

Page 1	Page 3
<p>1 Thursday, 17 January 2013 2 (10.00 am) 3 THE CHAIRMAN: Mr Beresford? 4 MR BERESFORD: Good morning, Mr Chairman, Mr Commissioner 5 Before we continue with the evidence, I understand 6 that my learned friend Mr Mok has an application to call 7 some expert evidence. 8 THE CHAIRMAN: Yes. 9 Mr Mok? 10 MR MOK: Mr Chairman. My application is to adduce the 11 evidence of one Dr Peter Cheng, who will be hopefully 12 assisting the Commission with his calculation on the 13 damage stability of the vessel Lamma IV. This arises in 14 particular from a line of questioning yesterday, when my 15 learned friend Mr Beresford put to the witness -- the 16 Commission will remember that the condition of two 17 compartments, namely the steering gear compartment and 18 the tank room, being flooded at the same time, whether 19 or not the vessel will sink. 20 THE CHAIRMAN: Yes. I understand the nature of the material 21 that you're seeking to put forward. When will you be in 22 a position to provide it? 23 MR MOK: We're hoping that the expert will be able to 24 finalise a report by the end of this week, maybe this 25 weekend. So hopefully by Monday we will be in</p>	<p>1 THE CHAIRMAN: But if you're able to assist us to avoid 2 delay, people will say, "We now need time to look at 3 this", if that can be avoided, please help us. 4 MR MOK: Yes. We'll make enquiries with him today. 5 THE CHAIRMAN: Thank you. Perhaps you'll be good enough to 6 remind me at the end of the day so we can come back to 7 this. 8 MR MOK: Yes. 9 THE CHAIRMAN: You can give us a progress report -- 10 MR MOK: Yes, of course. 11 THE CHAIRMAN: -- of where we are. Thank you very much. 12 MR MOK: Thank you. 13 THE CHAIRMAN: Mr Pao, we had a copy of a letter that you'd 14 written either to the Commission's solicitors or to the 15 Secretary for the Commission informing us about the 16 proposed witness from Cheoy Lee's availability. 17 MR PAO: Yes, indeed, my Lord. 18 THE CHAIRMAN: Since this is a public hearing, can you just 19 tell us what is the upshot of that? 20 MR PAO: The upshot is that the proposed witness to 21 represent Cheoy Lee Shipyards, Mr Lo, has managed to 22 cancel his business trip to South America after 23 consulting his associates in that country. Therefore 24 the original order of the witnesses testifying before 25 the Commission may be restored.</p>
Page 2	Page 4
<p>1 a position to serve perhaps a draft or a copy of his 2 report. 3 THE CHAIRMAN: You say "finalise a report"; does that mean 4 he's been working on a report prior to this? 5 MR MOK: He's been working on the calculations, but I think 6 he has to work on the text of his report. 7 THE CHAIRMAN: Yes. 8 MR MOK: Hopefully it will be ready by the weekend. 9 THE CHAIRMAN: Do we have the calculations at this stage? 10 MR MOK: He's got the results of the calculation. 11 Obviously -- 12 THE CHAIRMAN: We got those yesterday, didn't we? 13 MR MOK: Yes. But he hasn't shown anyone, I don't think, 14 his working papers. I understand it's quite voluminous. 15 THE CHAIRMAN: Yes, but I have in mind trying to avoid 16 delay. If the raw data on which the text which will be 17 incorporated in the proposed report -- but if the raw 18 data is available now, then perhaps it could be supplied 19 now. 20 MR MOK: Yes, I'll make an enquiry with him whether or not 21 it is in a form that can be circulated. But certainly 22 we will -- 23 THE CHAIRMAN: Yes. We'll consider the application when 24 we're in receipt of the full report. 25 MR MOK: Of course.</p>	<p>1 THE CHAIRMAN: So he's available to testify a little later 2 than today? 3 MR PAO: Yes, indeed. 4 THE CHAIRMAN: That's the point? 5 MR PAO: Yes. 6 THE CHAIRMAN: Thank you for that, and thank Mr Lo for 7 changing his schedule to assist the tribunal in the 8 order in which evidence is led. We're grateful for 9 that. 10 MR PAO: Yes. And Mr Lo also expresses his gratitude to the 11 Commission in accommodating him for the late production 12 of the witness statement. 13 THE CHAIRMAN: Thank you. 14 MR PAO: Thank you. 15 THE CHAIRMAN: Mr Beresford, are there any other matters? 16 MR BERESFORD: No, Mr Chairman. 17 THE CHAIRMAN: Very well. 18 Mr Wong, can I remind you that you continue to give 19 your evidence according to your original affirmation. 20 MR WONG CHI-KIN (on former affirmation) 21 A. Yes. But before I make further evidence, I'd like to 22 ask your permission to spent a minute and let me explain 23 the difference between the floodable length and damage 24 stability in a more understandable manner. 25 THE CHAIRMAN: Well, I think we ought to leave this to</p>

<p style="text-align: right;">Page 5</p> <p>1 counsel to bring out matters, because that's the nature 2 of the way the Inquiry proceeds. It may be that 3 Mr Beresford will deal with it, but if he doesn't, then 4 no doubt Mr Mok will. 5 A. Okay. But what I saw in my transcript yesterday, 6 I found something -- 7 THE CHAIRMAN: Yes, yes. That has been drawn to my 8 attention. Do you have a copy of the transcript in 9 front of you? 10 A. Yes. 11 THE CHAIRMAN: Do you have the page number where you think 12 there was a mistake? 13 A. I need to find out. 14 THE CHAIRMAN: I'm told it's page 59. It's on the screen 15 now. There are a couple of typos, you think? 16 A. The paragraph referring -- I mentioned about the 17 difference between the floodable length and damage 18 stability. I think that is only a minute, and that 19 doesn't long. 20 THE CHAIRMAN: I'm sorry, I can't hear you. 21 A. I will spend a minute, within a minute. 22 THE CHAIRMAN: I understand you wanted to correct something 23 in the transcript. That's what I've been told. 24 A. I don't think that is the correction, but a better way. 25 THE CHAIRMAN: Do you have a correction for the transcript</p>	<p style="text-align: right;">Page 7</p> <p>1 MR BERESFORD: No, I haven't, Mr Chairman. 2 THE CHAIRMAN: Let me pass them down so counsel can have 3 a look at them. (Handed). I think that's 4 representative, from what I understand, of other 5 drawings as well. 6 MR BERESFORD: It's certainly very much clearer, 7 Mr Chairman. 8 THE CHAIRMAN: Yes. 9 MR BERESFORD: I wonder if it would be worth taking the time 10 to have these reproduced full size? 11 THE CHAIRMAN: If that's technically possible, I'm sure we 12 can do that. 13 MR BERESFORD: It may not be possible to do in-house, 14 Mr Chairman, but I understand it should be possible if 15 you've got a proper plotter. 16 THE CHAIRMAN: It's not possible in-house, but it can be 17 done outside but that will take time. What I'm 18 enquiring about is whether or not as an interim measure 19 we can have them scanned, so that the colour difference 20 will be apparent, albeit in a smaller size. 21 I'm told even that's not possible. But those 22 assisting the Commission will take steps to address this 23 urgently. So if we could then resume the evidence. 24 MR BERESFORD: Mr Wong, I just wanted to draw your attention 25 to paragraph 12 of the Blue Book, which is headed</p>
<p style="text-align: right;">Page 6</p> <p>1 or not; "yes" or "no"? 2 A. No. 3 THE CHAIRMAN: Thank you. We'll deal with the better way 4 through counsel in due course. 5 A. Okay. 6 Examination by MR BERESFORD (continued) 7 MR BERESFORD: Good morning, Mr Wong. 8 A. Yes, good morning. 9 Q. Mr Wong, we are coming up to a section in your witness 10 statement headed "Floodable Length vs Damage stability", 11 so we will be canvassing that topic this morning. 12 A. Okay. 13 Q. First of all, we'd just come to the access opening 14 yesterday but before we leave the question of bulkheads, 15 I just wanted to ask you about paragraph 12 of the Blue 16 Book. 17 THE CHAIRMAN: Before we get involved in that, Mr Beresford, 18 my clerk has just handed to me what is a drawing that 19 I think must have come from Cheoy Lee. It's the one 20 that Mr Pao identified; that is to say, the drawing that 21 has additions that are in hand, but they're in red. If 22 we're going to be dealing with this plan, then it makes 23 sense that we should have it photocopied in colour, if 24 we can. There are apparently a number of other 25 drawings. Have you seen these?</p>	<p style="text-align: right;">Page 8</p> <p>1 "Bulkheads". 2 A. Yes. 3 Q. This provides that launches should be provided with the 4 following bulkheads. 5 Subparagraph (i) relates to open launches; that's 6 obviously not the Lamma IV case. 7 A. (Witness nods). 8 THE CHAIRMAN: What is it that you want on the screen at 9 this stage? 10 MR BERESFORD: Paragraph 12 of the Blue Book. 11 THE CHAIRMAN: And the page number? 12 MR BERESFORD: It's 1769, marine bundle 8. 13 THE CHAIRMAN: Thank you. 14 MR BERESFORD: So would you agree, Mr Wong, that 15 subparagraph (i) is not applicable in the case of the 16 Lamma IV? 17 A. Yes, not applicable. 18 Q. Yes. But subparagraph (ii) is. It requires: 19 "All decked-in launches are to be fitted with 20 watertight bulkheads at each end of the machinery space 21 in addition to the collision bulkhead ..." 22 A. Yes, applicable. 23 Q. And subparagraph (iii): 24 "When any compartment exceeds 2/5ths of the 25 registered length, an additional watertight bulkhead</p>

