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1 Friday, 21 December 2012 2 (10.00 am) 3 THE CHAIRMAN: Yes, Mr Beresford. 4 MR BERESFORD: Mr Chairman, one or two preliminary matters. 5 We have had -- it isn't precisely what you asked 6 for, Mr Chairman, but the artistry and skill with which 7 this has been done deserves commendation. Those 8 instructing me have prepared a version of the seating 9 plan with photographs imposed upon it, giving views of 10 the different parts of the vessels, in relation to the 11 Lamma IV, both decks; the Sea Smooth, both decks. And 12 I believe, Mr Chairman, you'll find it very helpful. 13 THE CHAIRMAN: I'm sure we will. Thank you very much to 14 those that have done that work. 15 MR BERESFORD: Mr Chairman, the other preliminary matter is 16 this. You asked for an indication of where we were 17 going. If I can indicate in broad categories. Today we 18 are hoping to substantially complete the passengers on 19 the Lamma II, after the first witness, who is the last 20 remaining Sea Smooth witness. That will leave the 21 master and possibly one or more of the crew of the 22 Lamma II. We are making enquiries, actually, to see 23 whether the master can be fitted in today. 24 THE CHAIRMAN: Yes. I think it would be useful to focus, as 25 it were, the evidence from the perspective of Lamma II	1 MR BERESFORD: Yes. Thank you, Mr Chairman. 2 Mr Chairman, the first witness today is Ms Chau 3 Yi-ki. 4 MS CHAU YI-KI (affirmed in Punt) ) 5 (All answers via interpreter unless otherwise indicated) 6 Examination by MR BERESFORD 7 MR BERESFORD: Ms Chau, thank you very much for coming this 8 morning. I have some questions to ask of you on behalf 9 of the Commission. 10 Ms Chau, I understand you have given a statement 11 previously to the police on 7 October 2012. Has a copy 12 of that statement been shown to you today? 13 A. Yes. 14 Q. Ms Chau, I understand you have some amendments that you 15 wish to make. 16 A. Yes. 17 Q. Could you explain to the interpreter what those 18 amendments are, please? 19 A. On page 2 at the end of the first paragraph, I said 20 I retrieved the life jacket from under the seat. 21 I would like to add the following. I encountered some 22 difficulties while retrieving the life jacket, because 23 I needed to untangle a string and to undo a Velcro 24 before I could retrieve the life jacket. 25 Also, in the following paragraph, line 4, originally
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1 through him. 2 MR BERESFORD: Yes. And there's possibly one other Sea 3 Smooth passenger to come as well in the new year. 4 Then there will be other rescuers from the sea, and 5 particularly those who can speak to the question of 6 whether or not life jackets were worn on the persons 7 they gathered. 8 Then there will be the evidence relating to the 9 emergency response and the rescue services, which will 10 include the Fire Services Department and the Police SDU 11 divers, focusing on those who encountered bodies and 12 debris. 13 There may be another area relating to the building 14 of the vessel; I can't say at this stage. 15 Then we would propose to get into the expert 16 evidence relating to what we've called part 2 of the 17 Inquiry: first of all, Dr Armstrong, the Commission's 18 naval architect, and then Captain Pryke on maritime 19 safety. 20 Then we would be looking to the owners of the 21 vessels. 22 THE CHAIRMAN: I think that gives us the focus for what lies 23 ahead and informs those representing the involved 24 parties of what they'll have to deal with in the first 25 week or two when we resume.	1 I said I felt that the ship was turning its direction, 2 but since I don't know where the bow is heading, I would 3 like to change it to "the vessel was slowly returning, 4 sailing towards the Yung Shue Wan pier". 5 In the third paragraph on the same page, line 4, 6 originally I put down "my boyfriend and I put on the 7 life jacket", but I would like to change it to "my 8 boyfriend and I helped each other to put on the life 9 jacket, but we didn't know how to put them on. So 10 eventually we just managed to slip the life jacket over 11 our -- through our neck, and just tied it up anyhow." 12 At the end of the third paragraph, after the line 13 "It was 20:30 hours at that time", I want to add that 14 after arriving at the pier, we only heard a crew telling 15 us to put down our life jacket and leave, and we didn't 16 get any support, the passengers didn't get any support 17 or help. 18 THE CHAIRMAN: Thank you. 19 MR BERESFORD: Thank you, Ms Chau. 20 Ms Chau, you are aged 27 and a solicitor; is that 21 right? 22 A. I have just turned 28. 23 Q. Okay. And you've received university education? 24 A. Yes. 25 Q. You've lived on Lamma Island since you were born?

<p style="text-align: right;">Page 5</p> <p>1 A. You can put it that way, but I went to receive education 2 in Australia. But I returned to Lamma Island once every 3 year. 4 Q. And you often go back and forth between Central and 5 Lamma Island by ferry? 6 A. Yes. 7 Q. Ms Chau, I'm going to read from the statement that you 8 gave to the police, or at any rate from the English 9 translation of the statement. The Chinese will be shown 10 on the screen. 11 A. (In English) Okay. 12 Q. If you hear or see any other inaccuracy, please tell me. 13 Please stop me and tell me. 14 A. (In English) Okay. 15 Q. I'm going to read from "At 20:00 hours". 16 "At 20:00 hours on 1 October 2012, my boyfriend Wong 17 Wing-hei and I took the Hong Kong &amp; Kowloon Ferry from 18 the Outlying Ferry Piers, Central, to Yung Shue Wan. At 19 that time, my boyfriend and I sat on the lower deck near 20 the stern of the ferry [subsequently known as Sea 21 Smooth], that is, the location indicated on the 22 appendix 1. My boyfriend sat on my right-hand side." 23 Ms Chau, if we can just pause there to look at 24 appendix 1, which is at page 674. You've marked there 25 a spot in the middle. I'd like to show you another plan</p>	<p style="text-align: right;">Page 7</p> <p>1 boyfriend all along. At that time, the cabin was lit as 2 usual. As I often go back and forth the Lamma Island by 3 the track, I did not pay attention to the environment 4 outside the cabin, only knowing that it was darker 5 outside. 6 A while after the ferry had departed, I suddenly 7 heard a loud sound at the front. Meanwhile, I felt 8 a collision. My body was dashed against the chair back 9 at the front. Some other passengers on board also fell 10 down. At that time, I was not sure what had happened. 11 It was totally dark outside the cabin, and I could not 12 see any vessel nearby. At that time, no staff members 13 or sailors or the captain came out or told us what had 14 happened. It was chaotic on board the ferry, and the 15 passengers panicked. I also took out a life jacket from 16 the bottom of a chair for my use when necessary." 17 I just pause to interpose there, Ms Chau, that's 18 where you added your amendment about the difficulties. 19 A. Correct. 20 Q. "At that time, I felt that the ferry was flipping left 21 and right in the sea. Meanwhile, a person said to 22 return to the pier quickly and the other said that water 23 leaked in. However, I did not know who was talking as 24 it was too chaotic. About 3 to 5 minutes later, I felt 25 that the ferry veered back."</p>
<p style="text-align: right;">Page 6</p> <p>1 which has seat numbering marked on it. 2 Do we have the one with the photographs available? 3 Can you identify on this, by reference to the seat 4 numbers, approximately where you and your boyfriend were 5 sitting? 6 A. I was sitting at either 146 or 157. 7 Q. Thank you. That means your boyfriend was sitting on the 8 aisle seat? 9 A. Yes. 10 Q. The photograph that we can see on the screen just above 11 there looks as though it's looking up the other aisle, 12 from around about a position parallel to your position; 13 is that right? 14 A. Yes. 15 Q. In fact we can see your aisle, possibly from a position 16 behind where you were sitting, in the bottom left 17 photograph? 18 Can we focus on the bottom left photograph, please? 19 Bottom left corner. 20 A. Yes, I can see it. 21 THE CHAIRMAN: Just give Mr Lo a moment. It seems to be 22 difficult to achieve what you want, but I think we have 23 the picture. 24 MR BERESFORD: Thank you, Mr Chairman. 25 "After the ship had departed, I was talking to my</p>	<p style="text-align: right;">Page 8</p> <p>1 Ms Chau, is this the other point that you wish to 2 amend? 3 A. Correct. 4 Q. So you wish to delete the reference to the ferry veering 5 back; is that right? 6 A. I wanted to delete the word "making a U-turn back". 7 Q. Yes. 8 "Finally, I learnt that the ferry was sailing 9 towards Yung Shue Wan, as I saw the chimney lights of 10 the power station. Then, I felt that Sea Smooth was 11 gradually accelerating and sailing towards Yung Shue Wan 12 pier. 13 About 5 minutes later, when (the ferry) was 14 approaching the pier, I heard a person say to dock. 15 However, I did not know if it was said by a staff member 16 or a passenger on board. While (the ferry) was sailing 17 to the pier, I saw water splash on the front left of the 18 lower deck of the cabin, in which I was sitting. 19 Therefore, my boyfriend and I [helped each other to put 20 on the life jackets but didn't know how to put them on. 21 We eventually put them on over our heads and tied it up 22 anyhow and then] walked to the rear right of the cabin 23 and waited for disembarking. When Sea Smooth docked, I 24 disembarked through the front right exit. It was about 25 20:30 hours at that time."</p>

<p style="text-align: right;">Page 9</p> <p>1 Then we've already heard your addition about the 2 assistance you got from the crew. 3 "As I felt dizzy and nauseous and sustained bump 4 injuries to my neck while my boyfriend sustained 5 injuries to his neck, we went to Lamma Health Centre on 6 our own for medical treatment and went home afterwards. 7 Then, bruising was also found on the knee [left], the 8 back of the right thigh as well as both sides of the 9 buttock." 10 Then in a series of questions, you were asked: 11 "Question: How fast was the vessel at that time? 12 Answer: As fast as usual. 13 Question: Before the accident, did you see anything 14 special happen to the staff of the vessel, such as the 15 captain and the sailors? 16 Answer: No. 17 Question: Could you indicate in the appendix I the 18 position where the water leaked in at that time?" 19 Perhaps if you go back to the appendix, page 674. 20 Is that your mark in the top left? 21 A. Yes. 22 MR BERESFORD: For the record, that's by the door to the bow 23 deck in front of seat 3. 24 Thank you, Ms Chau. If you'd just wait there, 25 please.</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. Right. And was it just a side-to-side movement, or was 2 it going forwards and backwards as well? 3 A. I didn't know which direction, but I believe that it was 4 wobbling in all directions. 5 Q. Right. And were you aware of whether the ship was 6 turning at the same time? 7 A. Can you repeat the question, please? 8 Q. Yes. You've described that the vessel was going from 9 side to side and forward and backwards in this shaking 10 movement. But was it also turning, the vessel turning 11 in the water? Were you aware of that? By that I mean 12 the head of the vessel, the bow of the vessel, turning 13 to the left or to the right. 14 A. I was too frightened at that time, so I didn't pay 15 attention to this. 16 Q. And did you hear the engine of the ferry running or 17 revving up? 18 A. After the collision, I heard a sound and after that it 19 was quiet. 20 Q. Did you later hear the engine again? 21 A. Yes. After wobbling there for about three to five 22 minutes, the vessel began to set sail towards Yung Shue 23 Wan pier in Lamma Island. And then I heard the sound of 24 it moving, the vessel moving slowly to the pier. 25 Q. The sound you heard after the collision, before it went</p>
<p style="text-align: right;">Page 10</p> <p>1 MR McGOWAN: Good morning, Mr Chairman. If I may, could 2 I ask some questions about what the witness means by 3 "I felt that the ferry was flipping left and right"? 4 That's on page 674-2. 5 THE CHAIRMAN: Yes, very well. 6 MR McGOWAN: Thank you. 7 Examination by MR McGOWAN 8 MR McGOWAN: Ms Chau, you said in your witness statement, 9 talking about the time after you heard or felt the 10 collision, that after you'd got your life jackets and 11 put them on, you said: 12 "At that time, I felt that the ferry was flipping 13 left and right in the sea." 14 Can you see that passage? 15 A. Yes. 16 Q. How soon after the collision did you feel that? 17 A. I would like to clarify that in fact I hadn't yet put on 18 my life jacket; I was just holding it in my hands. 19 Immediately after the collision, I felt the ship 20 flipping from side to side, and wobbling. 21 Q. Was it actually the head of the ship moving, or merely 22 it was wobbling in the water, going from side to side in 23 the water? 24 A. I would say that the whole vessel was wobbling from side 25 to side, and I couldn't tell which part.</p>	<p style="text-align: right;">Page 12</p> <p>1 quiet, was that the engine sound? 2 A. Before the collision, I could hear the sound of the 3 engine, and after the collision there was no sound. But 4 after wobbling for three to five minutes, there was 5 sound again because the vessel started to sail towards 6 the pier. 7 Q. You said in answer to an earlier question: 8 "After the collision, I heard a sound and after that 9 it was quiet." 10 The sound you heard after the collision, was that 11 the engine? 12 A. (Chinese spoken). 13 THE CHAIRMAN: Mr McGowan, the witness has just said: 14 "After the collision, there was no sound of the 15 engine." 16 MR McGOWAN: She said: 17 "... after the collision there was no sound." 18 I'm just asking her whether -- 19 THE CHAIRMAN: Move on to another area if there is one. 20 MR McGOWAN: There isn't. Thank you. 21 THE CHAIRMAN: Thank you. 22 Mr Zimmern? 23 MR ZIMMERN: Yes, Mr Chairman. May I be permitted to ask 24 this witness questions about the sound she heard prior 25 to the collision as well as one or two matters or</p>

