

SJ on vessel collision incident near Lamma Island

Following is the transcript of remarks by the Secretary for Justice, Mr Rimsky Yuen, SC, after meeting with families of the casualties of the vessel collision incident near Lamma Island today (May 15):

Reporter: What did you discuss with the family members today and what happened in the discussion?

Secretary for Justice: I was trying to explain the first part of our discussion which concerns the criminal investigation. Put it very broadly, the criminal investigation can be divided into two categories. Category number one, the investigation concerning solely with the officers of the Marine Department; category number two, the investigation concerning people beyond or other than those within the Marine Department. The police representatives have informed the family representatives that in so far as the first category of investigation is concerned, it has reached perhaps what can be described as the final stage of the criminal investigation, and hopefully a report can be prepared by the Police to the Department of Justice within about three months, and upon receipt of the report, the Director of Public Prosecutions will consider the report and decide whether there is sufficient evidence to levy any appropriate criminal charge against any of the concerned people within the Marine Department.

In relation to the second category of investigation, the Police would need more time and at the moment it would not be practically possible to put forward any time estimate. But as usual, the Police would try their very best to speed up the matter as much as is practically possible. This is the first part of the meeting we had with the family members.

Reporter: Are you planning to disclose details of the report and if so, would all the details be disclosed to whatever party?

Secretary for Justice: What I have proposed to the families and their legal representatives today is that we take the view that since we have already received certain letters before action concerning claim for civil damages or civil proceedings for damages, therefore taken into account all relevant factors, and having considered the advice we have sought from outside independent counsel, as well as a very leading law professor in England, we put forward a proposal that perhaps the best way is for the commencement of the legal proceedings to be taken by the family members, and then once the legal proceedings are commenced, then the question of discovery of the investigation report could be properly dealt with, and in so doing, the other relevant issues concerning whether or not there should be any step to deal with the data privacy issue, as well as whether or not any conditions should be imposed so as to prevent any possible prejudice to be caused in the criminal proceeding can also be dealt with. As I understand, the families need to discuss the matter with their legal representatives and of course, the LegCo (Legislative Council) member Mr James To. This, I would say, is perfectly understandable because this is the first time we put forward this proposal and understandably they would need to speak to their lawyer. I understand they are now going back to the office of Mr James To to talk about this matter.

In so far as LegCo is concerned, we respect the role of the Legislative Councillors, particularly those set out under the Basic Law, therefore we would also be putting forward a proposal as to how to deal with it. In this regard, a letter will be sent to the secretariat of LegCo tomorrow setting out how we can deal with the motion which was passed at the Economic Development Panel on the 28th of April. In short, what we would be saying is pursuant to the suggestion as raised in the panel and the motion, we would be basically dealing with the question by proposing them to sign an undertaking of confidentiality, and then copies of the report would be provided to the LegCo secretariat or some other designated

stakeholders so that LegCo members could read them at a certain premises. That would be the crux of the proposal but the details, I'm sorry, it would be dealt with in the letter to the LegCo tomorrow and by then all the details would be out but for the time being, because the letter is yet to be sent to LegCo secretariat, I don't think it would be good for me to disclose all the details.

(Please also refer to the Chinese portion of the transcript.)

Ends/Thursday, May 15, 2014