Page 9	Page 11
<p>1 should be constructed in the launch at a position 2 determined by a surveyor of ships." 3 A. Yes. 4 Q. Then subparagraph (iv): 5 "In all double-ended launches and launches over 70 6 feet long" -- which equates to about 21 metres, I 7 believe -- "peak bulkheads will be required at both 8 ends." 9 A. Yes. 10 Q. Do you agree with that? 11 A. I agree. 12 Q. So Lamma IV was a launch over 70 feet long, or over 13 21 metres, and so that regulation applied? 14 A. Yes. 15 THE CHAIRMAN: Lamma IV was a double-ended launch? 16 MR BERESFORD: No, it was a launch over 70 feet long, or 17 21 metres. 18 THE CHAIRMAN: I see. Thank you. 19 MR BERESFORD: And subparagraph (v): 20 "When any access opening is fitted with a watertight 21 bulkhead, it is to have an efficient closing appliance." 22 A. Yes. 23 Q. Would you also agree that -- sorry, first of all, can we 24 just confirm that the same regulation was applicable in 25 the 1995 regulations in paragraphs 5 and 5A?</p>	<p>1 for this is regarding the peak bulkhead, and as 2 I understand, the engine room after bulkhead can be 3 considered as the peak bulkhead. 4 THE CHAIRMAN: Yes. 5 A. That is the issue. 6 THE CHAIRMAN: This is this 1/2 frame compartment that we're 7 concerned with? 8 A. Yes. 9 THE CHAIRMAN: Yes. 10 MR BERESFORD: Before we get into that, Mr Wong, can we just 11 establish what the regulations are. 12 A. Yes. That's only my clarification. 13 Q. Thank you. And paragraph 12(ii) of the Blue Book -- 14 THE CHAIRMAN: Can we have that on the screen, please. 15 MR BERESFORD: -- requires: 16 "All decked-in launches are to be fitted with 17 watertight bulkheads at each end of the machinery space 18 in addition to the collision bulkhead ..." 19 A. Yes. 20 Q. And paragraph 5.1 of chapter II of the 1995 instructions 21 requires: 22 "All decked-in vessels are to be fitted with the 23 following watertight bulkheads: 24 (i) collision bulkhead, 25 (ii) at each end of propulsive machinery space."</p>
Page 10	Page 12
<p>1 THE CHAIRMAN: Which page? 2 MR BERESFORD: Chapter II, paragraph 5 relating to new 3 vessels is at pages 1821 to 1822. 4 THE CHAIRMAN: Could we have that on the screen, please. 5 MR BERESFORD: In particular, paragraphs 5.3 and 5.4 are in 6 the same terms, are they not? 7 A. Yes. 8 THE CHAIRMAN: As far as the applicability of the Blue Book 9 regulation from paragraph 12 to Lamma IV, and the 10 applicability of the 1995 regulations paragraph 5 are 11 concerned, are they in the same terms? 12 A. Yes. But I need to make some clarification. About the 13 new 1995 regulations, there are two subparagraphs 14 under 5.1, "collision bulkhead" and "at each end of 15 propulsive machinery space". 16 THE CHAIRMAN: Just a moment so we can try and follow this. 17 5-point-what? 18 A. 5.1(i) and (ii). 19 THE CHAIRMAN: Yes. 20 A. They are the subparagraphs, where the old Blue Book did 21 not have this provision. 22 THE CHAIRMAN: So that's a difference? 23 A. Difference, yes. 24 THE CHAIRMAN: And this is relevant to Lamma IV? 25 A. Maybe. Why I said "maybe"? Because I think the issue</p>	<p>1 A. Yes. 2 Q. So is that not in substance the same? 3 A. I think the arrangement will be different, but the 4 meaning will be the same. 5 Q. The meaning is the same? 6 A. Yes. 7 Q. It's just the arrangement of the words is different? 8 A. Yes, just the wording. 9 Q. Thank you. And otherwise, in all material respects, 10 they are the same, are they not? 11 A. The same. 12 Q. Thank you. Then just in case anyone should think that 13 the Lamma IV was an existing vessel within the 1995 14 instructions, we can see from paragraph 5A of 15 chapter IIA on page 1829: 16 "All existing vessels are required to comply with 17 the requirements of instruction 5 in chapter II." 18 A. Yes. 19 Q. So again, as far as this is concerned, it doesn't really 20 matter which regulations are applicable? 21 A. Yes. 22 THE CHAIRMAN: Just give me a moment, please. Thank you. 23 MR BERESFORD: Now, perhaps if we can work from the Blue 24 Book, so that's page 1769. Paragraph 12 (iv) requires 25 all launches over 21 metres to have peak bulkheads at</p>

Page 13	Page 15
<p>1 both ends.</p> <p>2 THE CHAIRMAN: Do you agree?</p> <p>3 A. Agree.</p> <p>4 MR BERESFORD: Do you agree that such peak bulkheads are</p> <p>5 always watertight?</p> <p>6 A. Yes.</p> <p>7 Q. I think yesterday you drew a distinction between</p> <p>8 a bulkhead that might be required to be watertight, and</p> <p>9 one that was merely structural?</p> <p>10 A. Yes.</p> <p>11 Q. But this is not a structural requirement; this is</p> <p>12 a watertight requirement. Is that right?</p> <p>13 A. Yes.</p> <p>14 Q. Just to give you an opportunity to bring out what you</p> <p>15 were saying, Mr Wong, as I understood you a moment ago,</p> <p>16 you were saying that the peak bulkhead can be the same</p> <p>17 as the bulkhead at each end of the machinery space; is</p> <p>18 that right?</p> <p>19 A. Yes. Yes.</p> <p>20 Q. So if we can look at the plans for a moment, just to</p> <p>21 understand this. Perhaps if we start with the profile</p> <p>22 and deck.</p> <p>23 THE CHAIRMAN: Which page?</p> <p>24 MR BERESFORD: Page 204, marine bundle 2. Or perhaps -- I'm</p> <p>25 sorry -- page 172, the General Arrangement plan is the</p>	<p>1 Q. But what is required by paragraph 12 of the Blue Book</p> <p>2 when it says that in a launch over 21 metres long, peak</p> <p>3 bulkheads will be required at both ends, is that not the</p> <p>4 bulkhead at frame 1/2 and the bulkhead after the</p> <p>5 fore peak?</p> <p>6 A. According to the rule, only the fore collision bulkhead</p> <p>7 have a specific requirement of their location. For the</p> <p>8 after peak bulkhead, there is no such requirement. So</p> <p>9 even the engine room after bulkhead can be considered as</p> <p>10 the peak bulkhead.</p> <p>11 Q. Do you agree that the bulkhead after the fore peak is</p> <p>12 a peak bulkhead?</p> <p>13 A. Can you say it again?</p> <p>14 Q. Yes. The regulation or the instruction requires peak</p> <p>15 bulkheads at both ends.</p> <p>16 A. Both?</p> <p>17 Q. Both ends.</p> <p>18 A. Both ends, yes.</p> <p>19 Q. Yes. So do you agree that the bulkhead that's required</p> <p>20 at the fore end of this vessel is the bulkhead we can</p> <p>21 see after the fore peak?</p> <p>22 A. Yes, that is the fore peak collision bulkhead.</p> <p>23 Q. Yes. So that's not the bulkhead on the forward end of</p> <p>24 the engine room?</p> <p>25 A. No. That is not the fore end bulkhead of the engine</p>
Page 14	Page 16
<p>1 clearest.</p> <p>2 If we focus on the lower part of the page, the</p> <p>3 underdeck plan, we can see that the vessel is divided</p> <p>4 into six compartments. Going backwards from the bow,</p> <p>5 there's the "Fore Peak", there's one marked "Void",</p> <p>6 there's one marked "Crew's Space", there's one marked</p> <p>7 "Engine Room", there's one marked "Tank Room", and the</p> <p>8 last one is the "Steerage Gear Compartment". Do you</p> <p>9 agree?</p> <p>10 A. Agree.</p> <p>11 Q. Each of those compartments is separated by a watertight</p> <p>12 bulkhead, is it not?</p> <p>13 A. Yes.</p> <p>14 Q. We can see the engine room has a watertight bulkhead on</p> <p>15 either side?</p> <p>16 A. Yes.</p> <p>17 Q. Then there's another one between the tank room and the</p> <p>18 steerage gear compartment?</p> <p>19 A. Yes.</p> <p>20 Q. Is that not a peak bulkhead?</p> <p>21 A. If the bulkhead at frame 1/2 fitted with the effective</p> <p>22 closing appliances, that is a watertight bulkhead.</p> <p>23 Q. Yes.</p> <p>24 A. If there is no such opening, that is not a peak</p> <p>25 bulkhead.</p>	<p>1 room.</p> <p>2 Q. And the bulkhead at the fore end of the engine room</p> <p>3 would not satisfy the requirement in paragraph 12(iv) of</p> <p>4 the Blue Book; is that right?</p> <p>5 THE CHAIRMAN: Could you repeat that question?</p> <p>6 MR BERESFORD: The bulkhead at the forward end of the engine</p> <p>7 room would not satisfy the requirement in</p> <p>8 paragraph 12(iv) for a peak bulkhead at the forward end.</p> <p>9 A. Yes.</p> <p>10 Q. You agree?</p> <p>11 A. Agree.</p> <p>12 Q. So how is it that you say that the bulkhead at the after</p> <p>13 end of the engine room can satisfy the requirement for</p> <p>14 a peak bulkhead at the after end of the vessel?</p> <p>15 A. Because as I mentioned, there is no requirement of the</p> <p>16 location. Location, where the after peak bulkhead was.</p> <p>17 But for the fore peak, there is a definite requirement.</p> <p>18 It should be fitted within a certain amount from the</p> <p>19 forward perpendicular. That is a specific requirement.</p> <p>20 Q. Where do we find that, Mr Wong?</p> <p>21 A. From the rule, classification society rule.</p> <p>22 Q. From classification society rules?</p> <p>23 A. Yes, and also in the UK Passenger Ship Construction</p> <p>24 rules. And now, even under our Cap 369, for the</p> <p>25 seagoing vessel, there is such requirement for the fore</p>