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<p>1 a clarification regarding the wobbling of the ship 2 after? 3 THE CHAIRMAN: Very well. 4 MR ZIMMERN: Thank you. 5 Examination by MR ZIMMERN 6 MR ZIMMERN: Ms Chau, you said in the preceding paragraph 7 that Mr McGowan had taken you to that after a while, 8 "the ferry had departed, I suddenly heard a loud sound 9 at the front. Meanwhile, I felt a collision." 10 Would I be right in saying that the loud sound you 11 heard was from the collision? 12 A. Correct. 13 Q. Thank you. Also, Ms Chau, I'd like to ask, prior to the 14 collision, immediately prior to the collision, did you 15 hear the sound of a horn? 16 A. No. 17 Q. Could I also ask, do you have any recollection of the 18 Sea Smooth engine being put into reverse or a change in 19 the engine sound prior to the collision? 20 THE CHAIRMAN: I think there are two questions there. Let's 21 just deal with change in the engine sound first. 22 MR ZIMMERN: Yes. 23 Did you hear a change in the engine sound 24 immediately prior to the collision? Do you have any 25 recollection of that, Ms Chau?</p>	<p>1 THE CHAIRMAN: Ms Chau, thank you for coming to testify and 2 assist us in these proceedings. Your evidence is now 3 complete and you're free to leave. Of course, you may 4 stay and watch in the public gallery if you wish. Thank 5 you again. 6 (The witness withdrew) 7 THE CHAIRMAN: Mr Beresford? 8 MR BERESFORD: Mr Chairman, the next witness is Mr Chui 9 Wai-lok. 10 Mr Chairman, we're turning to Lamma II witnesses 11 now, so this is bundle C. 12 MR CHUI WAI-LOK (affirmed in Punti) 13 (All answers via interpreter unless otherwise indicated) 14 Examination by MR BERESFORD 15 MR BERESFORD: Mr Chui, thank you very much for coming along 16 this morning to help this Inquiry. I have some 17 questions to ask you on behalf of the Commission. 18 Could the witness please be given a copy of his 19 statement, which is to be found at bundle C, page 888 20 through to page 896. The English translation is at 21 page 896-1 to page 896-11. 22 Mr Chui, do you recognise this as your statement? 23 A. Yes. 24 Q. Have you been shown a copy of it today to give yourself 25 an opportunity to remind you of what is said?</p>
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<p>1 A. No. The vessel sailed as usual before it suddenly had 2 a very violent collision. 3 Q. Thank you. If I could turn to the wobbling or flipping 4 from side to side of the vessel. At that particular 5 time, am I correct to infer that the vessel was not 6 sailing, it wasn't moving, or was otherwise stationary? 7 A. Yes. 8 Q. Thank you. Can I ask, how long did this wobbling or 9 swaying last? 10 A. I would say that it lasted for three to five minutes. 11 THE CHAIRMAN: Was this simply bobbing up and down in the 12 sea as a vessel does, with the motion of the sea? 13 A. Yes. 14 MR ZIMMERN: I'm grateful for that, Mr Chairman. 15 May I just ask one other thing. When the water was 16 leaking in at the front port side of the vessel, did you 17 notice whether the water leaked in any faster when the 18 vessel tilted or listed further to the port side during 19 the wobbling? 20 A. I didn't pay attention to this. 21 MR ZIMMERN: That's fine. Thank you very much, Ms Chau. 22 MS LOK: I have no questions. 23 THE CHAIRMAN: Thank you. 24 Mr Beresford? 25 MR BERESFORD: No re-examination.</p>	<p>1 A. Yes. 2 Q. Do you have any amendments you wish to make? 3 A. No. 4 Q. So are the contents of this statement true? 5 A. Yes. 6 Q. Mr Chui, we can see from there that you are aged 35 and 7 your occupation is chief operating officer. 8 A. I am a chief operating director. 9 THE CHAIRMAN: Of which kind of company? 10 A. It's a Sino-Japanese joint venture company. 11 THE CHAIRMAN: Thank you. 12 MR BERESFORD: And you've been educated to university level? 13 A. Correct. 14 Q. Mr Chui, I'm going to read from the statement that you 15 gave to the police. I'm going to read from the English 16 translation while the Chinese is shown on the screen. 17 If there is anything that you hear or see that is 18 inaccurate or wrong, please stop me and tell me. I'm 19 going to read from paragraph 5. 20 "About 7.45 pm, after we had finished the buffet, 21 the group of the eight of us walked from the canteen to 22 the pier. Upon arrival at the pier, I saw two vessels 23 berth there. We followed instruction to board a vessel 24 [this vessel was later known as Lamma II]. In front of 25 this vessel was another vessel [this vessel was later</p>

<p style="text-align: right;">Page 17</p> <p>1 known as Lamma IV]. After we had boarded the vessel, 2 the group of the eight of us at first sat on the open 3 upper deck. After the vessel had set sail, as the wind 4 was strong, my wife, my daughter, Tsang Wing-to and Chiu 5 Yuk-mui went to the upper deck cabin. [I do not know 6 where they sat]. Please refer to the attached diagram 7 for the seats of the remaining four of us after the 8 vessel had started sailing." 9 Pausing there, Mr Chui. We can see the diagram at 10 page 896-7. 11 Can you please clarify for me, Mr Chui, whether this 12 is where you first sat or where you sat after your 13 friends went inside the cabin? 14 A. In fact I have all along been sitting in the same seat 15 since the vessel began to set sail, up to the time of 16 collision. I have never left my seat. 17 Q. I see. Thank you. So you were sitting in the 18 forward-most seat on the port side of the open upper 19 deck; is that correct? 20 A. Correct. 21 Q. Thank you. I'll continue reading: 22 "I want to return to talk about the starting time. 23 It was Lamma IV which set sail first. Our Lamma II 24 followed. These two vessels maintained at a distance of 25 about 200 metres while navigating. As I was sitting at</p>	<p style="text-align: right;">Page 19</p> <p>1 catamaran pointed at the starboard quarter of Lamma IV. 2 At the same time, I saw that this catamaran started its 3 engine and navigated for the Lamma Island direction. 4 I am not sure what had happened to this catamaran. Once 5 the catamaran departed, the stern of Lamma IV went down 6 into the water first with its bow pointing upwards. 7 Lamma IV began sinking. Someone on board our vessel 8 shouted that the vessel was sinking. Afterwards, our 9 vessel sailed slowly to get closer to Lamma IV. At 10 a distance of 20 to 30 metres, our vessel stopped. 11 Then, someone from our vessel shouted to throw lifebuoys 12 into the sea. We thought no more but threw the 13 lifebuoys into the sea. Having thrown the lifebuoys, we 14 threw life jackets into the sea. The life-saving 15 equipment on board our vessel was quite easy to use. 16 After we had thrown all the life-saving equipment into 17 the sea, someone shouted to rescue the people, but I do 18 not know who shouted. At the same time, a white 19 pleasure vessel [information unknown] assisted in 20 rescuing people by lightening the sea surface with the 21 bow floodlight. We also started seeing someone on the 22 sea swimming towards our vessel. 23 I went to the wheelhouse and saw a male there. 24 I told him to switch on the indoor light of the upper 25 deck, because the light was switched off after the</p>
<p style="text-align: right;">Page 18</p> <p>1 the stern, I do not know what happened behind Lamma IV. 2 Since our vessel set sail, no-one introduced to us the 3 life-saving equipment and escape route. I learned that 4 there was a life jacket underneath each seat only from 5 my own experience. However, I have no idea of how many 6 crew members were on board and who the captain was. 7 After our vessel had started sailing, the vessel 8 navigated steadily. The visibility on that night was 9 good. Our vessel had been sailing for about five 10 minutes. During that time, it was tranquil. I did not 11 hear a sound. Suddenly, I felt that Lamma II was 12 decelerating. It sailed very slowly and pulled up once 13 suddenly [about 2 to 3 seconds]. After that, the vessel 14 even stopped. At that time, there was no broadcast on 15 board. I walked to the starboard quarter. Meanwhile, 16 I heard someone saying, 'Lamma IV is out of order 17 again!' I took a look at Lamma IV and found that it did 18 not move. The whole vessel turned dark. At that time, 19 we were at a distance of about 50 metres away from 20 Lamma IV. Lamma IV stopped and slanted to one side in 21 front of the starboard bow of our vessel. Hence, I was 22 only able to see the stern of Lamma IV. 23 In the meantime, I saw a catamaran pull up at the 24 starboard quarter of Lamma IV. The distance between 25 both vessels was about 150 metres. The bow of the</p>	<p style="text-align: right;">Page 20</p> <p>1 vessel had started sailing. After that, I went 2 downstairs to the starboard quarter of the lower deck to 3 assist in doing the rescue. 4 We, the males, were at the starboard quarter 5 assisting those people on the sea to get on board. Some 6 females were at the lower deck cabin applying first aid 7 to the injured people. After about 15 minutes, we saw 8 the first batch of rescue boats arrive. As it was too 9 dark at that time, and the fact that Lamma IV had turned 10 upside down into the sea with only its bow protruding 11 from the sea, so the rescue officers were unable to find 12 it. After we had told the rescue officers the vessel 13 sinking location, we resumed rescuing the people. After 14 another 15 to 30 minutes, I saw some Marine Police 15 officers in the vicinity. I waved my arms to get their 16 attention. Then, a police launch pulled up at our port 17 quarter. A Marine Police officer boarded our vessel, 18 and handled the injured people. I resumed doing the 19 rescue. After we had rescued about 18 people, nobody 20 else swam to our vessel. 21 After a while, another police launch pulled up at 22 our starboard quarter. The police asked us about the 23 situation and to which pier we would like to go. 24 I replied that we wanted to go to the Ap Lei Chau pier. 25 Meanwhile, someone on our upper deck also answered him,</p>

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<p>1 but I could not hear clearly what was said. The police 2 officer then asked who had the final say. I answered 3 that it was the one up there. After that, I resumed 4 assisting the injured people. 5 Not long afterwards, our vessel set sail. At first, 6 I did not know where the vessel was sailing; but when 7 the vessel berthed, I then noticed that it was the Ap 8 Lei Chau pier. Upon arrival at the pier, ambulance 9 officers carried those 18 injured people ashore. We 10 waited on board Lamma II. Later, staff of Hongkong 11 Electric boarded Lamma II to call the roll. Having 12 completed it, we were arranged to disembark and get onto 13 a coach arranged by Hongkong Electric. After calling 14 the roll again, we left the Ap Lei Chau pier. The group 15 of the eight of us got off the coach at the Hong Kong 16 MTR Station in Central. After that, we returned home 17 respectively. In this incident, the sinew at my right 18 forearm was injured while I was doing the rescue. Yet, 19 I did not report my injury at the time. After the 20 incident, I went to seek bonesetting treatment. Apart 21 from this, my companions were not injured." 22 That's your statement, Mr Chui, and your evidence. 23 If you would just wait there, please. Thank you 24 very much. 25 THE CHAIRMAN: Mr Beresford, before we go any further, do we</p>	<p>1 side in front of the starboard bow of our vessel". 2 A. At that time it had stopped, but it had not yet slanted. 3 When I saw it, it stayed still on the sea like normal. 4 Q. So when you used the word "slanting", it meant it was at 5 an angle? "Slanting" meant "at an angle"; is that 6 correct? 7 A. By "slanting", I mean Lamma IV was not pointing at the 8 same direction as our vessel. It was pointing towards 9 the direction of Lamma Island. 10 THE INTERPRETER: Just now, Mr Chui demonstrated that the 11 vessel on the left-hand side was Lamma II, on which he 12 was seated, and Lamma IV was pointing at the right. 13 MR McGOWAN: So it was pointing towards the coast of Lamma 14 Island? 15 A. Correct. 16 Q. But it was not pointing back towards the pier from which 17 she'd sailed from? 18 A. Its bow was pointing towards Cyberport. Pointing at 19 Cyberport of Hong Kong Island, and not towards Yung Shue 20 Wan. 21 Q. And your vessel was pointing towards Hong Kong Island, 22 is that correct, the entrance to Victoria Harbour? 23 A. Yes, correct. 24 Q. So are you able to assist us with what sort of 25 difference in the heading there was between your vessel</p>
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<p>1 have any information as to the identity of the vessel 2 that this witness has said was shining a searchlight 3 onto the sea? 4 MR BERESFORD: I haven't positively identified it as yet, 5 Mr Chairman, but there were some other -- we will be 6 hearing in the new year from other rescue witnesses, and 7 I think it may be identified then. 8 THE CHAIRMAN: Mr McGowan? 9 MR McGOWAN: Yes. Mr Chairman, could I ask some questions 10 about what the witness saw as they approached Lamma IV? 11 THE CHAIRMAN: Yes. 12 Examination by MR McGOWAN 13 MR McGOWAN: Mr Chui, you have made in your statement 14 reference at paragraph 6 to what you saw as you 15 approached Lamma IV. 16 A. Yes. 17 Q. You said that you heard somebody say, "Lamma IV is" -- 18 it's been translated as "out of order again". 19 A. Yes, correct. 20 Q. I think the Chinese used implied that Lamma IV had 21 broken down? 22 A. Yes. The vessel is "broken down". 23 Q. Right. When you saw Lamma IV, it had stopped? 24 A. Correct, yes. It had stopped there. 25 Q. You described it as being "stopped and slanted to one</p>	<p>1 and Lamma IV? 2 A. Using the hands of the clock, the digits on the surface 3 of a clock, I would say that Lamma II was pointing at 4 12 o'clock. After the collision, when Lamma IV stayed 5 still on the sea, it was pointing at 2 o'clock. 6 Q. Right. Thank you. 7 You also say in that statement: 8 "The whole vessel turned dark." 9 A. Which vessel are you referring to? 10 Q. I believe you're talking about Lamma IV; is that 11 correct? Have a look at your statement. It's 12 paragraph 6. 13 A. Correct. When I spotted Lamma IV, the whole vessel was 14 already dark. 15 Q. Thank you. So it had turned dark? The lights were out? 16 THE CHAIRMAN: He's already said that, Mr McGowan. 17 MR McGOWAN: Yes. 18 Then you say: 19 "... I saw a catamaran pull up at the starboard 20 quarter of Lamma IV." 21 A. This is not correct. 22 Q. What did you see? 23 A. When I spotted Lamma IV, it was still on the sea and it 24 was not lighted. On the right-hand starboard side our 25 vessel, I saw a vessel. I'm not sure whether it was Sea</p>

