at the designated venues by LegCo Members who have signed the confidentiality undertaking (“the Undertaking”).

LegCo Members’ duty to monitor the work of the Administration is duly respected, and their wish to discuss the Report at ED Panel’s meeting fully understood. After Hon James TO requested that a meeting be arranged to discuss the contents of the Report, this has already been included as one of the items pending discussion at the ED Panel. We need to consult the Department of Justice (“DoJ”) and the LegCo Secretariat on the details of meeting arrangements, including the handling of confidential documents and information while ensuring full compliance with the provisions in the Undertaking. We wish to emphasise that Clause 2.6 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 which are conducted in camera and not open to the public, and which are attended only by Members who have signed the Undertaking.

With regard to the request of the bereaved family to, after signing a confidential undertaking, observe the ED Panel meeting when the Report is discussed, the Government has to give due consideration to the duty of confidentiality and other legal obligations, how it can be made possible to allow the said meeting be observed by the bereaved family without breaching the duty of confidentiality, as well as to ensure the confidential information in the Report will not be disclosed. On top of that, as the background and legal basis for provision of the Report to LegCo Members and the bereaved family are different, the extent of the

confidential information that should be redacted is hence not the same. In other words, the information made available to Members and the bereaved family is different. We therefore must duly consider the circumstances of the request, and if necessary, would seek legal advice from independent outside counsel.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Louisa Yan', with a stylized flourish at the end.

( Louisa Yan )

for Secretary for Transport and Housing