<p style="text-align: right;">Page 17</p> <p>1 peak. But there is no requirement for the aft peak, the 2 location of the aft peak. So that is why I can say the 3 after bulkhead of the engine room can be considered as 4 a peak bulkhead. 5 Q. I see. Then finally on this paragraph 12, we've seen in 6 paragraph 12(v): 7 "When any access opening is fitted in a watertight 8 bulkhead, it is to have an efficient closing appliance." 9 A. Yes. 10 Q. We've seen that the bulkhead at frame 1/2 is marked on 11 the drawings as a watertight bulkhead? 12 A. Yes. 13 Q. And we've seen that it has an access opening. 14 A. (Witness nods). 15 Q. So would you agree that this instruction requires that 16 access opening to have an efficient closing appliance? 17 A. During I examine the drawing, at that moment, 18 I considered that should be provided with the watertight 19 closing appliances. 20 Q. Yes. 21 A. But the builder can vary this requirement during the 22 construction stage. They can change it any time, and 23 inform us accordingly. 24 Q. Well, let's not worry about hypothetical situations. 25 You had a specific set of plans in front of you --</p>	<p style="text-align: right;">Page 19</p> <p>1 "That said ... even if that particular bulkhead was 2 not watertight, I would ... have approved these plans." 3 A. Yes. 4 Q. You explain: 5 "This is because I noticed from the 'Profile and 6 Deck' plan that the length of the steering gear 7 compartment which was partitioned by the frame at 1/2 8 was less than 10 per cent of the length of the entire 9 vessel." 10 A. Yes. 11 Q. You point to schedule 1 of the 1984 regulations, 12 referred to in regulation 6 which we saw yesterday at 13 page 3888. Perhaps we can just remind ourselves of 14 regulation 6. There it is on the screen now: 15 "Every ship shall be subdivided by bulkheads, which 16 shall be watertight up to the bulkhead deck, into 17 compartments the maximum length of which shall be 18 calculated in accordance with such of the provisions of 19 schedule 1 to these regulations as apply to that ship." 20 So that's the schedule 1 you're referring to; 21 correct? 22 A. Yes, correct. 23 Q. In relation to the access door, we may also note the 24 last sentence of that regulation: 25 "Every other portion of the internal structure which</p>
<p style="text-align: right;">Page 18</p> <p>1 A. Yes. 2 Q. -- and those plans showed a watertight bulkhead, and 3 they showed an access opening. 4 A. During my examination, yes. 5 Q. So on the basis of those plans that were submitted to 6 you -- 7 A. I considered that was the watertight bulkhead -- 8 watertight door, yes. 9 Q. It was a watertight bulkhead, and it required 10 an efficient closing appliance? 11 A. Yes. 12 Q. Yes. Thank you. Returning then to your statement at 13 paragraph 32, and I think we read this yesterday, so 14 there's no need to turn up all the drawings, you say: 15 "I now refer to the 'access opening' indicated on 16 the drawing marked 'Bulkhead at Frame 1/2'. Although 17 there was no express indication on that drawing that 18 such proposed opening was watertight, I considered that 19 such drawing should be read in the context of the other 20 drawings (including section B-B on the same plan) and 21 the 'Profile and Deck' and 'Shell Expansion' plans where 22 the bulkhead at frame 1/2 was indicated to be 'WT', 23 meaning 'watertight'. 24 A. Yes. 25 Q. Then you say:</p>	<p style="text-align: right;">Page 20</p> <p>1 affects the efficiency of the subdivision of the ship 2 shall be watertight, and shall be of a design which will 3 maintain the integrity of the subdivision." 4 A. Yes. 5 Q. Then you cite from the schedule 1 referred to of the 6 1984 regulations concerning the calculation of floodable 7 length stipulated, from paragraph 6(6) of part II, 8 "which is applicable to part III by virtue of 9 paragraph 7 ... as follows", and you set it out in your 10 statement: 11 "Minimum space of bulkheads. 12 If the distance between two adjacent main transverse 13 bulkheads required by these regulations to be 14 watertight, or their equivalent plane bulkheads or the 15 distance between the transverse planes passing through 16 the nearest stepped portions of the bulkheads is less 17 than .03L + 3.00 metres or 11.00 metres, or 0.1L, 18 whichever is the least, only one of these bulkheads 19 shall be regarded as forming part of the subdivision of 20 the ship." 21 Of those different conditions set out in that 22 paragraph, we are only concerned with the last, are we 23 not -- 24 A. Yes. 25 Q. -- 0.1L?</p>