<p style="text-align: right;">Page 25</p> <p>1 Smooth, but it was about more than 20 metres away from 2 us. It was slowly departing from Lamma IV and heading 3 towards Lamma Island. 4 MS LOK: 200 metres. The witness said 200. 5 THE INTERPRETER: "200". Sorry. 6 THE CHAIRMAN: Thank you. 7 MR McGOWAN: So where was the catamaran in relation to 8 Lamma IV when you first saw it? How far away from 9 Lamma IV was it? 10 A. Are you referring to Lamma II or Lamma IV? 11 Q. Let me rephrase the question. I asked two questions 12 there. 13 You've told us about the catamaran. When you first 14 saw the catamaran, was it stopped or moving? 15 A. It was floating at the sea and its engine was not yet 16 on. I would like to supplement that when I saw Lamma IV 17 and the vessel which I believed to be Sea Smooth, they 18 have already been separated for about 150 to 200 metres. 19 Q. How far away from Lamma II was the catamaran? 20 A. I believe that it was less than 250 metres, because 21 I could see it with my naked eyes. But I am not sure 22 whether it was Sea Smooth, because when I saw the 23 catamaran, the environment was very dark. But I did see 24 that there were two decks which were lit. When it was 25 floating at the sea, its stern was pointing towards the</p>	<p style="text-align: right;">Page 27</p> <p>1 model, we can see that the weather deck was already 2 immersed in water and then the vessel began to sink 3 slowly. 4 Q. You say that it began to sink within less than 5 30 seconds. 6 A. The time interval between the ship being steady and 7 having sank was less than 30 seconds. By sinking, 8 I mean the stern of the vessel sinking into the sea. 9 Q. Yes. You mean it was less than 30 seconds from being in 10 a normal position in the sea, to being upright in the 11 sea? 12 THE CHAIRMAN: What do you mean by "upright", Mr McGowan? 13 MR McGOWAN: Well, the witness was inclining his hand 14 upright. 15 A. Actually, from the ship being steady to the time when it 16 became vertical, the time interval is less than two 17 minutes. But from the time it was steady up to the time 18 the stern began to sink was less than 30 seconds. After 19 this 30 seconds, water began to enter from the stern and 20 the bow began to tilt upwards into 90 degrees. And from 21 the time the ship was steady until the time it became 22 upright, it was less than two minutes. 23 THE CHAIRMAN: Thank you. 24 MR McGOWAN: As I understand your evidence, you saw Lamma IV 25 for about 30 seconds before she started to sink?</p>
<p style="text-align: right;">Page 26</p> <p>1 land and its bow was pointing towards Lamma II. 2 After I saw the catamaran, it started to reverse, 3 and because I saw that white waves were stirred up, so 4 the believe that it started its engine and slowly sailed 5 towards Lamma Island. 6 Q. On which side of Lamma II was the catamaran? 7 A. On its starboard side. 8 Q. Right. So it's the same side as Lamma IV? 9 A. Correct. 10 Q. Who was closer to Lamma IV when you first saw Lamma IV 11 and the catamaran? Was it Lamma II or the catamaran? 12 A. Lamma II. 13 Q. Thank you. When you first saw Lamma IV, was it steady 14 in the water or was it inclining in any direction, ie 15 either in a vertical or horizontal way? 16 A. When I first spotted Lamma IV, it was floating steadily 17 on the sea. 18 Q. When did you see it begin to sink? 19 A. After staying steady for some time -- sorry, I was 20 looking at it all along after it was floating steadily 21 on the sea, and within less than 30 seconds, water began 22 to seep into the stern of the ship and it started to 23 sink with its bow tilting upwards, until the stern could 24 not be seen. And only a small portion was left 25 protruding on the water surface. If we refer to the</p>	<p style="text-align: right;">Page 28</p> <p>1 THE CHAIRMAN: That's his evidence, Mr McGowan. 2 MR McGOWAN: Yes. 3 THE CHAIRMAN: It's perfectly clear. 4 MR McGOWAN: Thank you. 5 It was a dark night. What was the light by which 6 you were seeing what was happening on Lamma IV? Where 7 did the light come from? 8 A. I don't quite understand the question. As I have said 9 just now, the very moment I spotted Lamma IV, the light 10 was already out. 11 Q. Yes. The light was out on Lamma IV. I was asking you 12 what enabled you to see Lamma IV from your vessel. 13 A. Since Lamma II was sailing towards the same direction as 14 Lamma IV, and Lamma II was sailing after Lamma IV, so 15 when Lamma IV started, Lamma IV and Lamma II's distance 16 was less than 50 metres and I could see the people on 17 the upper deck at the stern of Lamma IV. But I couldn't 18 see the people inside the cabin. And also, because our 19 own vessel was lit, and even though the light was not 20 very strong, we could still see the people on Lamma IV. 21 MS LOK: Excuse me. I beg your pardon. I think because the 22 answer was too long, there is a slight mess-up in the 23 translation. 24 THE CHAIRMAN: Yes. 25 MS LOK: I believe I heard the witness say that after the</p>

<p style="text-align: right;">Page 29</p> <p>1 collision, Lamma II sailed towards Lamma IV and then, at 2 that time, after that, the distance was less than 3 50 metres. 4 THE CHAIRMAN: Yes. That certainly makes a lot more sense. 5 MS LOK: Then he also mentioned that he could see by his 6 naked eye the people sitting at the upper deck open area 7 of Lamma IV. But as to what happened to those inside 8 the cabins, he had no idea. 9 THE CHAIRMAN: Thank you for your help. 10 Just to clarify that then, Mr Chui. The distance of 11 50 metres that you spoke of, was that when Lamma II had 12 sailed up towards Lamma IV? 13 A. No. 14 THE CHAIRMAN: Well, try it in short sentences. The only 15 question you're being asked is -- you've given 16 a distinct description of the sinking of Lamma IV, what 17 you witnessed. You're only being asked by what light 18 you were able to see that. That's the only question. 19 A. At that time I was located on the upper deck at the 20 stern of our own vessel, and I could see Lamma IV 21 through the lighting there. 22 MR McGOWAN: Was the light coming from Lamma II? 23 A. Yes, correct. 24 Q. Was it any special light, like a searchlight, or just 25 the upper-deck lighting of Lamma II?</p>	<p style="text-align: right;">Page 31</p> <p>1 Mr Beresford? 2 Further examination by MR BERESFORD 3 MR BERESFORD: Mr Chui, just one question, if I may. 4 Could the chart at miscellaneous bundle 1 be shown 5 on the screen, please. Could it be amplified to 150 per 6 cent, with the North-west Lamma Anchorage at the centre 7 of the screen. 8 I'd like to see both Shek Kok Tsui and Cyberport in 9 the same view, please. 10 Mr Chui, you were asked about the position of the 11 Lamma IV when it was sunk -- sinking and sunk -- and you 12 said that its bow was pointing towards Cyberport. 13 I think it might just help people follow if they can see 14 it on the chart. We can see Cyberport in the top 15 right-hand corner of that view of the chart. 16 A. (Witness nods). 17 Q. In the bottom centre there's Shek Kok Tsui. I think you 18 were somewhere in the sea off to the left of that. 19 If I remember your evidence correctly, you said that 20 Lamma II was pointing north as it steamed up towards 21 Lamma IV, and Lamma IV was pointing towards Cyberport? 22 12 o'clock and 2 o'clock, I think you said. 23 THE CHAIRMAN: Lamma II was sailing towards Green Island and 24 Sulphur Channel so that it could go into the harbour, 25 was it not?</p>
<p style="text-align: right;">Page 30</p> <p>1 A. It was the fluorescent light on the upper deck, on the 2 open space. 3 Q. I'm sorry, there was a word which I don't think any of 4 us caught. It was what light? 5 THE CHAIRMAN: "Fluorescent". 6 MR McGOWAN: Thank you. 7 Lastly, Mr Chui, you said "The life-saving equipment 8 on board our vessel was quite easy to use." 9 A. Yes, correct. 10 Q. Could you just tell the Commission what you mean by 11 that? 12 A. Can I use a diagram to demonstrate? 13 Q. Let's take it in stages then. What sort of life-saving 14 equipment do you mean? 15 A. I mean the buoys. 16 Q. The buoys. And did you have make any use of the life 17 jackets themselves? 18 A. No. 19 MR McGOWAN: Thank you. No further questions. 20 THE CHAIRMAN: Mr Zimmern? 21 MR ZIMMERN: Yes. Thank you, Mr Chairman. We have no 22 questions. 23 THE CHAIRMAN: Thank you. 24 MS LOK: I have no questions. 25 THE CHAIRMAN: Thank you.</p>	<p style="text-align: right;">Page 32</p> <p>1 Green Island. That's passage into the harbour, is 2 it not? 3 A. (In English) Yes. 4 MR BERESFORD: There's a point at which Cyberport comes into 5 view as you go north from -- 6 THE CHAIRMAN: Mr Beresford, this is perfectly clear to the 7 Commission. 8 MR BERESFORD: Very well. Thank you. 9 Questions by THE COMMISSION 10 THE CHAIRMAN: One matter I'd like to ask about, Mr Chui, 11 and that is the persons that were rescued from the sea 12 by Lamma II. I think you've told us that there were 13 18 altogether. 14 A. Yes. 15 THE CHAIRMAN: Can you help us as to this issue. Were any 16 of them wearing life jackets? 17 A. The two persons rescued by me were wearing life jackets. 18 THE CHAIRMAN: Did you see any others wearing life jackets? 19 A. After the collision, some of the people in the sea were 20 wearing life jackets. 21 THE CHAIRMAN: Were any of them holding onto lifebuoys; 22 that's the circle? 23 A. No. 24 THE CHAIRMAN: Were not lifebuoys thrown to people in the 25 sea from Lamma II?</p>

<p style="text-align: right;">Page 33</p> <p>1 A. Yes, we did. But the buoys were drifted away by the sea 2 currents, so most of the people there couldn't catch the 3 buoys. 4 THE CHAIRMAN: Thank you very much. Thank you for coming to 5 testify to assist the Commission in its consideration of 6 the matters that it must address. Your evidence is now 7 complete, and you're free to go. You may, of course, 8 stay in the public gallery if you wish. But thank you 9 for coming and helping us. 10 A. (In English) Thank you, Mr Chairman. 11 (The witness withdrew) 12 THE CHAIRMAN: Yes, Mr Beresford. 13 MR BERESFORD: Mr Chairman, the next witness is Ho Man-kei. 14 MR HO MAN-KEI (affirmed in Puntì) 15 (All answers via interpreter unless otherwise indicated) 16 Examination by MR BERESFORD 17 MR BERESFORD: Good morning, Mr Ho. Thank you very much for 18 coming today to help the Commission. 19 A. (In English) Thank you. 20 Q. I have some questions to ask you on behalf of the 21 Commission. 22 Firstly, Mr Ho, I wonder if you could be shown 23 a copy of your statement that you gave to the police, 24 which can be found at bundle C, page 986. The English 25 translation is at page 991-1.</p>	<p style="text-align: right;">Page 35</p> <p>1 your statement. The Chinese version will be shown on 2 the screen. If you hear or see any inaccuracy, please 3 stop me and tell me. 4 A. (In English) Okay. 5 Q. I'm going to read from paragraph 4: 6 "Around 8.00 pm the same day, we boarded the vessel 7 at the Hongkong Electric Power Station pier on Lamma 8 Island. At that time, two vessels, namely Lamma IV and 9 Lamma II, were berthing at the pier at the said address. 10 According to the arrangements made by the recreation 11 unit staff earlier, passengers on Lamma IV were to get 12 off at the Central Pier while those on Lamma II were to 13 get off at the Ap Lei Chau pier after watching the 14 fireworks. Hence, the seven of us decided to board 15 Lamma II for the fireworks. By the time we boarded the 16 vessel, Lamma IV was fully loaded. Around 8.15 pm, 17 Lamma IV set sail and our vessel Lamma II did so around 18 two to three minutes later. 19 After the seven of us had got on board the vessel, 20 my wife Ying Hau-ling and I sat on a bench in the middle 21 of the vessel's open area while the other five persons 22 sat on a bench on the right of the vessel's open area 23 [see the attached sketch for the locations]." 24 Just pausing there, Mr Ho, to look at the attached 25 sketch. We can find that at page 991 of the bundle. We</p>
<p style="text-align: right;">Page 34</p> <p>1 Mr Ho, do you recognise this as your statement? 2 A. Yes. 3 Q. Have you had an opportunity today to remind yourself of 4 its content? 5 A. Yes. 6 Q. Do you have any amendment you would wish to make? 7 A. No. 8 Q. So the content of this statement is true? 9 A. Yes. 10 Q. Mr Ho, we can see from the statement that you are 11 aged 39 and that your occupation is as a technician 12 employed by Hongkong Electric Company. Is that correct? 13 A. I'm a technical worker. 14 Q. And you've been educated up to secondary 3 level? 15 A. Yes. 16 Q. You've been working at Hongkong Electric as a technician 17 for 23 years? 18 A. Yes. 19 Q. You go to the power station on Lamma Island every day 20 for your work? 21 A. Yes. 22 Q. And you travel by the staff transportation vessels 23 provided by the company? 24 A. Yes. 25 Q. Mr Ho, I'm going to read from the English translation of</p>	<p style="text-align: right;">Page 36</p> <p>1 can see your markings there, indicating that you and 2 your wife sat in the middle, with five others marked on 3 the right or the starboard side of the outer deck. 4 A. Correct. 5 Q. Thank you. 6 "At that time, around 65 to 70 passengers were on 7 board Lamma II. I was not sure about the actual number 8 of the crew. During the voyage, the sea surface was 9 very dark, the sea was calm and the sea traffic was not 10 busy. 11 After Lamma II had sailed for around two to three 12 minute, the company's recreation unit staff Leung 13 Kwok-wai arranged a game during which he learnt from the 14 coxswain that Lamma IV had collided with another vessel. 15 At that time, I was assisting him in arranging the game 16 and so he informed me of the incident at once. We 17 looked around the sea surface but did not notice any 18 vessel or special sound. At that time, Lamma II was 19 sailing at normal speed. 20 Lamma II kept sailing for one to two minutes. While 21 standing on the starboard side of the vessel and looking 22 at the sea surface, I noticed a vessel which was about 23 200 metres away from Lamma II. At that time, I saw that 24 the vessel was a catamaran and was larger than Lamma II 25 by about one-third. I then did not know the vessel's</p>

