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**Transport and
Housing Bureau**
Government Secretariat

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本局檔號 Our Ref.

來函檔號 Your Ref. CB4/PL/EDEV

20 March 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

**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 26 January 2018 on the captioned.

We respect the role of Legislative Council (“LegCo”) Members in monitoring the work of the Government, and understand the wish of some Members of the Panel on Economic Development (“ED Panel”) to peruse the Report. Hence, to the extent permitted by the laws of Hong Kong, we have endeavoured to make available the contents of the Report for perusal by LegCo Members (“Members”), in order to facilitate the carrying out of their duties. To this end, during the two periods from June to August 2015 and from April to May 2017 spanning a total of over 100 days, the Transport and Housing Bureau (“THB”) positively responded to the request of Members and made available the redacted version of the Report for perusal at designated venues by Members who have signed the confidentiality undertaking (“the Undertaking”). In this connection, it should be noted that since the Report was completed and

submitted to the then Secretary for Transport and Housing on 31 March 2014, there has been no update to the contents of the Report since then.

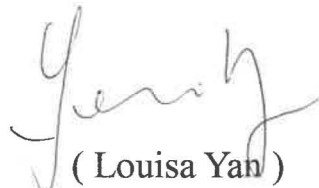
It is also worth noting that a summary of the Report was published in 2014 to provide the gist of the facts and the Investigation Team's overall findings and recommendations. This summary of the Report is intended to give a lucid account of the work done by the Investigation Team, having taken into account factors such as the Government's duty of confidentiality, the protection of personal data and other legal obligations. The summary of Report was submitted to the ED Panel (vide Paper No. CB(1)1295/13-14(03)) and was discussed by the Panel on 28 April 2014. The Paper is accessible by Members and the public.

Furthermore, the Government provided another 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.

We note that, at the ED Panel meeting on 22 January 2018, some Members reckoned that various channels and means had already been made available to offer sufficient opportunity for interested Members to obtain an understanding of the Report. It was also suggested that there might be other ways to follow up on issues relating to the Lamma incident. In fact, after the incident, the Marine Department ("MD") has been taking forward a series of measures to enhance marine safety. The ED Panel was consulted every time before a legislative proposal to enhance marine safety was taken forward, and Members' comments had been taken into account and incorporated suitably. For example, with LegCo's endorsement, we have passed legislation to increase the minimum amounts of liability cover for the compulsory third party risks insurance of certain local vessels, as well as to require certain local vessels to be fitted with Automatic Identification System, radar and Very High Frequency radiotelephone. On top of this, we plan to consult the ED Panel on other legislative proposals to enhance marine safety, including the reform proposal of the regulatory regime for local pleasure vessels. THB and MD will continue to step up efforts in enhancing marine safety, as well as preventing future occurrence of similar incidents.

Given the foregoing, focusing our efforts on strengthening the Government's regulatory regime on local vessels with a view to enhancing safety at sea in the long term would appear to be the most pragmatic and forward-looking approach to prevent future occurrences of similar incident. Should the Panel have other views on the perusal of the Report, we will duly consider the terms of the request and the necessary detailed arrangement that need to be put in place. For example, if any such proposal involves the handling of confidential documents and information, we will need to consult the Department of Justice or seek legal advice from independent outside counsel to ensure full compliance with the provisions in the Undertaking.

Yours sincerely,

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

(Louisa Yan)

for Secretary for Transport and Housing