<p style="text-align: right;">Page 21</p> <p>1 A. The last one is applicable. 2 Q. Yes. Thank you. And you explain: 3 "L' refers to the length of the ship as defined in 4 paragraph 1 of part I, which is approximately the 5 proposed length of the ship." 6 That's the waterline length, is it not? 7 A. No, that is the complicated measure. You have to look 8 at the drawing. But more or less similar to the 9 waterline length. 10 Q. You say: 11 "In the present case, 'L' was 24.89 metres." 12 A. Yes. 13 Q. That was the waterline length of the vessel, wasn't it? 14 A. Yes. 15 Q. You say: 16 "The proposed length of the steering gear 17 compartment was only 1.625 metres ..." 18 And you refer to some drawings in your footnote. 19 Perhaps I can just quickly go to those. 20 If we can go to the Profile and Deck drawing at 21 page 204, please. 22 If we look at the side shell profile, which is the 23 top drawing, at the stern of the vessel, we see 24 underneath a measurement of 1,000 and 625. 25 So is that the source of your information?</p>	<p style="text-align: right;">Page 23</p> <p>1 Q. You say you wouldn't have rejected the plans even if 2 they had shown frame 1/2 not to be watertight, but 3 whether a certificate of survey would eventually be 4 issued would depend upon the calculation of floodable 5 length or damage stability; correct? 6 A. Yes. 7 Q. Thank you. Then we do come to the issue of floodable 8 length and damage stability. 9 A. Yes. 10 Q. You refer to the fax transmission dated 1 August 1994, 11 which we saw yesterday. 12 A. Yes. 13 Q. You tell us that that document was in fact drafted for 14 you, by you -- 15 A. Yes. 16 Q. -- for the signature of your then superior, Mr WK Lee? 17 A. Yes. 18 THE CHAIRMAN: May we see the document again, please. 19 MR BERESFORD: Yes, Mr Chairman. This is at page 2081. The 20 fax sets out the stability requirements for a passenger 21 vessel operating in Hong Kong waters. 22 A. Yes. 23 Q. It refers in paragraph 1 to the transverse metacentric 24 height; paragraph 2, the angle of heel; paragraph 3: 25 "For every vessel carrying more than 100 passengers,</p>
<p style="text-align: right;">Page 22</p> <p>1 A. Yes. 2 Q. Then you also refer to the profile on page 172. I'm not 3 sure I can see the length specified there, Mr Wong. 4 A. I can't see it now. 5 Q. No. From the shell expansion at page 202, we can see 6 from the notes underneath the stern section of that 7 plan: 8 "Frame spacing is 1.25 metres apart throughout 9 unless otherwise stated." 10 A. Yes. 11 Q. And the distance between the transom and the first frame 12 is 1 metre? 13 A. Yes. 14 Q. Then, of course, 625 is half of the frame spacing? 15 A. Agree. 16 Q. Yes. You point out that the 1.625 metres length of the 17 steering gear compartment was much less than 0.1 of the 18 length of 24.89 metres, so "applying the minimum space 19 of bulkhead principle, the bulkhead at frame 1/2 should 20 not be regarded as forming part of the subdivision of 21 the ship, and should ... be ignored for such purpose." 22 A. Yes. 23 Q. "This is so regardless of whether the bulkhead ... is 24 watertight or not watertight." 25 A. Yes.</p>	<p style="text-align: right;">Page 24</p> <p>1 the watertight subdivision (one-compartment flooding) 2 requirements are to be complied with. (see attached 3 copies, schedules 1 and 3)." 4 A. Yes. 5 Q. You say in your statement: 6 "... notwithstanding the wording of this paragraph, 7 the then practice of the section was as described in 8 paragraph 26 [of this statement]." 9 That's what we discussed yesterday. 10 A. Yes. 11 Q. When, if I understood your evidence correctly, you said 12 that your main concern was to ensure that the 13 one-compartment flooding standard was complied with, and 14 whether they established that by reference to 15 a floodable length calculation or a watertight division 16 calculation, it didn't really matter. 17 A. What I meant yesterday was only referring to the damage 18 stability, not watertight subdivision. That I mentioned 19 yesterday. 20 Q. Yes. Let's just be clear. Schedule 1 is concerned with 21 the calculation of the maximum length of watertight 22 compartments? 23 A. Yes. 24 Q. And schedule 3 is concerned with stability in damaged 25 condition?</p>

<p style="text-align: right;">Page 25</p> <p>1 A. Yes.</p> <p>2 Q. As we'll see in a minute, you've adopted the</p> <p>3 one-compartment flooding for vessels in Hong Kong</p> <p>4 waters?</p> <p>5 A. Under the schedule 3 for the damage stability</p> <p>6 calculation.</p> <p>7 Q. Yes. The point is that you're basing your regulation on</p> <p>8 an assumed damage scenario, which in the present case is</p> <p>9 a one-compartment standard.</p> <p>10 A. Yes.</p> <p>11 Q. You pointed out yesterday that for a larger vessel, it</p> <p>12 was a group of compartments?</p> <p>13 A. Yes.</p> <p>14 Q. But Lamma IV standard was one compartment?</p> <p>15 A. All our requirements is one-compartment flooding</p> <p>16 standard. That is specified in our policy, department</p> <p>17 policy or the ship file. But for the -- let me say</p> <p>18 this.</p> <p>19 Floodable length for the vessel carrying passengers</p> <p>20 more than 100 persons, we request the builder to submit</p> <p>21 the floodable length. That is what we request in the</p> <p>22 old days and until the enactment of Cap 548, the Local</p> <p>23 Vessels Ordinance.</p> <p>24 Before the enactment of Cap 548, we require the</p> <p>25 floodable length. But the floodable length calculation</p>	<p style="text-align: right;">Page 27</p> <p>1 completion of the vessel.</p> <p>2 Q. Yes.</p> <p>3 A. Then they have the two light ship weight and the centre</p> <p>4 of gravity. Before the delivery of the vessel or the</p> <p>5 completion of the vessel, they have no exact figure of</p> <p>6 the light ship weight, the exact centre, the detail of</p> <p>7 the centre of gravity. So that will not be submitted in</p> <p>8 the early stage. But the builder can make</p> <p>9 an estimation, but that is not a correct one.</p> <p>10 Q. Thank you. You then go on in paragraph 39 to say that:</p> <p>11 "The reference to 'schedules 1 and 3' is reference</p> <p>12 to schedules 1 and 3 of the gazetted 1991 version of the</p> <p>13 Merchant Shipping (Safety) (Passenger Ship Construction</p> <p>14 and Survey) Regulations ..."</p> <p>15 And then you give two chapter numbers: Cap 369AL, or</p> <p>16 Cap 369AM.</p> <p>17 Cap 369AL are the Merchant Shipping (Safety)</p> <p>18 (Passenger Ship Construction) (Ships Built Before</p> <p>19 1 September 1984) Regulations?</p> <p>20 A. Yes.</p> <p>21 Q. And those are marked originally LN 324 of 1991, but</p> <p>22 we're not concerned with those because we're not</p> <p>23 concerned with a vessel built before 1 September 1984.</p> <p>24 A. Yes.</p> <p>25 MR BERESFORD: Cap 369AM, Mr Chairman, for your note, is</p>
<p style="text-align: right;">Page 26</p> <p>1 should be prepared during the design or early</p> <p>2 construction stage, which is to design the maximum</p> <p>3 length of the watertight compartment, which could let or</p> <p>4 keep the vessel remaining afloat when the compartment,</p> <p>5 when any one of the watertight compartments is flooded.</p> <p>6 Q. Yes.</p> <p>7 A. The submission should be in the early stage. But for</p> <p>8 the damage stability, that is based on the existing</p> <p>9 watertight compartment.</p> <p>10 Q. Yes.</p> <p>11 A. That means the compartment already built. And we test</p> <p>12 or check to see whether that compartment being flooded</p> <p>13 can mean the vessel remain afloat. That is the similar</p> <p>14 purpose. Two calculations to ensure the ship remains</p> <p>15 afloat during any one of the compartments being flooded.</p> <p>16 Q. Yes.</p> <p>17 A. That is the meaning.</p> <p>18 Q. So the floodable length calculation is intended to</p> <p>19 discover the maximum permissible length of</p> <p>20 a compartment?</p> <p>21 A. Yes.</p> <p>22 Q. But the stability in damaged condition calculation is to</p> <p>23 discover if the vessel will remain afloat and stable if</p> <p>24 that compartment is flooded?</p> <p>25 A. Yes. And the builder can only submit after the</p>	<p style="text-align: right;">Page 28</p> <p>1 contained in our legislation bundle at tab 11 and is the</p> <p>2 same; it was originally LN 325 of 1991, which is the</p> <p>3 document that is attached to the fax dated 1 August</p> <p>4 1994.</p> <p>5 Is that correct?</p> <p>6 A. Correct.</p> <p>7 Q. Thank you. But I'll rely on the document attached to</p> <p>8 the fax because it's got your annotation on it.</p> <p>9 A. Okay.</p> <p>10 Q. You state:</p> <p>11 "As in the case of the 1984 regulations" -- that is</p> <p>12 the UK regulations -- "schedule 1 [of the Hong Kong</p> <p>13 regulation] deals with the calculation of maximum length</p> <p>14 of watertight compartments, whereas schedule 3 is</p> <p>15 concerned with stability in damaged condition."</p> <p>16 A. Yes.</p> <p>17 Q. Then you turn to deal with your annotation on</p> <p>18 paragraph 1(3)(a) of schedule 3, which is at page 2085</p> <p>19 of our bundle.</p> <p>20 We can see there, Mr Wong, that you have deleted</p> <p>21 paragraph 1(3)(a) and inserted in the margin</p> <p>22 "(One-compartment flooding)".</p> <p>23 A. Yes.</p> <p>24 Q. You made that deletion and insertion to reflect your</p> <p>25 understanding of the then practice; is that right?</p>