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<p>1 name or to which company it belonged. I noticed that 2 the flashlights on the sides of the vessel and the 3 lights in both the upper and the lower decks were on. 4 However, I was unable to see whether the vessel 5 sustained any damage. At that time, Lamma II was 6 sailing forward continuously while the said vessel was 7 sailing towards the opposite direction. When Lamma II 8 was sailing forward, I saw another vessel which was 9 about 200 metres ahead of the starboard side of 10 Lamma II. At that time, I recognised that the vessel 11 was Lamma IV and noticed that its stern had started to 12 sink. I heard the sound of a vessel horn but I did not 13 know which vessel sounded it. At that time, I was 14 focusing on the situation of Lamma IV. However, it was 15 then too dark and the lights on Lamma IV were out. 16 I was therefore unable to see the situation on the 17 vessel. 18 Our vessel Lamma II then tried to get near to 19 Lamma IV. When the two vessels were about 60 metres 20 apart, the Hongkong Electric Company staff on our vessel 21 immediately threw into the sea the buoys near the stern 22 of Lamma II. Meanwhile, I saw Lamma IV sinking into the 23 sea very quickly with its bow pointing upwards and its 24 stern pointing downwards. However, I still did not see 25 anyone in the sea at that time.</p>	<p>1 handed over to the others on the vessel for handling. 2 After that, I rescued another female [around 50-odd 3 years old]. At that time, she was half-conscious and 4 I did not know her. Later I rescued another male and 5 another female [around 50 years old] from the sea at the 6 stern of the vessel. The male was then conscious but 7 the female was half-conscious. I noticed the crew of 8 Lamma II going into the sea to assist with the rescue. 9 Meanwhile, Marine Police and firemen had arrived for 10 the rescue. After that, I saw Marine Police boarding 11 Lamma II to handle the incident. I assisted in checking 12 out the safety of the passengers on Lamma II. I was not 13 injured. As instructed by the Marine Police, our vessel 14 Lamma II sailed to the Ap Lei Chau pier after the 15 incident. The injured were then taken to hospital while 16 the uninjured persons were allowed to leave the pier 17 after registering their particulars." 18 Then you were asked a series of questions: 19 "Question: Did you notice if the radars of the two 20 vessels turned? 21 Answer: Too dark. I didn't notice. 22 Question: Did you notice any navigation light on 23 the two vessels? 24 Answer: Didn't notice. 25 Question: Do you know the reason why the two</p>
Page 38	Page 40
<p>1 After that, I went downstairs to the lower deck to 2 check out the situation on the starboard side. I then 3 noticed a male holding several buoys in the sea. Hence, 4 I tried to untie rope on the side of the vessel and 5 throw it to the male in the sea. I recognised that the 6 male was my company's recreation unit staff Lai Ho-yin. 7 Having noticed that Lai Ho-yin was quite safe, 8 I immediately went to rescue two females [around 40-odd 9 years old] and a child [around one year old] in the sea 10 near the other side of the stern of the vessel as their 11 situations were more critical. 12 At that time, I was near the side of the stern of 13 the vessel. I rescued the child from the sea with my 14 hands and then handed him/her over to someone on 15 Lamma II. I did not know to whom I handed over the 16 child. After that, I continued rescuing the two 17 females. I threw the rope to the two females in the 18 sea, then pulled them up with the assistance of several 19 others on our vessel and handed them over to the crew 20 for handling. I did not know the two females or to whom 21 I handed over them. 22 After that, I continued participating in the rescue. 23 I rescued a male and a female [around 40-odd years old] 24 from the sea on the starboard side of Lamma II. They 25 were conscious when being taken onto the vessel and were</p>	<p>1 vessels collided? 2 Answer: I don't know. 3 Question: Did you dial 999 to report the incident? 4 Answer: No. 5 Question: Do you know how many people were 6 rescued ...? 7 Answer: I learnt after that there were 17 to 18 8 people." 9 And the last question: 10 "Did you notice at what time the Lamma IV accident 11 occurred? 12 Answer: Around 8.20 pm." 13 THE CHAIRMAN: Mr Beresford, I think we'll take our morning 14 break before you embark upon any supplementary 15 questions. 16 MR BERESFORD: Yes, Mr Chairman. 17 THE CHAIRMAN: Mr Ho, we're going to take a morning break of 18 20 minutes. We'll resume at 11.50 by that clock. Do 19 you understand? 20 A. (In English) Okay. 21 THE CHAIRMAN: Thank you. 22 (11.31 am) 23 (A short break) 24 (11.51 am) 25 THE CHAIRMAN: May we have Mr Ho, please.</p>

<p style="text-align: right;">Page 41</p> <p>1 I remind you that you continue to give evidence 2 according to your original affirmation. 3 A. I understand. 4 THE CHAIRMAN: Mr Beresford? 5 MR BERESFORD: Mr Ho, you've mentioned that you saw nine 6 people in the sea that night, that you helped to rescue. 7 A. I didn't see all of them at one time. 8 Q. No. I just want to ask you about those that you did 9 see, one by one. 10 The first one that you mentioned was Mr Lai Ho-yin, 11 who has already been here giving evidence before the 12 Commission. 13 A. Yes. 14 Q. As I understand it, you saw him holding onto several 15 buoys in the sea, and you threw him a rope but he seemed 16 safe and you left him there? 17 A. Yes. 18 Q. And you then went to rescue two females and a child. 19 A. Correct. 20 Q. Were any of them wearing life jackets? 21 A. The two women were in life jackets. 22 Q. But not the child? 23 A. No. 24 Q. You then said that you rescued a male and a female, 25 around 40 years old, from the sea on the starboard side,</p>	<p style="text-align: right;">Page 43</p> <p>1 Examination by MR MCGOWAN 2 MR MCGOWAN: Mr Ho, in your statement at paragraph 4 you 3 deal with passenger embarkation at Lamma for returning 4 to watch the fireworks. 5 A. Yes. 6 Q. It may just be a translation problem, but your statement 7 in English reads: 8 "By the time we boarded the vessel, Lamma IV was 9 fully loaded." 10 I believe you mean by that that all the people who 11 were going to go on board Lamma IV, who were then going 12 to go on to Central at the end of the fireworks, had 13 boarded Lamma IV? 14 A. Yes, as far as I know. 15 Q. Yes. It wasn't that Lamma IV was completely full up 16 with passengers, was it? 17 A. It was not full. 18 Q. Thank you. The other matter, Mr Ho, is at paragraph 8, 19 you talk about the crew of Lamma II going into the sea 20 to assist with the rescue. 21 A. One of them. 22 Q. Right. What colour uniform was he wearing, can you 23 remember that? 24 A. I think it was blue. 25 Q. Was it the master of Lamma II who you saw doing that?</p>
<p style="text-align: right;">Page 42</p> <p>1 and they were both conscious. Were they wearing life 2 jackets? 3 A. The male was holding onto a buoy, and the woman was 4 wearing a life jacket. 5 Q. Thank you. Once you had got them aboard, you rescued 6 another female, around 50 years old, and she was just 7 half-conscious. Was she wearing a life jacket? 8 A. Yes. 9 Q. You said later that you rescued another male and another 10 female, around 50 years old, from the sea at the stern, 11 and that that male was conscious but the female was 12 half-conscious. 13 A. Yes. 14 Q. Was that male wearing a life jacket? 15 A. No. 16 Q. What about the female? 17 A. No. 18 MR BERESFORD: Okay. Thank you, Mr Ho. Wait there, please. 19 THE CHAIRMAN: Mr McGowan? 20 MR MCGOWAN: Yes. I just have a couple of topics, one 21 dealing with the loading of Lamma IV, which is at 22 paragraph 4; and the other the assistance given by the 23 crew, which is in paragraph 8. 24 THE CHAIRMAN: Yes, very well. 25 MR MCGOWAN: Thank you.</p>	<p style="text-align: right;">Page 44</p> <p>1 A. I'm not sure. 2 MR MCGOWAN: Thank you very much. 3 THE CHAIRMAN: Mr Zimmern? 4 MR ZIMMERN: Yes, Mr Chairman. May I be permitted to ask 5 this witness just about what he means by "flashlights"? 6 THE CHAIRMAN: Which paragraph? 7 MR ZIMMERN: It's paragraph 7, Mr Chairman. 8 THE CHAIRMAN: Yes, please do. 9 Examination by MR ZIMMERN 10 MR ZIMMERN: Mr Ho, in your paragraph 7, around the seventh 11 sentence, having seen the catamaran about 200 metres 12 away, you say: 13 "I noticed that the flashlights on the sides of the 14 vessel and the lights in both the upper and the lower 15 decks were on." 16 I think it's quite clear that "the upper and lower 17 deck lights", you're talking about the cabin lights; am 18 I right? 19 A. Yes. 20 Q. However, can I ask you what you mean, to assist this 21 Commission, by "flashlights"? 22 A. I don't know what it was. I just saw light flashing. 23 Q. So you saw a flashing light? 24 A. Yes. 25 Q. Do you recall now where you saw the flashing light?</p>

<p style="text-align: right;">Page 45</p> <p>1 A. I don't understand the question. 2 THE CHAIRMAN: Whereabouts on the vessel was this light 3 flashing? 4 A. On both sides of the vessel. 5 MR ZIMMERN: Do you recall now what colour the light was? 6 A. I'm not sure. 7 Q. Mr Ho, if I suggested to you the light was a bright 8 flashing yellow light, would that assist you in your 9 recollection? 10 A. It won't help, because I have some degree of 11 colour-blindness. 12 MR ZIMMERN: Thank you very much, Mr Ho. 13 MS LOK: I have no questions. 14 THE CHAIRMAN: Thank you. 15 MR BERESFORD: No further questions, Mr Chairman. 16 THE CHAIRMAN: Thank you for coming to assist the Commission 17 in its enquiries, Mr Ho. Your evidence is now complete, 18 and you're free to go. You may, of course, stay and 19 listen to the evidence in the public gallery if you 20 wish. But thank you again for coming. 21 A. (In English) Thank you. 22 THE CHAIRMAN: Before you call your next witness, 23 Mr Beresford, there is a matter I wish to raise with 24 Mr McGowan. 25 MR BERESFORD: Yes, Mr Chairman.</p>	<p style="text-align: right;">Page 47</p> <p>1 MR McGOWAN: Yes. 2 THE CHAIRMAN: In October? 3 MR McGOWAN: In October, yes. 4 THE CHAIRMAN: Because it beggars believe, at least as far 5 as the Commission is concerned, that this material was 6 not called for at the outset, and we are disappointed 7 that it's not available now in the Commission. It's 8 relevant, of course, to the witness Mr Leung. 9 MR McGOWAN: Yes. 10 THE CHAIRMAN: That's why we want it. 11 MR McGOWAN: Yes. Well, you have got some of the material. 12 THE CHAIRMAN: Please comply with our request so that we can 13 deal with Mr Leung. 14 MR McGOWAN: Yes. 15 THE CHAIRMAN: Thank you. 16 Mr Beresford? 17 MR BERESFORD: Mr Chairman, the next witness is Mr Chan 18 Wing-hang. 19 MR CHAN WING-HANG (affirmed in Puntì) 20 (All answers via interpreter unless otherwise indicated) 21 Examination by MR BERESFORD 22 MR BERESFORD: Mr Chan, thank you very much for coming this 23 morning to help the Commission in its Inquiry. I have 24 some questions for you on behalf of the Commission. 25 You have previously made a statement to the police,</p>
<p style="text-align: right;">Page 46</p> <p>1 THE CHAIRMAN: Mr McGowan, those instructing you were 2 written to by the Commission's solicitors only a couple 3 of days ago, but they were asked to provide by 4 10 o'clock this morning these matters: 5 "All records in your possession in whatsoever form 6 relating to the preparation for and organisation of the 7 recreational event of 1 October 2012 insofar as it 8 relates to the use of the vessels Lamma IV and 9 Lamma II." 10 There appears to be some difficulty in complying 11 with that request, because we've had passed on to us 12 a letter, on the letterhead of Reed Smith Richards 13 Butler, explaining that your clients are still going 14 through those records. 15 What is the difficulty? 16 MR McGOWAN: Could I have a moment, sir? 17 THE CHAIRMAN: Yes. Do you want to have a look at a copy of 18 the letter that we've received? 19 MR McGOWAN: Well, there were some attachments, sir. 20 THE CHAIRMAN: Yes. 21 MR McGOWAN: They're still looking. 22 THE CHAIRMAN: But let me ask you this. When were your 23 instructing solicitors engaged to act in this matter? 24 MR McGOWAN: After the incident, sir. 25 THE CHAIRMAN: Well, obviously.</p>	<p style="text-align: right;">Page 48</p> <p>1 have you not, on 11 October 2012? 2 A. (In English) Yes. 3 MR BERESFORD: Could the witness please be shown a copy of 4 that statement, which is to be found in our bundle C at 5 pages 992 to 1003. The English translation is at 6 pages 1003-1 to 1003-5. 7 Mr Chan, have you been shown a copy of that 8 statement earlier today to give you an opportunity to 9 remind you of what is said there? 10 A. (In English) Yes. 11 Q. Do you have any amendment you wish to make? 12 A. (In English) No. 13 Q. Are the contents of that statement true? 14 A. (In English) Yes. 15 Q. Thank you. Mr Chan, you're aged 26 and your occupation 16 is engineer; is that correct? 17 A. (In English) Yes. 18 Q. And you're educated to university level? 19 A. Mm. 20 Q. Can you answer with a word rather than a nod of the 21 head, please, because it has to go onto the transcript. 22 A. (In English) Okay, okay. 23 Q. You're an employee of Hongkong Electric? 24 A. (In English) Yes. 25 Q. You've been an engineer III since 2008?</p>