<p style="text-align: right;">Page 29</p> <p>1 A. Yes. 2 Q. In case it seems odd to those that are following this, 3 can I just remind everyone that these regulations 4 applied to seagoing vessels, did they not? 5 A. Yes. 6 Q. So this reflects the practice of the section in adopting 7 such of those regulations as were felt appropriate for 8 Hong Kong vessels -- 9 A. Yes, because -- 10 Q. -- vessels operating purely in Hong Kong waters? 11 A. Yes, because the local vessels have no -- in different 12 rules for our section. 13 Q. Yes. Then you say: 14 "First, as stated above, the Blue Book (at 15 paragraph 15) only referred to regulation 6 of the 1984 16 regulations [that's the UK regulations], which in turn 17 referred to schedule 1 but not schedule 3 of those 18 regulations. That being the case, the principle of 0.1L 19 (by way of minimum space of bulkheads) ... was 20 applicable independently of [anything that might be 21 required by] schedule 3." 22 A. Yes. 23 Q. You point out: 24 "Secondly, the concept of damage stability ([as 25 required by] Schedule 3) is ... different from that of</p>	<p style="text-align: right;">Page 31</p> <p>1 in the attachment to the fax. 2 A. Yes. To add up, if I don't delete that paragraph, then 3 our requirement under schedule 1 will be different from 4 the requirement from schedule 3. Because from 5 schedule 1, we request one-compartment flooding. But 6 under schedule 3, that will be at least 7 a two-compartment flooding standard, because that 8 paragraph required the extent of damage. Even we 9 calculate the extent of damage is only 1 metre, if that 10 happened between or at the bulkhead, so the compartment 11 forward of the bulkhead and the compartment after the 12 bulkhead will be damaged simultaneously, assuming to be 13 flooded simultaneously. So that is a two-compartment 14 standard. 15 Q. Yes. 16 A. So that is the reason, the rationale, I delete that 17 paragraph. 18 Q. And that's what you set out in paragraph 45 of your 19 statement? 20 A. Yes. 21 Q. You then say: 22 "In summary, my intention in deleting paragraph 1(3) 23 of Schedule 3 and the insertion of the words 24 'one-compartment flooding' was not to remove the 25 requirement of 0.1L minimum space when calculating the</p>
<p style="text-align: right;">Page 30</p> <p>1 floodable length ..." 2 A. Yes. 3 Q. And you explain that both of the requirements are quite 4 distinct. 5 You then set out in two paragraphs floodable 6 length -- your explanation of floodable length, and 7 stability in damaged condition. 8 A. Yes. 9 Q. I think we've probably covered this now. 10 A. Yes. 11 MR BERESFORD: Mr Chairman, unless you want me to go over it 12 again, I think we've probably covered this in Mr Wong's 13 evidence. 14 THE CHAIRMAN: It's been covered extensively. 15 MR BERESFORD: Yes, Mr Chairman. 16 Then you say in paragraph 46: 17 "It was for [this] reason that paragraph ..." 18 Well, you explain that the requirement in schedule 3 19 was too stringent for non-seagoing local vessels, which 20 are normally smaller in size, and that was the reason 21 why it was decided that for vessels with more than 22 100 passengers, the one-compartment flooding standard 23 ought to be applied. 24 A. Yes. 25 Q. So that was the reason for the amendment in schedule 3</p>	<p style="text-align: right;">Page 32</p> <p>1 damage stability of a vessel." 2 You take issue with one of the comments of 3 Dr Armstrong -- 4 A. Yes. 5 Q. -- when he states, according to you: 6 "... that the consequence of the deletion and 7 replacement ... 'was that small compartments with 8 a length of less than 10 per cent length were considered 9 like any other compartment'. " 10 A. Yes. 11 Q. As far as you're concerned, you say: 12 "This is not the case, so far as the intention of 13 the deletion and replacement was concerned." 14 And that you do agree with Dr Armstrong in that the 15 situation set out in the "Damage Stability Information" 16 booklet is incorrect, as "both the steering gear and the 17 tank room should be investigated as being flooded". 18 A. Yes. 19 Q. In other words, the 10 per cent rule, if I can call it 20 that, means that the after peak bulkhead should be 21 disregarded? 22 A. Yes. 23 Q. Not the after peak steering gear compartment? You don't 24 disregard the compartment -- 25 A. Yes.</p>

<p style="text-align: right;">Page 33</p> <p>1 Q. -- you just disregard the bulkhead? 2 A. It means the steering gear compartment and the tank room 3 compartment should be -- 4 Q. Must be treated as one? 5 A. -- considered as one compartment only. 6 Q. Yes. Yes, thank you. 7 You then say in paragraph 48: 8 "For all [these] reasons I can confirm that, even if 9 the bulkhead at frame 1/2 was not indicated on Cheoy 10 Lee's plans to be watertight, such plans would still 11 have been approved by me because the steering gear 12 compartment was less than 0.1L in length." 13 A. Agree. 14 Q. Then you go on to deal with the effect of the approved 15 plans. You confirm: 16 "... I approved the plans entitled 'Profile & Deck', 17 'Sections & Bulkheads (Sheet 1 of 2)' on 3 May 1995, and 18 the plans entitled 'Shell Expansion' and 'Midship 19 Section' on 17 May 1995. I confirm that the signatures 20 appearing on the approval chop on those plans 21 respectively are mine." 22 We've been through all of those and we've seen those 23 signatures, so I'm not going to take you to them again. 24 A. Yes. 25 Q. Then you say:</p>	<p style="text-align: right;">Page 35</p> <p>1 THE CHAIRMAN: Just pause there, if you would. 2 Mr Pao, I'm right in thinking, am I not, that Mr Lo 3 in his witness statement confirms that to be the case? 4 MR PAO: Yes. 5 THE CHAIRMAN: That no watertight door was ever installed by 6 them in that bulkhead? 7 MR PAO: Not by them, no. 8 THE CHAIRMAN: Thank you. 9 MR BERESFORD: "This was a departure from the approved 10 plans. If I had been involved in the decision whether 11 or not to issue a certificate of survey, I would 12 certainly have examined the 'Damage Stability 13 Information' booklet submitted initially by Cheoy Lee on 14 6 March 1996." 15 A. Yes. 16 MR BERESFORD: We referred to that yesterday. 17 For the Commission's note, it's at page 337. 18 THE CHAIRMAN: If this witness wasn't involved in that 19 decision, which witness was? 20 MR BERESFORD: I believe that was Mr Leung. 21 THE CHAIRMAN: Thank you. 22 MR BERESFORD: Mr Chairman, I summarise the approvals in my 23 chronology, which is at page 19 of the miscellaneous 24 bundle. 25 THE CHAIRMAN: Yes.</p>
<p style="text-align: right;">Page 34</p> <p>1 "The owner/builder of vessel is expected to build 2 the vessel in accordance with the approved plans. 3 However, this does not mean that if there is any aspect 4 of the vessel which departs from the approved plans, 5 a certificate of survey must necessarily be denied." 6 A. Yes. 7 Q. You then go on to discuss whether any departure from the 8 approved plans would be accepted by the section, and you 9 say: 10 "... [this] would depend on the importance of the 11 particular aspect of the vessel which does not adhere to 12 the plans. For example, if a bulkhead which is shown to 13 be watertight on the approved plans turns out not to be 14 watertight, such alteration will be disallowed unless 15 the absence of the watertight nature of the bulkhead 16 would in no way compromise the safety of the vessel. 17 This could be determined by examining the shipyard's 18 submission of its calculation of floodable length or 19 damage stability." 20 A. Yes. 21 Q. You say: 22 "In the present case, I understand that Cheoy Lee 23 did not install a watertight door at the access opening 24 in frame 1/2. This was a departure from the approved 25 plans."</p>	<p style="text-align: right;">Page 36</p> <p>1 MR BERESFORD: You see towards the bottom of that: 2 "Friday, 26 July 1996: Damage Stability Booklet 3 vetted by Leung Wai-hok." 4 There's a reference in the "Sources" column to where 5 you can find the damage stability booklet and to Leung 6 Wai-hok's statement on the subject. 7 THE CHAIRMAN: Thank you. 8 MR BERESFORD: I say "vetted", because this is one of those 9 that has been marked "seen" rather than "approved". 10 THE CHAIRMAN: Yes. 11 MR BERESFORD: What we don't have at the moment is evidence 12 of who approved the certificate of survey, which is the 13 last item in this chronology. I trust that will be 14 forthcoming in due course. 15 THE CHAIRMAN: Very well. 16 MR BERESFORD: So you explain, Mr Wong, that at the time 17 when the booklet was submitted by Cheoy Lee, you were 18 being transferred out of the section to another section 19 located at the Government dockyard, and that the 20 responsibility for examining the booklet lay with your 21 successor, Mr Leung Wai-hok? 22 A. Yes. 23 Q. But nevertheless, you go on to say that you have 24 examined the calculation set out in the booklet and you 25 agree with Dr Armstrong that the steering gear</p>

<p style="text-align: right;">Page 37</p> <p>1 compartment and the tank room should be investigated as 2 being flooded together. 3 A. Yes. 4 Q. "... the calculation should have been undertaken on the 5 basis that the steering gear and the tank room in fact 6 constituted one compartment instead of two." 7 A. Yes. 8 Q. Because the bulkhead at frame 1/2 should be disregarded? 9 A. Yes. 10 Q. Can't be regarded as forming part of the subdivision of 11 Lamma IV; that's what you're saying? 12 THE CHAIRMAN: Do you agree with that? 13 A. Yes. 14 MR BERESFORD: You note: 15 "... as a matter of fact, the booklet did not 16 contain such calculation." 17 And you say that a surveyor of ships could have 18 asked the shipbuilder to resubmit a revised booklet. 19 THE CHAIRMAN: Mr Beresford, if we're going to hear from 20 a witness who actually dealt with it, how are we 21 assisted by this witness what might or should have been 22 done? 23 MR BERESFORD: Very well, Mr Chairman. I'll move on. Quite 24 so, Mr Chairman. 25 MR MOK: Mr Chairman, I think perhaps his evidence is also</p>	<p style="text-align: right;">Page 39</p> <p>1 he did it, then that will suffice. 2 MR BERESFORD: In that case, Mr Chairman, I'm certainly 3 happy to proceed on that basis. 4 THE CHAIRMAN: Yes. 5 MR BERESFORD: We can move on to the seats. 6 Mr Wong, turning then to the subject of seats and 7 the securing of seats on the Lamma IV. 8 A. Okay. 9 Q. You say: 10 "... the Blue Book did not set out any specific 11 requirement for the securing of seating ..." 12 Although you accept that paragraph 26 provides, 13 under the heading "Seating Provision In Cabins and 14 Cockpits" -- perhaps I need only read the last line of 15 that: 16 "Seats should always be properly secured." 17 So when you say that the Blue Book did not set out 18 any specific requirement for the securing of seating, 19 you accept nevertheless that there was a general 20 requirement that they be properly secured? 21 A. Yes. 22 Q. Can we also please have a look at marine bundle 2, 23 page 384. This is the certificate of survey, which is 24 in a form required by the regulations at the time, is it 25 not?</p>
<p style="text-align: right;">Page 38</p> <p>1 valuable because he's actually talking about the 2 practice -- 3 THE CHAIRMAN: Aren't we to hear from another Mr Wong who 4 deals with the overview? 5 MR MOK: He hasn't dealt with this particular aspect, and 6 Mr Wong is quite experienced in this. 7 THE CHAIRMAN: So although he didn't deal with it, he is to 8 say what he thinks should have been done; is that it? 9 MR MOK: No, he is simply telling the Commission the 10 practice of the section. 11 THE CHAIRMAN: Why can't the other witness tell us that, the 12 one who actually dealt with it? 13 MR MOK: Yes, he dealt with it on the basis of what he 14 actually did or what he -- 15 THE CHAIRMAN: Yes, and no doubt he can tell us he did that 16 because that's the practice. 17 MR MOK: Yes, I'm just -- 18 THE CHAIRMAN: So why do we need to hear it twice? 19 MR MOK: Well, it's a very short summary of what his 20 understanding is. 21 THE CHAIRMAN: If we duplicate everything, it will become 22 a very long hearing. 23 MR MOK: Well, I'm in your hands. 24 THE CHAIRMAN: I don't think we need to deal with the matter 25 twice. If Mr Leung does deal with what he did and why</p>	<p style="text-align: right;">Page 40</p> <p>1 Can we please look at condition 9. 2 This also requires that all seats are properly 3 secured in position, does it not? 4 A. Yes. 5 Q. Then you turn in your statement to deal with the General 6 Arrangement plan, and perhaps that can be shown on the 7 screen next. Page 172. If we can look at the comments, 8 please. We noted this when we first looked at this 9 drawing. Comment 9 says: 10 "Seats must be firmly secured." 11 A. Yes. 12 Q. You then go on to say in your statement: 13 "The seat securing arrangement was subject to 14 satisfactory inspection by the ship inspectors in 15 accordance with paragraph 26 of the Blue Book. The 16 requirement was that under normal and favourable weather 17 condition, the seats would withstand: 18 (1) Static loading in accordance with its intended 19 purpose. For example, for a vessel intended to carry 20 passengers, the securing of the seats should be able to 21 support the weight of the passengers and their 22 belongings. 23 (2) Dynamic loading. In other words, the forces 24 that the vessel would encounter in local waters, in 25 which the significant sea wave height is about 1.2 m.</p>

<p style="text-align: right;">Page 41</p> <p>1 The forces included the vertical force (pulling out) and 2 the lateral force (shearing) exerted on the vessel by, 3 for example, waves, current and the wind when the vessel 4 is in motion. 5 The main dynamic loading usually exerted on the 6 seats of a non-seagoing local vessel is the lateral 7 force induced by the rolling of the vessel as heaving 8 motion is comparatively less in local waters and 9 pitching is minor even if it occurs." 10 A. Yes. 11 Q. We are, however, talking about a vessel that was capable 12 of something like 17 knots, in waves that you mention of 13 1.2 metres; is that not right? 14 A. Yes. Yes, that is the general information we obtained 15 from the Hong Kong Observatory. 16 Q. So that would imply quite a heavy loading, would it not? 17 A. No, I think that is the maximum, maximum weather in 18 Hong Kong. 19 Q. Yes, but that's what you have to allow for? 20 A. Yes. 21 Q. You have to allow for that maximum, don't you? 22 A. Yes. Yes, because for more severe weather, normally we 23 will inform the vessel to seek shelter. 24 Q. Yes. So it's not designed to withstand a typhoon? 25 A. Yes, not designed to withstand a typhoon.</p>	<p style="text-align: right;">Page 43</p> <p>1 Q. Then you say: 2 "Favourable weather is a generic terms which means 3 weather with good visibility and when the combined 4 effects of wind, sea or swell upon the vessel are not 5 greater than those which would cause moderate rolling or 6 pitching, or result in the shipping of green seas on to 7 the main deck (or in the case of open boats, over the 8 gunwale)." 9 A. Yes, this is the definition that appears in the current 10 code of practice. 11 Q. Yes. You then go on to say: 12 "The securing of the seats was not intended to 13 withstand the abnormal pulling out force due to 14 impact ..." 15 It's written here "tiling", but I think you mean 16 "tilting", don't you? 17 A. Yes. 18 Q. "-- excessive trim of the vessel and the subsequent 19 bending induced by the weight of the seated person 20 during tilting of the vessel." 21 A. Yes. 22 Q. And you say: 23 "Ship inspectors would inspect the seating and judge 24 by his experience whether the above requirement was 25 satisfied, by reference to the intended purpose of the</p>
<p style="text-align: right;">Page 42</p> <p>1 Q. No. But nevertheless, it's quite a fast vessel. Not 2 a high-speed craft, but quite a fast vessel -- 3 A. Yes. 4 Q. -- in quite a substantial chop? 5 A. For the high-speed craft, they have different 6 requirement. 7 Q. We're not talking about high-speed craft; we're talking 8 about the Lamma IV. 9 A. Lamma IV, to my understanding, is marginal between the 10 normal launch and not a high-speed craft. 11 Q. No, but it was capable of doing 17 knots, wasn't it? 12 A. Yes, yes. If Lamma IV proceed in exceeding 17 knots, 13 that may be a high-speed vessel. 14 Q. But if it travelled at 15 to 17 knots, even 15 knots, 15 assume that it's travelling at 15 knots in 1.2 m waves, 16 that would exert quite a lot of loading on the seat 17 fastening, would it not? 18 A. Yes, yes. But under the existing instruction, that is 19 the requirement. 20 Q. Yes. 21 A. What we mentioned in the -- 22 Q. Yes, but it's a lot of loading? 23 A. Yes. 24 Q. It's not a mill pond? 25 A. I know.</p>	<p style="text-align: right;">Page 44</p> <p>1 vessel, the material and the weight of the seating and 2 the method of fitting. In doubtful cases, the ship 3 inspectors would order specific tests to be done." 4 A. Yes. 5 THE CHAIRMAN: Will we have a witness who speaks to the 6 actual inspection? 7 MR BERESFORD: I have to defer to my learned friend Mr Mok 8 on that. 9 THE CHAIRMAN: Mr Mok? 10 MR MOK: Not at the moment, no. 11 THE CHAIRMAN: That's because no-one has been identified? 12 MR MOK: I think through the witnesses that we have 13 interviewed, we haven't identify a witness who 14 specifically dealt with this point. 15 THE CHAIRMAN: Yes. 16 Mr Wong, it looks as though you might be able to 17 help. 18 A. Yes. But actually, this is not a major item for 19 inspection. It is only a -- 20 THE CHAIRMAN: We're not dealing with what kind of item it 21 is; we're dealing with who inspected it. Can you help 22 us as to who inspected it? 23 A. The one who carried out the final survey. 24 THE CHAIRMAN: Will be the one who inspected this area? 25 A. Yes. Actually, the inspector who carried out the final</p>