<p style="text-align: right;">Page 49</p> <p>1 A. (In English) Yes. 2 Q. Your place of work is Hongkong Electric maintenance 3 building, Lamma Island? Yes. 4 A. (In English) Yes. 5 Q. I'm going to read from the English translation of your 6 statement, with a view to saving some time, and the 7 Chinese will be shown on the screen. If you hear 8 anything that strikes you as inaccurate or wrong, please 9 stop me and tell me. 10 A. (In English) Okay. 11 Q. I'm going to read from the third sentence of 12 paragraph 3: 13 "After dinner, around 7.50 pm, the three of us 14 arrived at Lamma Island pier where staff showed us the 15 vessel on the right side of the pier facing the sea was 16 Lamma II. Then we boarded Lamma II and went to the 17 starboard quarter on the upper deck [see Annex]." 18 I'll come to that in a second. 19 "My father took the last seat at the starboard 20 quarter, I sat on my father's right [ie the second seat] 21 and my girlfriend sat on my right [ie the third seat]. 22 We were facing the port quarter with our back against 23 the railings. Behind us was the sea. On my 24 girlfriend's right were my colleague Lam Siu-long and 25 his family [whom I do not know]."</p>	<p style="text-align: right;">Page 51</p> <p>1 turned around and sailed towards Yung Shue Wan pier at 2 a high speed." 3 Can I just turn there. I'm told by my learned 4 friend Ms Lok that there's a translation point, in that 5 there's a word in there that suggests "suddenly and 6 unusually turned around". 7 Is that correct, Madam Interpreter? The Chinese is 8 at page 995. 9 THE INTERPRETER: Mr Beresford, can I have the line in the 10 Chinese version? Which line, please? 11 THE CHAIRMAN: Line 5, paragraph 4. 12 THE INTERPRETER: Thank you. 13 MR BERESFORD: Thank you, Mr Chairman. 14 My junior is referring to the third line up from the 15 bottom. 16 THE INTERPRETER: Yes, there is the word which means 17 "suddenly". 18 MR BERESFORD: And "unusually", is there a word that says 19 "unusually"? 20 THE INTERPRETER: Yes, also, "unusually". 21 MR BERESFORD: Mr Chan, do you agree that that is what you 22 meant, that it was sudden and unusual? 23 A. Yes. 24 Q. Thank you. So I'll just read that with that word then: 25 "At the place where a small part of Cyberport could</p>
<p style="text-align: right;">Page 50</p> <p>1 Pausing there, could we look at the annex to your 2 statement, which is to be found at page 1002. If we 3 scroll down there, we can see on the starboard quarter 4 where you've marked where you were sitting. 5 So that's right aft on the starboard quarter; is 6 that right, Mr Chan? 7 A. Yes. 8 Q. I'll continue reading: 9 "Around 8.15 pm, Lamma II cast off. Meanwhile, 10 Lamma IV on the other side had cast off already. At 11 that time, the three of us turned around to watch the 12 scenery. Because I work on Lamma Island, I am familiar 13 with the surrounding. Hence I introduced the sights 14 there to my father and girlfriend during the journey. 15 I remember that our destination was Central after 16 departing from Lamma Island pier. We could see Yung 17 Shue Wan pier, the lighthouse and a small part of 18 Cyberport. The vessel had sailed for about 6 minutes 19 since departure until we saw Cyberport. During the 20 6 minutes, the vessel sailed at a steady and average 21 speed. The visibility was clear and the sea was not 22 rough. 23 At the place where a small part of Cyberport could 24 be seen, I saw that another vessel at a distance of 25 about 30-40 metres ahead on our starboard side suddenly</p>	<p style="text-align: right;">Page 52</p> <p>1 be seen, I saw that another vessel at a distance of 2 about 30-40 metres ahead on or starboard side suddenly 3 and unusually turned around and sailed towards Yung Shue 4 Wan pier at a high speed. It sailed past our starboard 5 side at a distance of about 10-20 metres. Meanwhile, 6 I heard an alarm-like sound ['beep'] that lasted for 7 about 2 seconds but I did not know which vessel produced 8 the 'beep'. Then our vessel began to slow down and then 9 stopped. At that time, at a distance of about 25 metres 10 on the starboard side, a vessel tilted at an angle of 11 about 30 degrees. Its bow pointed upward and the stern 12 towards the water. About 30 seconds later, its stern 13 sank below the water and the bow pointed upward. 14 Meanwhile, I saw people on the sea and heard people 15 shout for help. I knew the sinking vessel was Lamma IV 16 and that someone had fallen overboard. However, I did 17 not know why Lamma IV sank. I immediately threw the 18 lifebuoys at the stern into the sea. I do not remember 19 the number of lifebuoys I had thrown. 20 A few minutes later, I saw someone swimming towards 21 our vessel. I stopped throwing lifebuoys and went to 22 the lower deck where people on our vessel were beginning 23 hauling people up from the sea. I helped my father and 24 another man haul a fat man up to the middle of our 25 vessel. I do not know the fat man. He was vomiting but</p>

<p style="text-align: right;">Page 53</p> <p>1 I did not talk to him. Then I went to the stern and saw 2 lights flashing on Lamma IV that was behind us on the 3 starboard side. I believed someone was there but 4 I could not do anything. I did not pay attention to the 5 sea anymore. In the middle of the vessel, two marine 6 policemen were already on board. Because there were 7 injured people on our vessel, it sailed to Ap Lei Chau 8 pier. Around 9.30 pm, we arrived at Ap Lei Chau pier. 9 On the way to Ap Lei Chau pier after the vessel stopped 10 for rescue, I saw 10-odd injured persons on our vessel, 11 including men, women and children. I do not know the 12 exact number of them. I helped counting the people on 13 our vessel but I do not remember the number now. 14 It was very confused when we arrived at Ap Lei Chau 15 pier. There were many firemen and ambulancemen rescuing 16 the injured people at the scene and sending them to 17 hospital. I stayed with my father and girlfriend all 18 the while without helping with the rescue again." 19 Then moving on, you were asked a series of questions 20 at the end of this: 21 "Question: After you boarded the vessel, did anyone 22 tell you how to wear a life jacket, where it was put or 23 the escape route? 24 Answer: No. But I know the above because the 25 company assigned crew to give us explanation irregularly</p>	<p style="text-align: right;">Page 55</p> <p>1 Examination by MR McGOWAN 2 MR McGOWAN: Mr Chan, I'm representing Hongkong Electric and 3 the crew of the Lamma IV. I'd just like to ask you some 4 questions about what happened after Lamma IV began to 5 sink and Lamma II approached to assist with the rescue. 6 I believe from your statement that you went down to the 7 stern of Lamma II and started helping pull people from 8 the sea. 9 A. I was not the one involved in pulling the people from 10 the sea. There were other colleagues doing that. I was 11 only helping them to enter the cabin from the side of 12 the stern. 13 Q. Right. Amongst the people who were helping to bring 14 people out of the sea were the crew members of the 15 Lamma II, your vessel? 16 A. I saw that they were colleagues of the Hongkong 17 Electric. I didn't see crew members. 18 Q. Weren't the people in sailors' uniforms there assisting? 19 A. I didn't pay attention to this. 20 MR McGOWAN: Thank you very much, Mr Chan. 21 THE CHAIRMAN: Mr Zimmern? 22 MR ZIMMERN: Yes, Mr Chairman. We have no questions. 23 MS LOK: I have no questions. 24 THE CHAIRMAN: Thank you. 25 MR BERESFORD: No further questions.</p>
<p style="text-align: right;">Page 54</p> <p>1 [every two or three months]. 2 Question: How was the sea traffic at that time? 3 Answer: I only know Lamma IV was ahead of us. 4 I did not see other vessels so the sea traffic was 5 rather smooth. 6 Question: Do you know why Lamma IV sank and people 7 fell overboard? 8 Answer: I did not know at first. After people were 9 hauled up to our vessel, someone said it was vessel 10 collision but I do not know who said it. 11 Question: Apart from helping with hauling up a fat 12 man, did you rescue other people? 13 Answer: No." 14 Mr Chan, you mentioned two people that you saw in 15 the sea: one person swimming towards your vessel and the 16 other person was the fat man that you helped to haul up 17 on board. Were either of them wearing life jackets? 18 A. No. 19 MR BERESFORD: Thank you. Would you wait there, please, 20 Mr Chan. 21 MR McGOWAN: Mr Chairman, I'd just like to ask Mr Chan a few 22 questions about which people were involved in helping 23 people out of the sea or hauling people out of the sea. 24 THE CHAIRMAN: Yes. 25 MR McGOWAN: Thank you.</p>	<p style="text-align: right;">Page 56</p> <p>1 THE CHAIRMAN: Thank you. 2 Mr Chan, thank you for coming to assist the 3 Commission with its Inquiry. Your evidence is now 4 complete, and you're free to go. You can, of course, if 5 you wish, sit in the public gallery and hear the other 6 witnesses. But thank you for coming. 7 A. (In English) Thank you. 8 (The witness withdrew) 9 MR BERESFORD: Mr Chairman, the next witness is Mr Law 10 Kwok-cheong. 11 MR LAW KWOK-CHEONG (affirmed in Puntis) 12 (All answers via interpreter unless otherwise indicated) 13 Examination by MR BERESFORD 14 MR BERESFORD: Mr Law, thank you very much for coming this 15 morning to help the Commission with its Inquiry. I have 16 some questions to ask you on behalf of the Commission. 17 First of all, have you previously made a statement 18 to the police on 11 October 2012? 19 A. Yes. 20 MR BERESFORD: Can that statement please be shown to the 21 witness. It's in our bundle C at page 1021 to 22 page 1031. The translation is at page 1031-1 to 23 page 1031-14. 24 Mr Law, do you recognise that statement as your 25 statement?</p>

<p style="text-align: right;">Page 57</p> <p>1 A. Yes. 2 Q. Have you been given an opportunity to look over it this 3 morning? 4 A. Yes. 5 Q. Do you have any amendment you wish to make? 6 A. No. 7 Q. So the contents of that statement are true? 8 A. Yes. 9 Q. Thank you, Mr Law. 10 We can see that you're aged 49 and your occupation 11 is engineer of Hongkong Electric's Lamma Power Station. 12 A. Yes. 13 Q. And that you've been educated to post-secondary level? 14 A. Yes. 15 Q. You've worked for the Hongkong Electric Company Ltd for 16 32 years? 17 A. Yes. 18 Q. And you've been attached to Lamma Power Station for 19 almost 25 years? 20 A. Yes. 21 Q. You began to work as an engineer seven years ago? 22 A. Yes. 23 Q. I'm going to read an extract from your statement to the 24 police, Mr Law -- I'm going to read from the English 25 translation; the Chinese will be shown on the screen --</p>	<p style="text-align: right;">Page 59</p> <p>1 and saw three crew members [Ah Yau, Tai Kau-shing and 2 Fai Chai] on board. I asked them if they were going to 3 steer the ship. The three of them answered in the 4 negative because they had already gone off duty. 5 According to them, the ship would be steered by a group 6 of outsourced crew members, whom I do not know. Later, 7 I got to know that three crew members were responsible 8 for steering Lamma II. After going on board, the five 9 of us sat separately [refer to Annex 1 for our seating 10 plan]." 11 If I can just pause there to look at annex 1, the 12 seating plan you mentioned, which is at page 1030. 13 That's being shown on the screen now, and we can see 14 you there on the middle bench on the starboard side; is 15 that right? 16 A. Yes. 17 Q. Thank you, Mr Law. 18 "Our ship put to sea at about 8.15 pm while Lamma IV 19 set sail a minute or two before us. I remember that 20 about 60 people were on the upper deck of Lamma II at 21 the time of departure and that most of them were on the 22 weather deck. After the vessel set sail, as I was 23 sitting at the stern area, I could not see what happened 24 to Lamma IV upon its departure. I remember that no 25 announcement of information on survival kit and escape</p>
<p style="text-align: right;">Page 58</p> <p>1 with a view to saving some time. If you hear or see 2 anything inaccurate, then please stop me and tell me, 3 okay? 4 A. (In English) Okay. 5 Q. Unless Mr Chairman wants an earlier passage, I propose 6 to start reading at paragraph 6. 7 THE CHAIRMAN: Yes, very well. 8 MR BERESFORD: "After dinner, the five of us headed for 9 Lamma Island pier on foot. We arrived at the pier and 10 saw two vessels, namely Lamma IV and Lamma II, having 11 docked. The Lamma Island pier is of linear design, 12 consisting of piers No. 1 and No. 2. At that time, 13 Lamma II was moored to pier No. 1 while Lamma IV to pier 14 No. 2." 15 THE CHAIRMAN: Just pause there, if you would, Mr Beresford, 16 and let me interject. Do we have any photographs of 17 this pier? Perhaps that can be addressed whilst you're 18 then reading on. 19 MR BERESFORD: Yes, Mr Chairman. 20 "The bows of both vessels faced the land. As I had 21 been responsible for repairing the company's boats in 22 the past, I knew the crew. At that time, I saw the 23 above-mentioned Ah Yau standing there. I asked him 24 which boat would dock at Ap Lei Chau for dismissal. He 25 told me that it was Lamma II. I then walked to Lamma II</p>	<p style="text-align: right;">Page 60</p> <p>1 route was made from the time we boarded to the time the 2 ship departed. As I had once been responsible for ship 3 repair, I knew where lifebuoys and life vests were 4 placed. I remember that the sea was calm on that night 5 and that the speed of the vessel was just as normal. 6 After the ship had set sail, lights in the indoor 7 cabin on the upper deck faded while lights on the 8 weather deck at the stern were strong. After the ship 9 had sailed for about five minutes, I heard someone 10 shouting about a vessel collision. I could just 11 identify it as a male voice, but I did not know who was 12 shouting. I then felt that our ship slowed down. In my 13 line of sight, I first saw a ship which had halted ahead 14 of the starboard bow of our ship. As lights of this 15 vessel were on, I could see that it was a very large 16 catamaran in dark colour consisting of two decks. 17 However, I did not know whether the navigation light and 18 the radar of this vessel had been in operation. 19 I then saw this catamaran sail on and no longer paid 20 attention to it. I looked to the left and saw a ship 21 begin to sink with its stern facing downwards and its 22 bow pointing up at an angle of nearly 30 degrees. There 23 was not any light from this vessel, so I had no idea at 24 first which ship it was. When I took a second look at 25 it, I realised that it was Lamma IV. At the same time,</p>

<p style="text-align: right;">Page 61</p> <p>1 I heard noises of people coming in the direction of 2 Lamma IV. Subsequently, I saw a staff member from the 3 recreation department (Rayman) make a report to the 4 police. 5 Meanwhile, we threw lifebuoys on board into the sea. 6 During the very period, I went to the wheelhouse at the 7 bow on the upper deck and found a worker there. I asked 8 him/her to turn on all the lights of the entire vessel. 9 I then went out to the upper deck. I saw people 10 floating in the sea and swimming towards our ship. 11 Others and I rushed to the lower deck to assist in 12 hauling people aboard our vessel. When I reached the 13 stern on the lower deck [the starboard quarter], I saw 14 a colleague of mine [Herman] giving first aid to a kid 15 [girl]. Herman then told me to ask passengers on board 16 if anyone had first-aid knowledge. I went to the upper 17 deck and asked if anyone had first-aid knowledge. Two 18 ladies raised their hands. I led them to the lower deck 19 to offer help. Later, several of us also assisted in 20 saving others. During the time, upon our arrangements, 21 passengers on the upper deck went down to the bow on the 22 lower deck because we did not want the vessel to turn 23 upside down nor did we want to frighten the kids. We 24 first threw lifebuoys and then life vests into the sea. 25 Meanwhile, I again went to the wheelhouse. There</p>	<p style="text-align: right;">Page 63</p> <p>1 When we reached Ap Lei Chau pier, it was about 2 9.10 pm. After our ship docked properly, I saw members 3 of the senior management of our company. Later, a white 4 yacht [details unknown] sent one or injured person on to 5 our ship. Subsequently, rescuers boarded our ship and 6 helped the injured persons to the shore. We waited on 7 Lamma II. Subsequently, staff members of Hongkong 8 Electric and police officers boarded our vessel and 9 counted the number of people. After that, we were 10 arranged to go ashore." 11 Then leaving out paragraph 8, you were asked 12 a number of questions at the end of your interview: 13 "Question: You saw a very bright catamaran. Which 14 part of it did you see? 15 Answer: I could just see its starboard hull. I did 16 not see other things. 17 Question: Did you hear any sound in particular 18 throughout your journey from Lamma Island to the 19 location where Lamma IV sank? 20 Answer: No. 21 Question: Did you pay attention to the radar of 22 Lamma IV? 23 Answer: At first, when I saw it tilting at an angle 24 of 30 degrees, the radar spinning. When the hull was 25 straight up, I did not pay further attention to it.</p>
<p style="text-align: right;">Page 62</p> <p>1 was not anyone in the wheelhouse at that time. As 2 I knew how to operate the radio set on board, I knew 3 that this set was used to make contact with Hongkong 4 Electric's Lamma Island office. I said to an officer in 5 the Lamma Island office, 'Lamma IV is sinking. Have you 6 people made a report to the police? The opposite party 7 replied in the affirmative. At the same time, a male 8 asked me for a first-aid kit. I gave him the kit and 9 went back to the lower deck to help. 10 About 15 to 20 minutes after the ship began to sink, 11 rescuers arrived. I told them the exact location where 12 the vessel sank. We hauled 17 people aboard. 15 of 13 them were conscious [mainly sustaining injuries to their 14 heads and both hands]. The other two persons were in 15 more serious condition and were arranged to lie on the 16 floor. They were breathing. 17 Later, some Marine Police officers boarded our 18 vessel and asked us about the situation. Ko Chun-hung 19 spoke to the police for us. The Marine Police asked us 20 how long it would take to go to Ap Lei Chau pier. Mr Ko 21 said it took about 15 minutes. We then headed back to 22 Ap Lei Chau pier. When our ship sailed away, I again 23 looked at Lamma IV and saw it already standing straight 24 up in the sea. Our vessel had stopped for about 25 35 minute before leaving the shipwreck scene.</p>	<p style="text-align: right;">Page 64</p> <p>1 Question: In the incident, did you sustain any 2 injuries? 3 Answer: All the four persons going with me and 4 I did not sustain any injuries." 5 Mr Chairman, we do not have a photograph of the pier 6 at the power station. 7 THE CHAIRMAN: Thank you. 8 MR BERESFORD: Mr Chairman, just another point of 9 information. We did look at the other rescuers' 10 statements and it appears that Mr Wu's boat may be the 11 boat with the spotlight, and that may also be the white 12 yacht that's mentioned here, since that was the pleasure 13 boat -- it may be a junk -- that brought the injured 14 person ashore. 15 Mr Law, thank you very much. That's your statement. 16 Would you please wait there. 17 MR McGOWAN: Mr Chairman, could I just ask this witness 18 about certain matters which appear in page 1031-5 of his 19 statement, which is basically what happened after they 20 approached Lamma IV. 21 THE CHAIRMAN: Yes. 22 Examination by MR McGOWAN 23 MR McGOWAN: Mr Law, you've told us in your statement and 24 agreed in your evidence that you went to the wheelhouse 25 of Lamma II and spoke to what you describe as a worker.</p>

Page 65	Page 67
<p>1 Do you remember that? 2 A. Yes. 3 Q. And that man was a member of the crew of Lamma II? 4 A. Yes. 5 Q. Do you remember what colour uniform he was wearing? 6 A. I don't remember. 7 Q. And that was at the stage that Lamma II was approaching 8 and manoeuvring in the vicinity of Lamma IV? 9 A. I don't quite understand the question. 10 Q. When you went to the wheelhouse the first time, Lamma II 11 was just coming up to Lamma IV. 12 A. At that time, it had stopped there. 13 Q. Right, and the rescue attempt was about to start? 14 A. After I heard people yelling "Collision", I went to find 15 out what happened in the wheelhouse. 16 Q. Yes. And at that stage, it was manned and Lamma II was 17 approaching Lamma IV? 18 A. Yes. 19 Q. Then Lamma II stopped in the vicinity of Lamma IV, and 20 the rescue attempt got underway or the rescue efforts 21 got underway? 22 A. Yes. 23 Q. Members of the crew of Lamma II went down to assist in 24 that rescue effort, didn't they? 25 A. Yes.</p>	<p>1 Q. We see similar photographs on pages 637 and 638. 2 Page 639 and 640 are not very helpful; they're rather 3 blurred. But then pages 641, 642 and 643 show a little 4 bit inside. So, for example, at page 641, we can see to 5 the left of the light, in this photograph, there appears 6 to be a boat under the fourth crane to the left. We can 7 see what appears to be the same thing, with a different 8 exposure, at page 642, and again at page 643. Can you 9 see the white boat there? 10 A. Yes. 11 Q. So can you help us. When you refer to pier 1 and 12 pier 2, is that visible in any of those photographs? 13 A. Yes. 14 Q. Is it where the white boat is? 15 THE INTERPRETER: The witness was pointing at pier 1 and 16 pier 2. Pier 1 was on the left-hand side, while pier 2 17 was on the right-hand side. 18 THE CHAIRMAN: If you use the white vessel that appears to 19 be moored, can you indicate by reference to that, left 20 or right, where the piers are? 21 A. Pier 1 will be on the left, while pier 2 will be on the 22 right. 23 MR BERESFORD: Thank you. 24 Questions by THE COMMISSION 25 THE CHAIRMAN: Mr Law, do you know if there are any CCTV</p>
Page 66	Page 68
<p>1 Q. When you went back to the wheelhouse later and found 2 nobody there, that was during the rescue efforts? 3 A. Yes. 4 MR McGOWAN: Thank you very much. 5 MR ZIMMERN: Thank you, Mr Chairman. We have no questions. 6 THE CHAIRMAN: Thank you. 7 MS LOK: I have no questions. 8 THE CHAIRMAN: Thank you. 9 Mr Beresford? 10 MR BERESFORD: Mr Chairman, it doesn't arise out of the 11 questions of my learned friend but we have identified 12 some photographs which perhaps I can just show this 13 witness. 14 THE CHAIRMAN: Yes, please, if it helps. 15 MR BERESFORD: They are in the photograph bundle starting at 16 page 636. They're really focusing on the light at the 17 end of the breakwater at the Lamma Island Power Plant 18 pier, but it may help to give some idea of the 19 landscape. 20 Further examination by MR BERESFORD 21 MR BERESFORD: Page 636 shows what it looks like from the 22 sea, looking in towards the little typhoon shelter 23 there. Is that right, Mr Law? 24 A. Yes. The place where the light is was the entrance of 25 our company's pier.</p>	<p>1 cameras that operate where the vessels are berthed, 2 pier 1 and pier 2? 3 A. Yes. 4 THE CHAIRMAN: Do you know how many such cameras there are? 5 A. As far as I know, there are two, one pointing towards 6 pier 1 and the other pointing towards pier 2. 7 THE CHAIRMAN: How are they mounted? On the side of 8 a building or on a telegraph pole? How are they 9 mounted? 10 A. They are on the walkway. 11 MR ZIMMERN: Mr Chairman, may I be permitted, given the 12 photos, just to ask one or two questions relating to the 13 light? 14 THE CHAIRMAN: Certainly. 15 Examination by MR ZIMMERN 16 MR ZIMMERN: Thank you, Mr Law. I don't know if you'll be 17 able to assist us, but this light at the Lamma pier, or 18 the entrance to Lamma pier, do you know its purpose? 19 A. Which light are you referring to? 20 Q. There should be a light on the photo that's on your 21 screen at the moment. I'm referring to that light. The 22 cursor is pointing at the light at the moment. 23 A. It's a fog light. 24 Q. It's a fog light. I understand your evidence is that 25 you've been working on Lamma Island for some 25 years;</p>

<p style="text-align: right;">Page 69</p> <p>1 is that correct? 2 A. Yes. 3 Q. Do you have any recollection when this light was first 4 erected? 5 A. No. 6 Q. Also, would I be right in saying that this light points 7 north? 8 A. I don't think this is pointing north. I can't give you 9 an answer. 10 Q. I'm sure the Commission will look into it. 11 Just one last question, Mr Law. As far as this 12 light goes, you mentioned it's a fog light. Would it be 13 correct that it only ought to be on when there's fog? 14 A. No. It is kept on all the time. 15 Q. And it's a very bright light? 16 A. Yes. 17 MR ZIMMERN: Thank you very much, Mr Law. 18 Thank you, Mr Chairman. 19 MS LOK: I have no questions. 20 THE CHAIRMAN: Thank you. 21 Mr Beresford? 22 MR BERESFORD: Just one question arising out of that, 23 Mr Chairman. I wonder if the witness could be shown the 24 chart at miscellaneous bundle, tab 1. 25 Further examination by MR BERESFORD</p>	<p style="text-align: right;">Page 71</p> <p>1 others if you wish. Thank you for coming. 2 A. (In English) Thank you. 3 (The witness withdrew) 4 THE CHAIRMAN: Mr Beresford? 5 MR BERESFORD: Mr Chairman, the next witness is Mr Leung 6 Kwok-wai and he is the last witness for today. 7 THE CHAIRMAN: You're unable to call the master? 8 MR BERESFORD: No, I'm afraid not. He's at sea, so we 9 weren't able to get him for today. 10 THE CHAIRMAN: Well, I think if Mr Leung -- he is the 11 recreation officer? 12 MR BERESFORD: Yes. 13 THE CHAIRMAN: I think we ought to give Reed Smith Richards 14 Butler the lunch hour to produce the material that's 15 relevant to his testimony. 16 MR BERESFORD: Yes, Mr Chairman. 17 THE CHAIRMAN: So we'll adjourn now and resume at 2.30. 18 (12.52 pm) 19 (The luncheon adjournment) 20 (2.30 pm) 21 THE CHAIRMAN: Mr McGowan? 22 MR MCGOWAN: Good afternoon, Mr Chairman. Our position on 23 the request and our actions on it are this. The letter 24 we provided this morning, which must have been shortly 25 after the Commission got underway, provided all the</p>
<p style="text-align: right;">Page 70</p> <p>1 MR BERESFORD: Mr Law, we can see the Lamma Power Station 2 typhoon shelter. If we look at Yung Shue Wan on the 3 chart and then follow the coast down to that crab-shaped 4 pair of piers before we come to the main part of the 5 power station -- is that right? 6 A. Yes. 7 Q. And the light my learned friend was referring to is on 8 the end of the longer pier to the left; is that right? 9 A. Correct. 10 Q. And the photographs that we've been looking at would all 11 have been looking from a point to the north of that, 12 down? 13 A. Yes. 14 Q. They were all looking in through that gap between those 15 two piers? 16 A. I don't understand the question. 17 THE CHAIRMAN: I don't think we need the witness's help to 18 work out where the photographs were taken. 19 MR BERESFORD: Very well, Mr Chairman. I have no further 20 questions. Thank you. 21 THE CHAIRMAN: Thank you. 22 Mr Law, thank you for coming to give evidence to the 23 Inquiry to help us with our deliberations. Your 24 evidence is now complete and you're free to go. You 25 may, of course, stay in the public gallery and listen to</p>	<p style="text-align: right;">Page 72</p> <p>1 documentation that was available about the booking and 2 allocation of the two vessels, which is what the request 3 asked. 4 THE CHAIRMAN: No, it wasn't. 5 "All records in your possession in whatsoever form 6 relating to the preparation for and organisation of the 7 recreational event ... insofar as it relates to the use 8 of the vessels ..." 9 That was the request. That is the request. 10 MR MCGOWAN: Yes, but it related to the use of the vessels 11 and that's what we provided, we believe, this morning. 12 We have, however, Mr Chairman, provided other 13 records relating to the organisation of the event, 14 including the volunteer recruitment for the helpers, 15 the -- 16 THE CHAIRMAN: All that we were trying to do in deliberately 17 limiting the material we requested was to avoid being 18 provided with what was served for lunch and dinner, and 19 those sort of arrangements. It's the vessel that we're 20 interested in. 21 MR MCGOWAN: Yes. You've got, sir, what was available about 22 the vessel. You've also got, of course, the operating 23 manual which we provided as part of our discovery to the 24 Marine Department and had been passed on to you, for the 25 two vessels.</p>

<p style="text-align: right;">Page 73</p> <p>1 We understand that you wish this for the questioning 2 of the next witness, Mr Leung. Mr Leung is in fact in 3 very much the same sort of position as Mr Lai. 4 THE CHAIRMAN: We'll find out. 5 MR McGOWAN: Yes. It was and it is our intention to 6 actually produce a more senior officer to talk about 7 this in due course as part of -- 8 THE CHAIRMAN: We intend requiring that, separately of 9 anything you might wish to put forward. 10 MR McGOWAN: Yes, certainly. That would be part of the 11 later stage of the investigation, sir. 12 THE CHAIRMAN: Thank you. 13 MR McGOWAN: Can I assist you any further? 14 THE CHAIRMAN: No. 15 Mr Beresford? 16 MR BERESFORD: Mr Chairman, I call Mr Leung Kwok-wai. 17 THE CHAIRMAN: Thank you. 18 MR LEUNG KWOK-WAI (affirmed in Punt) (All answers via interpreter unless otherwise indicated) 19 Examination by MR BERESFORD 20 MR BERESFORD: Good afternoon, Mr Leung, and thank you very 21 much for coming along to assist this Inquiry this 22 afternoon. I have some questions to ask you on behalf 23 of the Commission. 24 25 Mr Leung, I understand that you have previously</p>	<p style="text-align: right;">Page 75</p> <p>1 experience in that you joined Hongkong Electric Holdings 2 Ltd on 15 October 1982 with responsibility for 3 navigating the pleasure vessel of the company, and that 4 you took up the post of captain? 5 A. Yes. 6 Q. Then subsequently, in around 1992, you transferred to 7 the administrative side? 8 A. Yes. 9 THE CHAIRMAN: What marine licences do you hold? 10 THE INTERPRETER: I wonder if I can get the correct English 11 name, but -- 12 THE CHAIRMAN: Try, and we'll help. 13 A. 60-tonne operation licence; 150-horsepower licence; and 14 special leisure licence. 15 THE CHAIRMAN: So you're licensed to be in command of 16 a 60-tonne vessel with a 150-horsepower engine; is that 17 the position? 18 A. Yes, as far as operation vessel is concerned. 19 THE INTERPRETER: I think "trade" ... 20 (Chinese spoken) 21 A. It is the same as the licence that the coxswain of our 22 company holds. 23 THE CHAIRMAN: And what is this special leisure licence? 24 A. It is what we call the leisure-boat licence. 25 THE CHAIRMAN: What kind of vessels fall into that category?</p>
<p style="text-align: right;">Page 74</p> <p>1 given a statement to the police in connection with this 2 matter, dated 6 November 2012. We can find that at 3 page 1140 of our bundle C, running through to page 1144. 4 The translation is to be found pages 1144-1 to 1144-6. 5 Mr Leung, have you been shown a copy of your 6 statement today and given an opportunity to remind 7 yourself of its content? 8 A. Yes. 9 Q. Do you have any amendment you may wish to make? 10 A. I would like to change the occupation to assistant 11 recreation officer of Power Assets Holding Ltd. 12 Q. Thank you. Subject to that, the content of this 13 statement is true? 14 A. Yes. 15 Q. Thank you. Mr Leung, you are aged 68 and, as you've 16 just told us, your occupation is assistant recreation 17 officer of Power Assets Holdings Ltd? 18 A. Yes. I'm aged 58. 19 Q. I'm sorry if I said something different. Thank you. 20 You were educated to form 3? 21 A. Yes. 22 Q. In that role, you are an officer of the staff recreation 23 unit of Power Assets Holding Ltd? 24 A. Yes. 25 Q. Mr Leung, I understand you have some navigational</p>	<p style="text-align: right;">Page 76</p> <p>1 A. Are you talking about the leisure-boat licence? 2 THE CHAIRMAN: Yes. 3 A. As far as I know, these are for the leisure-boat ride, 4 for the vessels that carry passengers for leisure-boat 5 ride. 6 THE CHAIRMAN: Do you have a pleasure vessel licence grade I 7 or grade II? 8 A. Yes, and eventually it will be converted to a special 9 one. 10 THE CHAIRMAN: Let me try again. There is a category of 11 licence which is pleasure vessel licence. Grade I is 12 a higher engine capacity and length overall, and 13 grade II is smaller. Do you have either of those? 14 A. The answer is yes. As far as I know, grade II applies 15 to vessels which are less than 45 feet, and grade I 16 applies to those which are less than 60 feet. The 17 special one applies to any leisure boat -- I mean, 18 a leisure boat of any size that operates within the Hong 19 Kong water. But this information is not confirmed, it 20 is just my personal impression. 21 THE CHAIRMAN: So the licence you have is for the special 22 licence, greater than grade I? 23 A. Yes. 24 MR BERESFORD: Mr Chairman, might I ask if the witness would 25 be good enough to provide a copy of his licences.</p>