Page 45	Page 47
<p>1 survey will be responsible for inspecting this seat 2 arrangement. 3 THE CHAIRMAN: Do we know who that person is, Mr Beresford? 4 MR BERESFORD: That's the one I said I don't know yet. 5 THE CHAIRMAN: Who did the final survey? 6 MR BERESFORD: Yes. 7 THE CHAIRMAN: Very well. 8 MR BERESFORD: We're waiting to hear, Mr Chairman. 9 THE CHAIRMAN: Surely there must be some record of who 10 certified the -- 11 MR BERESFORD: The certificate of survey is identified on 12 that chronology that I gave you, and it's to be found at 13 page 384. 14 THE CHAIRMAN: Yes. "CK Lee"; is that the person? There's 15 a signature there. 16 MR BERESFORD: I'm not sure if that's a signature. I don't 17 know if we've got that covered in a witness statement, 18 Mr Chairman. 19 We may have been told that it's Mr Yu, 20 Mr Yu Kick-chuen, who is one of witnesses coming. 21 THE CHAIRMAN: That's the other name that's on the right? 22 "CK Lee", and then there's a name "Yu"? 23 MR BERESFORD: No. He carried out a survey on 15 February. 24 So we don't yet know, I don't think, who approved the 25 issue of the final certificate, Mr Chairman.</p>	<p>1 leads to the issue of the certificate of survey, as far 2 as the seats are concerned? 3 A. Yes. Actually, the inspection will be mainly by visual 4 inspection, and the inspector may use his effort or ask 5 the shipyard to request some of the personnel sit on the 6 seat and see the movement, any movement, and with the 7 physical test of the seat at the spot. If he is 8 satisfied the seat is firmly fixed, then he will not 9 request any other outstanding item. 10 THE CHAIRMAN: Would you expect the person doing that 11 inspection to enquire of the shipyard how the seats had 12 been fastened, "What have you done to fasten them?" 13 A. First, when he carries out the final inspection, he will 14 carry out the visual inspection of all items fitted on 15 board, including life-saving, fire-fighting -- 16 THE CHAIRMAN: No, we're only interested in the issue of 17 seats at the moment. 18 A. Seats, yes. 19 THE CHAIRMAN: Would you expect him to ask "How have these 20 seats been attached to the deck?" 21 A. Because there may be different types of seats fitted on 22 board launches. Some use benches, some use individual 23 seats. If of different materials, say for steel and 24 wood and fibreglass, there would be different method. 25 So there is no single --</p>
<p>Page 46</p> <p>1 A. Yes, CK Lee is the surveyor who signed the certificate. 2 Yes, the initial next to him is Mr Yu. 3 THE CHAIRMAN: And you'd expect that to be the one who 4 actually did the survey; is that the point? 5 A. Yes, should be. 6 MR BERESFORD: Should be Mr Lee or Mr Yu? 7 A. Mr Yu. 8 Q. Mr Yu. 9 In one of the crew statements, the statement of 10 Mr Leung Pui-sang, he said that the seats were always 11 a little bit loosened, but perhaps that's something that 12 comes later. 13 Anyhow, you've noted that according to the 14 inspection records of the vessel, there appeared to be 15 no outstanding issue regarding the fixture of the seats. 16 That means nobody had made any comment; is that right? 17 A. Yes. 18 THE CHAIRMAN: Just help us since at the moment, apparently 19 we're not quite sure whether we're going to get the 20 person who actually inspected the seats for the survey. 21 What would be involved in an inspection of the seats to 22 ensure that they were properly secured? 23 A. Yes. And -- 24 THE CHAIRMAN: That's the question. Did you hear my 25 question? What would be involved in an inspection that</p>	<p>Page 48</p> <p>1 THE CHAIRMAN: Well, let's be specific. 2 We're dealing, are we not, with a fibreglass upper 3 deck, are we not, Mr Beresford? 4 MR BERESFORD: Yes, we are. 5 THE CHAIRMAN: What would you expect the inspector to do 6 when inspecting such a deck with seating of the kind 7 that was on Lamma IV? 8 A. He will check the screw, the bolt and the bottom of the 9 fixture. 10 THE CHAIRMAN: Would you expect him to find out whether or 11 not there was a bolt and there was a washer beneath the 12 screw? 13 A. I checked the record from Dr Armstrong and I saw the 14 photo, and that is a screw -- screwed down GRP deck and 15 into a foam construction panel. But normally for this 16 kind of structure, fitting a supporting point, we 17 request some hard wood or some doubler fitted on top of 18 that area before fixing the seat base to the deck. 19 THE CHAIRMAN: Would you expect him to inspect it to 20 discover whether or not a washer and a bolt had in fact 21 been used, something to back up the screw going through 22 the fibreglass? 23 A. No. During the -- 24 THE CHAIRMAN: You wouldn't expect that? 25 A. No, I don't expect the inspector will carry out such</p>

<p style="text-align: right;">Page 49</p> <p>1 inspection, such method of inspection. 2 THE CHAIRMAN: Thank you. 3 MR BERESFORD: But you say, Mr Wong, that normally you would 4 require some hard wood or something else you said. What 5 was that? 6 A. Doubler. The additional reinforcement. 7 Q. Some additional reinforcement? 8 A. Yes. At the deck, fitted on deck, say for a wooden deck 9 or thicker GRP material. Then on top of the deck or 10 between the foam panel, they may fit a hard wood between 11 the foam panel. Then the foam panel will not be -- in a 12 void space -- in a void such like the photo made by 13 Dr Armstrong. 14 Q. But there was no requirement made in this case? 15 A. No requirement. We don't need to -- we have not 16 requested the builder to submit the detail of seating 17 before the final survey. 18 Q. But you say normally you would? 19 A. Yes. 20 Q. But in this case, you didn't? 21 A. Normally we would ask the drawing? No. 22 Q. You said normally you would ask for seats to be fixed to 23 some hardwood or -- 24 A. That is at the spot. If we find the seating arrangement 25 is not acceptable during final survey, the inspector</p>	<p style="text-align: right;">Page 51</p> <p>1 hardwood or not without opening it up. 2 A. Yes. 3 Q. But you told the Commission that normally, you require 4 hardwood or some other material to be used for the 5 fixing of the seats. 6 A. Yes. 7 Q. Is that right or wrong? 8 A. Yes, it's for GRP construction. 9 Q. Yes. 10 A. With a thin thickness. 11 Q. So at what point do you normally require -- when does 12 that requirement arise? 13 A. If he moved, he tested the seat and found that it's not 14 firmly secured, then the inspector has reason to request 15 that -- because he consider physically the seat -- 16 Q. So you would only raise such a requirement if the seat 17 wobbled a bit? 18 A. Yes. Yes. If it was already firmly fixed -- what 19 I mean "firmly fixed" is he used his effort to test the 20 seat and the seat does not move -- then he accept it. 21 This is the normal way of inspection. For this item. 22 THE CHAIRMAN: Another way of getting around this difficulty 23 would be to ask the shipbuilder, would it not, "Have you 24 used hard wood beneath it" or "Have you thickened the 25 fibreglass to secure the seats"? It's a simple</p>
<p style="text-align: right;">Page 50</p> <p>1 will request the shipyard to fix such fitting. 2 Q. And you're saying that it would not be acceptable just 3 to attach seats to fibreglass; is that right? 4 A. Not acceptable? 5 Q. Not acceptable just to attach seats directly to 6 fibreglass? 7 A. It is acceptable, but I'm not sure whether there is any 8 hard wood or doubler between the foam area. Because 9 that is inside. When the inspector carries out the 10 inspection, they just on top of the deck. Except he 11 request to open up the underpart of the deck to carry 12 out the inspection. Otherwise he can't see it. So 13 normally, he will only carry out the visual inspection 14 on top of the seating. 15 Q. I'm having some difficulty in understanding what you're 16 saying is normal, Mr Wong. Because you said normally 17 you would require some hardwood fixing. 18 A. Yes. 19 Q. But you didn't in this case? 20 A. But the hard wood may be fitted between the foam that is 21 under deck. If the inspector is standing on deck, how 22 can he be sure there is any hard wood or reinforcement 23 between the foam, the sandwich, the sandwich foam? 24 Q. Yes. I understand you to be saying that an inspector on 25 the spot would not be able to tell whether there was any</p>	<p style="text-align: right;">Page 52</p> <p>1 question, is it not? 2 A. Well, if you purposely, during construction, to treat 3 with this issue, then during the -- before the 4 installation of seating, that arrangement already fitted 5 on deck under the panel or on top of the deck with some 6 kind of reinforcement. 7 THE CHAIRMAN: If an inspector is not sure how the seat has 8 been affixed to the deck, the simplest way to discover 9 the answer is to ask the shipbuilder, is it not, "How 10 have you secured these seats"? 11 A. (Witness nods). 12 THE CHAIRMAN: Do you agree? 13 A. I agree. 14 THE CHAIRMAN: Thank you. 15 MR BERESFORD: Should it not be apparent from the drawings 16 anyway, Mr Wong? 17 A. Yes. Not apparent on the drawing. There is no such 18 detail showing how to fix the seat on deck. 19 Q. I'm not sure if you understood my question, Mr Wong. 20 Should it be apparent from the drawings -- if there is 21 such a seat fixing, would that not appear on the 22 drawings? 23 A. Not appear on the drawing. 24 Q. Even if there is such a fixing? 25 A. Even there is such fixing, it will not appear on some</p>