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<p>1 THE CHAIRMAN: Would you do that for us, Mr Leung, a copy of 2 your licences? 3 A. I used to carry it along, but it happened that today I'm 4 not carrying with me. 5 THE CHAIRMAN: But no doubt you can locate it for us and 6 supply it to us? 7 A. Yes, I have no problem in providing a copy of the 8 special licence. 9 THE CHAIRMAN: Well, provide us with all your maritime 10 licences, copies of them. 11 A. (In English) Okay. 12 THE CHAIRMAN: Were you a sailor before 1982 when you became 13 captain of the pleasure vessel for Hongkong Electric? 14 A. I was involved in some work on vessels which belong to 15 the category of leisure boat. 16 THE CHAIRMAN: In what capacity? What was your role? 17 A. I was involved in various kinds of work in relation to 18 vessels, including parking of the leisure boat and 19 reparation work. 20 THE CHAIRMAN: Were you the coxswain? 21 A. I would like to clarify. When you asked me whether 22 I was the coxswain, are you referring to the period 23 before I joined Hongkong Electric? 24 THE CHAIRMAN: Correct. 25 A. I have experience in working as a coxswain before</p>	<p>1 MR BERESFORD: Mr Chairman, I was proposing to read from 2 paragraph 5. 3 THE CHAIRMAN: I would invite you to begin at paragraph 4. 4 I appreciate part of it is repetitive but there are 5 other matters there that are relevant. 6 MR BERESFORD: Very well, Mr Chairman. 7 "I joined Hongkong Electric holdings Ltd on 8 15 October 1982, responsible for navigating the pleasure 9 vessel of our company and took up the post of captain. 10 Around 1992, I was transferred to another post for 11 handling the paperwork of the company. Later, I was 12 promoted to officer of the staff recreation team of our 13 company. My main duties are to arrange welfare and 14 recreation activities for our company staff, including 15 managing our company's vacation houses and making 16 arrangement for our staff to use our company's pleasure 17 vessel. 18 Around the end of September 2012, Fok Wing-kei, 19 colleague of our company, briefed Lai Ho-yin and me on 20 the itinerary arrangement of viewing the fireworks 21 display and visiting our company's power station on 22 1 October 2012. In the meantime, he provided us with 23 an itinerary schedule of visiting the Lamma Power 24 Station and Victoria Harbour fireworks tour. Both Lai 25 Ho-yin and I held an itinerary and an attendance list.</p>
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<p>1 joining Hongkong Electric. 2 THE CHAIRMAN: Over what period? 3 A. I have been working in this kind of capacity 4 intermittently before 1982. 5 THE CHAIRMAN: Over what period? 10 years, 20 years? 6 A. About three to five years, but I don't remember exactly. 7 THE CHAIRMAN: Thank you. 8 Yes, Mr Beresford. 9 MR BERESFORD: Thank you, Mr Leung. You told us when you 10 amended your statement that your job title was -- "I was 11 assistant recreation officer". 12 A. Yes. 13 Q. To whom do you report, please? 14 A. Mr Gleeson Lam. 15 Q. Mr Gleeson Lam? 16 A. (In English) Yes. 17 Q. What is his position, please? 18 A. (In English) Employee relations manager. 19 Q. Employee relations manager, thank you. 20 Mr Leung, I'm going to now read from the English 21 translation of your statement. The Chinese will be 22 shown on the screen. If you hear or see any inaccuracy 23 or anything that you think is wrong, please stop me and 24 let me know. 25 A. Okay.</p>	<p>1 Lai Ho-yin and I were assigned by the company to 2 coordinate the itinerary on that day. 3 About 2.30 pm on 1 October 2012, I boarded a vessel 4 [later known as Lamma IV] at the Hongkong Electric 5 Company pier, Ap Lei Chau. At that time, Lai Ho-yin was 6 already waiting on board, and also went up to the pier 7 to count the number of embarking passengers. As this 8 vessel had already picked up two batches of passengers 9 from the Tsim Sha Tsui Pier and the Central Pier 10 respectively, so the Hongkong Electric pier, Ap Lei 11 Chau, was the third stop where passengers embarked. 12 About 2.50 pm on the same day, that is, 1 October 13 2012, our vessel arrived at the Lamma Island Power 14 Station pier. All passengers were divided into 15 different groups to visit the various facilities of the 16 Lamma Island Power Station. I was responsible for 17 leading part of the passengers to visit the place. 18 About 6.00 pm on the same day, we finished visiting 19 the facilities of the power station, and we reached the 20 staff canteen of the Lamma Hongkong Power Station staff 21 canteen for dinner. We were having buffet dinner at 22 that time. The seats had not been prearranged. The 23 passengers could make their own choice to sit for meal. 24 About 7.45 pm on the same day, our company had 25 already arranged two vessels, Lamma II and Lamma IV</p>

<p style="text-align: right;">Page 81</p> <p>1 respectively, to pick up the passengers for viewing the 2 Victoria Harbour fireworks display. At the time, my 3 colleague Lai Ho-yin and I had already informed the 4 passengers that two vessels would be arranged to them. 5 One of them would sail for the Central Pier to let the 6 passengers disembark there after they had finished 7 viewing the fireworks. Another vessel would sail for 8 the pier at Ap Lei Chau to let the passengers disembark. 9 After meal, we stated to the participating passengers 10 that the one berthed in front of the power station pier 11 was destined for disembarkation at the Central Pier, 12 whereas the one berth behind would sail for the pier in 13 Ap Lei Chau for disembarkation. At the time, I already 14 learned that the vessel for disembarkation at the 15 Central Pier was Lamma IV, and that the disembarkation 16 at the pier in Ap Lei Chau was Lamma II. 17 About 8.00 pm on the same day, the participating 18 passengers boarded Lamma II and Lamma IV in succession 19 respectively. Lai Ho-yin and I did the arrangement at 20 the pier. I was responsible for leading the Lamma II 21 passengers, whereas Lai Ho-yin was for the Lamma IV 22 passengers. At that time, the sailor of Lamma II 23 informed me that a total of 66 passengers were on board 24 our vessel; but for how many passengers had embarked 25 Lamma IV, I had no idea.</p>	<p style="text-align: right;">Page 83</p> <p>1 Having received my instruction, our captain, in 2 about a minute, sailed near Lamma IV at a distance of 3 around 200 feet. At the time, I saw that Lamma IV had 4 already started tilting. In the meantime, I dialled 999 5 to make a report to the police, and reported to the 6 telephone operator that a vessel collision had occurred 7 off Yung Shue Wan, the vessel started sinking and we 8 were going to do the rescue. I hung up thereafter. 9 Having hung up, I turned to look at the location of 10 Lamma IV, and found that the sinking stern of Lamma IV 11 showed a 45-degree angle. About one minute later, only 12 its bow protruded from the sea. At that moment, I told 13 the children and female passengers to return to their 14 seats, and asked the male passengers to throw some 15 lifebuoys towards the direction of the sinking vessel in 16 order to do the rescue. I ran downstairs to the lower 17 deck as well as throwing the safety rope. I also 18 shouted for rescue. 19 In the meantime, I heard that many people in the 20 vicinity of the vessel sinking location shouting for 21 help. Some of them were floating on the sea. Some of 22 our passengers pulled the sinking passengers with ropes 23 to the side of our Lamma II. People of our Lamma II had 24 rescued about 17 passengers of the sinking vessel to 25 ours.</p>
<p style="text-align: right;">Page 82</p> <p>1 About 8.15 pm on the same day, Lamma IV set sail 2 first. Around one minute later, your Lamma II also 3 started sailing and followed Lamma IV. At the time, the 4 distance between the two vessels was 700 metres 5 approximately. After the vessel had started navigating, 6 I, on the upper deck, verified the number of passengers 7 again. I also intended to play some quiz games with the 8 passengers and give out mooncakes as presents after I 9 had finished confirming the number of passengers. While 10 our vessel had been navigating for about five minutes, 11 an upper deck sailor came amidships of the upper deck to 12 look for me, telling me that the captain wanted to talk 13 to me in the captain room. Hence, I immediately went to 14 the captain's room at the bow on the upper deck. Behind 15 the seat of the captain, the captain said to me that the 16 Lamma IV in front of us might have collided. I 17 instantly turned right to look at the sea outside the 18 vessel. At that time, it was too dark on the sea. 19 I could only see the dark shadows of two vessels. The 20 distance between the two vessels was approximately the 21 length of two vessels. Yet, I did not see clearly if 22 both vessels had their light on or not. In view of such 23 situation, I at once requested the captain of our 24 Lamma II to sail for the Lamma IV which was involved in 25 the incident.</p>	<p style="text-align: right;">Page 84</p> <p>1 Some of the passengers who had been rescued were 2 bleeding on their heads. At this moment, Marine Police 3 officers were already at the scene participating in the 4 rescue operation. After our vessel had rescued 5 17 passengers, I no longer saw any passengers on the sea 6 in the vicinity of the scene. Meanwhile, Marine Police 7 officers and helicopters were also doing the searching 8 everywhere. Some Marine Police officers escorted our 9 vessel away from the scene. The injured people were 10 carried to the Hongkong Electric pier, Ap Lei Chau. 11 Upon our arrival at the pier, ambulance officers boarded 12 the vessel to take care of the injured people. After 13 all the injured people on board our vessel were carried 14 to the pier, it departed. I was at the pier assisting 15 in taking care of the injured people. Apart from these 16 17 injured people were carried to the pier, some more 17 passengers were carried by the Marine Police officers 18 and Fire Services offices to the pier in succession. 19 They were then handed over to the ambulance officers. 20 About 3.00 am on the following day, that is 21 2 October 2012, I left the Ap Lei Chau pier for our 22 office in Hongkong Electric centre together with my 23 colleague Lai Ho-yin by taxi so as to report this 24 accident to our company." 25 Then a series of questions were asked of you:</p>

<p style="text-align: right;">Page 85</p> <p>1 "Question: Did you see whether Lamma IV has turned 2 on any alarm light or warning sound? 3 Answer: I did not see that, or did not hear any 4 alarm sound either. 5 Question: How did the captain learn that Lamma IV 6 had collided? 7 Answer: I have no idea. 8 Question: Having boarded the vessel, you said that 9 you would verify the number of people again. Did you do 10 so at that time? 11 Answer: No, because during the time when I wished 12 to count the number clearly again, a crew member had 13 already told me to go to the captain's room. The 14 captain informed me that a vessel collision had 15 occurred. 16 Question: Did you see which part of the vessel that 17 collided with Lamma IV was damaged? 18 Answer: It was too dark at that time, I was unable 19 to see that. 20 Question: After the collision, did you see which 21 part of Lamma IV was damaged? 22 Answer: I was unable to see which part of Lamma IV 23 was damaged all along. 24 Question: Were you injured in this incident? 25 Answer: I sprained my waist when I was on the lower</p>	<p style="text-align: right;">Page 87</p> <p>1 a recording of the Marine Regional Command and Control 2 Centre. But they sound like the same call. 3 A. In fact, as far as my recollection is concerned, I made 4 one call. But there was a time when I was asked to 5 wait, but at that time I was very eager and so I found 6 it hard to control my temper. So I might have seemed 7 a bit rude in my tone, but at that time I was in panic 8 and eager to help. And I didn't hang up. And then 9 another woman talked to me over the phone and she 10 informed me that they were already informed. So I felt 11 more relief, because even if I made some mistakes 12 concerning the position, it was all right and that 13 rescuers from the Marine Department and the Fire 14 Services were already on their way to rescue. 15 Q. Yes. Thank you. There's no need to turn up the page, 16 Mr Leung, but I see from page 1220-84 at counter 10, the 17 operator said: 18 "Don't hang up, let me divert (the line)." 19 I understand that the second call is shorter than 20 the first, or the second recording. The second 21 recording is 2 minutes and 27 seconds. The length of 22 the first is not shown. 23 As far as you're concerned, there was just one call, 24 anyway? 25 A. Yes.</p>
<p style="text-align: right;">Page 86</p> <p>1 deck of Lamma II trying to rescue some passengers to our 2 vessel." 3 Mr Leung, you mentioned that you dialled 999 to make 4 a report to the police. We have recordings of the call. 5 In fact it's in two recordings, items 10 and 13 on my 6 list. I'm going to be ask that they be played now. We 7 have transcripts as well. They're all in bundle E. The 8 Chinese is at tab 3A, page 1220-25; the English 9 translation is at bundle E, tab 3B, page 1220-82. 10 (Audio played) 11 Mr Leung, do you recognise your voice in that call? 12 A. Yes. 13 Q. Thank you. Then, Mr Leung, there's a second recording 14 I'd like you to listen to, which is our number 13. The 15 Chinese transcript is in bundle E at tab 1A, 16 page 1218-6; and the English transcript is at bundle E, 17 tab 1B at page 1218-24. 18 (Audio played) 19 Mr Leung, do you recognise your voice in that tape 20 as well? 21 A. Yes. But I would like to supplement that I have only 22 made one call. 23 Q. That's what I was going to ask you, because the first 24 one is a recording of the Hong Kong Island Regional 25 Command and Control Centre, and the second one is</p>	<p style="text-align: right;">Page 88</p> <p>1 MR BERESFORD: Thank you, Mr Leung. If you'd just wait 2 there, please. 3 THE CHAIRMAN: Mr Beresford, I'd invite you to deal with the 4 information that this witness has as to the briefing, 5 what arrangements were made and what discussions were 6 had as to the use of the vessels by the passengers. 7 MR BERESFORD: Very well, Mr Chairman. 8 Mr Leung, at paragraph 5 of your statement you said: 9 "Around the end of September 2012, Fok Wing-kei ... 10 briefed Lai Ho-yin and me on the itinerary arrangement 11 of viewing the fireworks display and visiting our 12 company's power station ..." 13 I wonder if the itinerary, which is attached to 14 Mr Lai Ho-yin's witness statement at about page 640 of 15 bundle A2 -- and the translation, as you will recall, 16 Mr Chairman, commences at page 646-15. 17 THE CHAIRMAN: Yes. 18 MR BERESFORD: Is this the document you're referring to, 19 Mr Leung? 20 A. Yes. 21 Q. The first page contains a list of staff members; is that 22 right? 23 A. Yes. 24 Q. It's entitled "Colleagues from Generation Section"? 25 A. Yes.</p>

<p style="text-align: right;">Page 89</p> <p>1 Q. Under that table, we have two people who are described 2 as "Colleagues from Staff Recreation Team". 3 A. Are you referring to the two names under title B? 4 Q. Yes. 5 A. In fact these two names refer to me and Lai Ho-yin. 6 Q. Yes. Then we have a list of destinations and times -- 7 A. Yes. 8 Q. -- essentially showing the itinerary for the day? 9 A. Yes. 10 Q. At the end of that, there's a remark: 11 "Disembarking or embarking is not allowed at Tsim 12 Sha Tsui pier during the fireworks display." 13 A. Yes. 14 Q. Were you notified of any other special arrangements for 15 the fireworks display? 16 A. No. 17 MR BERESFORD: In particular, could the witness please be 18 shown the notice to mariners at miscellaneous bundle 19 tab 10, page 53. 20 Perhaps we can take this from the beginning. It's 21 headed "Marine Department Notice No. 131 of 2012 22 (Navigational Warning &amp; Related Information)". 23 Are you familiar with this type of notice, Mr Leung? 24 A. I haven't seen that at that time. 25 Q. No, I asked you if you're familiar with this type.</p>	<p style="text-align: right;">Page 91</p> <p>1 arrangements for the firework display? 2 A. We were also told that two vessels would be assigned to 3 carry passengers from Lamma Island to view the fireworks 4 display. One of them would go to Ap Lei Chau and the 5 other to Central. After the fireworks display, we had 6 to wait for the Marine Police to open the closed area 7 before we could sail back to the piers. 8 Q. Mr Leung, were you informed of any safety measures that 9 ought to be taken for the trip? 10 A. Are you referring to the whole trip, including that on 11 the shore, the activities on the shore? 12 Q. I'm referring to the visit to the harbour for the 13 purpose of viewing the fireworks display. 14 A. I didn't receive any instruction in relation to this. 15 Q. Okay. Can we turn to page 55 of this document, please. 16 Sorry, I'm looking at the English translation. It's the 17 part headed "Annex to Marine Department notice No 131". 18 You weren't told that all scheduled ferry services 19 in the Central Harbour would be suspended? 20 A. We were told during the meeting by Fok Wing-kei, who was 21 the organiser of the event, that we had to wait for the 22 closure to be opened again after the fireworks display. 23 Q. I just asked you, Mr Leung, if you were told that all 24 scheduled ferry services would be suspended. 25 A. No.</p>
<p style="text-align: right;">Page 90</p> <p>1 THE CHAIRMAN: Are you familiar with this category of 2 information? 3 A. If I had seen them, I would know what it is about. 4 MR BERESFORD: Mr Leung, I'm asking you if you have seen 5 this type of notice before. In other words, are you 6 aware that the Marine Department issue navigational 7 warnings in notices from time to time? 8 A. Personally I send seldom come across this kind of 9 notice. 10 Q. Seldom? 11 A. Because since I'm no longer involved in working in works 12 that relate to vessels, so I'm not paying attention to 13 this kind of notice. 14 Q. But you know about them? You've seen them before? 15 A. Are you referring to the time that I was involved in 16 driving vessels, that means more than two decades ago? 17 Q. Have you ever in your life seen a Marine Department 18 navigational warning notice before? 19 A. I have no such recollection. 20 Q. Thank you. Were you aware that the harbour around the 21 fireworks display is closed on fireworks display? 22 A. We were told during a briefing beforehand that the 23 harbour would be closed and would be reopened after the 24 fireworks displays. It was a verbal notice. 25 Q. What else was said during that briefing about the</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Were you given any instructions about the viewing area 2 in the harbour? If we scroll down the screen, we can 3 see the instructions given by the Marine Department, but 4 was anything like this said to you? 5 A. I had not received any of these. 6 Q. Then if we scroll down further, we see a section headed 7 "Safety Measures by All Vessels". 8 Were you told that the speed limit should not 9 generally exceed 5 knots? 10 A. I was not told about this either. 11 Q. Did anyone remind you or anybody else involved in the 12 trip, as far as you're aware, of the necessity of 13 keeping a proper look-out? 14 A. No. 15 Q. Were you reminded of any of the matters listed in 16 paragraph 6 of this an annex? 17 THE CHAIRMAN: Would you read it out in English. 18 MR BERESFORD: Certainly, Mr Chairman. I was going to come 19 to that. 20 I was going to ask, not only were you advised -- 21 were you advised to tell the coxswain of these matters? 22 Before you answer, let me read it out: 23 "Masters, coxswains, owners and operators of all 24 vessels are advised to take the following steps before 25 the start of the voyage:</p>

<p style="text-align: right;">Page 93</p> <p>1 (a) all persons on board are made aware of the 2 location of all life-saving appliances and instructed on 3 the proper way to don a life jacket; 4 (b) all children on board are required to don a life 5 jacket at all times; 6 (c) a passenger list containing the names of 7 passengers and crew on board is kept by the 8 master/coxswain for emergency purposes; and 9 (d) the carrying capacity specified in the operating 10 licence of the vessel is adhered to." 11 Were you told about that or asked to pass it on to 12 the coxswain, Mr Leung? 13 A. I was not told. 14 Q. No. And did you say anything to the coxswain, either 15 coxswain, about this? Or about these matters? 16 A. No. 17 Q. Then you see in paragraph 7 the reminder: 18 "In the unfortunate event that a vessel requires 19 immediate assistance, the master/coxswain ... may" use 20 the well-known distress signals or could call the Vessel 21 Traffic Centre on channel 14, or call the Marine 22 Regional Command and Control Centre on specified 23 telephone numbers, or call the emergency number, 999. 24 But these vessels, the Lamma II and the Lamma IV, 25 weren't fitted with VHF, were they, Mr Leung?</p>	<p style="text-align: right;">Page 95</p> <p>1 Lamma II and the Lamma IV, on previous fireworks events 2 in the harbour? 3 A. I did join these events, but I don't remember whether 4 I had travelled on Lamma II and Lamma IV. 5 THE CHAIRMAN: On Hongkong Electric vessels of the same 6 kind? 7 A. Yes. 8 THE CHAIRMAN: Were you there on the 1 July 2012 event? 9 A. No. 10 THE CHAIRMAN: When were the previous occasions that you've 11 been on Hongkong Electric vessels for fireworks displays 12 in the harbour? 13 A. I don't remember the exact time, but it should be about 14 three to four years ago. 15 THE CHAIRMAN: On only one previous occasion? 16 A. Should be more than once. 17 THE CHAIRMAN: How many? 18 A. I don't remember. 19 THE CHAIRMAN: Too many to remember? 20 A. No, because this kind of work is distributed among 21 different staff. So sometimes I don't remember exactly. 22 THE CHAIRMAN: And you're not able to help us any more than 23 that there was a previous occasion? You can't help us 24 more than that? 25 A. I'm sure that it was more than once, but it should be</p>
<p style="text-align: right;">Page 94</p> <p>1 A. I'm not sure. 2 MR BERESFORD: I don't think there's anything else from that 3 document, Mr Chairman. 4 THE CHAIRMAN: Very well. 5 MR BERESFORD: Mr Leung, you knew that this vessel was going 6 to be used for a family event? 7 A. Would you please repeat your question? 8 Q. You knew, did you not, that these vessels, Lamma II and 9 Lamma IV, were going to be used for a family event? 10 A. Yes. 11 Q. Staff and their families were invited to attend. So 12 children would be present? 13 A. Yes. 14 Q. Did you take any steps to ensure that children's life 15 jackets would be on board? 16 A. Would you please repeat your question? 17 Q. Did you take any steps to ensure that children's life 18 jackets would be on board? 19 A. No. 20 MR BERESFORD: Thank you, Mr Leung. Please wait there. 21 Questions by THE COMMISSION 22 THE CHAIRMAN: Was that issue of life jackets ever discussed 23 with Mr Fok at that briefing you've told us about? 24 A. No. 25 THE CHAIRMAN: Have you been on either of those vessels, the</p>	<p style="text-align: right;">Page 96</p> <p>1 less than eight or 10 times. Probably it would be about 2 three to five times. 3 THE CHAIRMAN: Do you remember if you ever checked any of 4 the Marine Department notices on those occasions, these 5 navigational warnings? 6 A. Would you please repeat your question? 7 THE CHAIRMAN: Yes. You were shown that -- perhaps we can 8 put it back up on the screen again. Miscellaneous 9 bundle, page 53, as I recall. 10 Yes. Put it in Chinese, please. Back to the title, 11 if you would. 12 Do you see the nature of the document? 13 A. (Witness nods). 14 THE CHAIRMAN: Did you ever check on these previous 15 occasions against these kind of notices? 16 A. Personally, I seldom searched this kind of information 17 and I seldom pay attention to this kind of notice. 18 THE CHAIRMAN: So what's the answer to the question? On 19 these previous occasions, did you check this kind of 20 document? 21 A. No. 22 THE CHAIRMAN: Thank you. 23 Gentlemen, the Commission had indicated earlier 24 that, given that this is the winter solstice, we were 25 going to rise at 3.30. We've gone over time, and</p>

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<p>1 I apologise for that, but that's what we will now do.                  2 Mr Leung, we are adjourning these proceedings now in                  3 order to enable people to make arrangements for the                  4 family dinner tonight for winter solstice. So I'm going                  5 to have to ask you to come back on another day to                  6 continue your evidence. Do you understand?                  7 A. Yes.                  8 THE CHAIRMAN: So I'm going to ask you to come back, with                  9 copies of your various marine licences, on 7 January so                  10 that you can commence your testimony at 10 o'clock in                  11 the morning. Do you understand?                  12 A. Yes.                  13 THE CHAIRMAN: You can leave the witness box now. Thank you                  14 for attending.                  15 Mr Beresford, notice of the witnesses to be called                  16 in that first week beginning 7 January of next year;                  17 when will you be in a position to give that information                  18 to all the involved parties?                  19 MR BERESFORD: Monday, Mr Chairman.                  20 THE CHAIRMAN: Very well. And for the week after that, will                  21 you be in a position to deal with that at the same time?                  22 MR BERESFORD: We will try, Mr Chairman, yes.                  23 THE CHAIRMAN: Are there any matters arising?                  24 In which case, notwithstanding the very tragic                  25 circumstances in which this Commission is making its</p>	<p style="text-align: center;">I N D E X</p> <p>1 MS CHAU YI-KI (affirmed in Punti) .....4                  2 Examination by MR BERESFORD .....4                  3 Examination by MR McGOWAN .....11                  4 Examination by MR ZIMMERN .....14                  5 (The witness withdrew) .....16                  6 MR CHUI WAI-LOK (affirmed in Punti) .....16                  7 Examination by MR BERESFORD .....16                  8 Examination by MR McGOWAN .....23                  9 Further examination by MR BERESFORD .....32                  10 Questions by THE COMMISSION .....33                  11 (The witness withdrew) .....34                  12 MR HO MAN-KEI (affirmed in Punti) .....34                  13 Examination by MR BERESFORD .....34                  14 Examination by MR McGOWAN .....44                  15 Examination by MR ZIMMERN .....45                  16 MR CHAN WING-HANG (affirmed in Punti) .....48                  17 Examination by MR BERESFORD .....48                  18 Examination by MR McGOWAN .....56                  19 (The witness withdrew) .....57                  20                  21                  22                  23                  24                  25</p>
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<p>1 Inquiry, nevertheless we wish everyone the appropriate                  2 seasonal greetings.                  3 (3.40 pm)                  4 (The hearing adjourned until 10 am                  5 on Monday, 7 January 2013)                  6                  7                  8                  9                  10                  11                  12                  13                  14                  15                  16                  17                  18                  19                  20                  21                  22                  23                  24                  25</p>	<p style="text-align: center;">I N D E X</p> <p>1 MR LAW KWOK-CHEONG (affirmed in Punti) .....57                  2 Examination by MR BERESFORD .....57                  3 Examination by MR McGOWAN .....65                  4 Further examination by MR BERESFORD .....67                  5 Questions by THE COMMISSION .....68                  6 Examination by MR ZIMMERN .....69                  7 Further examination by MR BERESFORD .....70                  8 (The witness withdrew) .....72                  9 MR LEUNG KWOK-WAI (affirmed in Punti) .....74                  10 Examination by MR BERESFORD .....74                  11 Questions by THE COMMISSION .....95                  12                  13                  14                  15                  16                  17                  18                  19                  20                  21                  22                  23                  24                  25</p>