<p style="text-align: right;">Page 53</p> <p>1 structural drawing or General Arrangement, except the 2 drawing title is "Seat Arrangement and Fixing", but 3 actually we have no such drawing required for 4 submission. You can see from the old book the required 5 drawing is limited, very limited. 6 Q. So although paragraph 26 of the Blue Book required seats 7 to be properly secured, and the condition of survey 8 required seats to be secured in position, you had no 9 requirement for a drawing to show how those seats were 10 secured? 11 A. Agree, yes. 12 THE CHAIRMAN: Why was that? 13 A. Because that is the old practice following the UK 14 instruction to surveyor. They accept a portable seat. 15 That means even the seating is not fixed, that is 16 acceptable. The meaning is, they consider certain areas 17 of operation, that is calm and not a severe weather. 18 So, a portable seat is acceptable. 19 MR BERESFORD: Well, Mr Wong, you say that "a portable" 20 means "not fixed", but if you page 3915 -- this is not 21 precisely the provision you referred to, but it's in 22 a section of the UK regulations that you referred to. 23 In relation to class III ships, whatever they may be, it 24 says at 12.2.6.1: 25 "Seating either fixed or portable having attachment</p>	<p style="text-align: right;">Page 55</p> <p>1 with our local vessel. That is not applicable. 2 THE CHAIRMAN: We've got your point on that, Mr Wong. 3 Can we move on to another point? 4 MR BERESFORD: Yes. 5 You then go on to comment on Dr Armstrong's reliance 6 on instruction 4.1 of chapter 3 of the 1995 7 instructions. Perhaps we can just have a look at that 8 before we consider your comments, so that we know what 9 you're talking about. 10 Chapter 3 commences at page 1832, and paragraph 4.1 11 is at page 1835 and it is headed "Passenger Seating" and 12 provides: 13 "Where seats are provided for passengers, their 14 form, design and attachments to the deck should be 15 adequate for the intended service." 16 A. Yes, but this is not applicable to Lamma. 17 Q. Yes, we're coming to that. 18 So you say, first of all, chapter 3 applied only to 19 vessels which were new vessels after the 1995 20 instructions came into effect in January 1996. 21 A. Yes. 22 Q. You say that as Lamma IV didn't fall within that 23 category, so chapter III was not applicable to that 24 vessel at the time? 25 A. Yes.</p>
<p style="text-align: right;">Page 54</p> <p>1 either to the deck or a bulkhead is to be provided for 2 each passenger the ship is certified to carry." 3 A. Yes, you are right. 4 Q. So clearly -- 5 A. Class III ship is not applicable. 6 Q. Clearly -- if you just let me finish. It's clear from 7 this, is it not, that the mere fact that a seat is 8 described as portable doesn't mean that it's not 9 attached? 10 A. Yes, for class III ship, that is near seagoing. The 11 standard is nearly seagoing ship. 12 Q. But the Hong Kong regulations require seats to be firmly 13 secured in position? 14 A. Yes, but class III is not applicable to Hong Kong. 15 Q. No, but our regulations -- 16 A. We refer to class VI. Class VI is the sea environment 17 and the -- 18 Q. Mr Wong, our regulations say nothing about portable 19 seats. 20 A. Yes, I know. 21 Q. Our regulations require seats to be fixed securely in 22 position. 23 A. Yes, I know, I know. But there is no -- 24 Q. So this is a red herring, is it not? 25 A. There is no actual method for a class III ship, compared</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. I appreciate that you've produced something saying that 2 these instructions will come into force in January 1996, 3 but in fact these instructions are only in the nature of 4 guidance anyway, aren't they, Mr Wong? These are not 5 regulations? 6 A. Not a regulation. 7 Q. No. 8 THE CHAIRMAN: And therefore only guidance? 9 A. Yes. 10 MR BERESFORD: In fact, under their terms, Lamma IV was 11 a new vessel, wasn't it, because if we look at the 12 definition on page 1817, a "new vessel" is defined as 13 meaning "a vessel the keel of which is laid ... on or 14 after 1 January 1995". 15 A. The wording is correct, but actually the effect -- 16 Q. Let's just keep it there for the moment. 17 We know that the keel was laid on or after 1 January 18 1995, do we not, Mr Wong, because that's apparent from 19 the certificate that you got from the China 20 Classification Society, and that is attached to 21 a document at page 265 of the bundle, headed "'Survey 22 Items List' for New Passenger Launches", and the survey 23 report is at page 266. Item 4 specifies the ship 24 keel-laying date as 30 June 1995. 25 THE CHAIRMAN: Do you see that?</p>

<p style="text-align: right;">Page 57</p> <p>1 A. Yes, I see it. 2 MR BERESFORD: So within the terms of these rules, Lamma IV 3 was a new vessel; is that right? 4 A. According to this information, it is. 5 Q. Yes. Even supposing these hadn't been written yet, are 6 you suggesting that the seats should not be adequate for 7 their intended service? 8 A. No, I don't agree. 9 Q. Okay. Then you say that even if it were applicable and 10 the attachment should be adequate for the intended 11 service, you then go on to discuss what the intended 12 service of this vessel was. 13 A. Yes. 14 Q. You go on to refer to the dynamic loading normally 15 exerted on the seats of a non-seagoing local vessel 16 under the normal conditions that you had explained 17 before, in your paragraph 60 that we discussed earlier. 18 Just while we're on that, you say in paragraph 60: 19 "The requirement was that under normal and 20 favourable weather condition, the seats could withstand" 21 this static loading and dynamic loading. 22 Where is that requirement, please? 23 A. That is not a requirement; that is our understanding. 24 The loading on the seat -- 25 Q. You describe it here as a requirement. Where do you get</p>	<p style="text-align: right;">Page 59</p> <p>1 seat, except they request the seats should be tested for 2 certain special purpose, say for a racing boat or 3 a racing car. 4 THE CHAIRMAN: Let's not get off the topic. This was simply 5 the practice that the Marine Department applied; isn't 6 that what it's really about? 7 A. Yes. 8 THE CHAIRMAN: Thank you. 9 I think we ought to take a morning break now. We'll 10 take 20 minutes and resume at 11.55. 11 (11.33 am) 12 (A short break) 13 (11.54 am) 14 THE CHAIRMAN: We have had some copies made, but they are 15 limited in number. What we propose to do is this. 16 We'll make one available to counsel; one will be 17 available to the witness -- that's not each counsel; 18 that's all counsel -- and the Commission will have its 19 copy. They are already scanned, so that if the parties 20 wish to make their own copies, they can do so from the 21 electronically scanned one. If there are any 22 difficulties, please raise it with us. 23 Yes, Mr Beresford. 24 MR BERESFORD: Mr Chairman, I think we're more or less 25 coming to the end, as far as I'm concerned, with this</p>
<p style="text-align: right;">Page 58</p> <p>1 that understanding from? 2 A. Where I said that is a requirement? 3 Q. Paragraph 60. 4 A. That is under normal and favourable weather condition. 5 Q. Yes. Where is the requirement, Mr Wong? 6 A. My understanding. My understanding, the requirement. 7 Q. So what's the source of your understanding? 8 A. Because normally the loading on ship, we have that 9 static load and dynamic load. You see -- 10 Q. But where do you get this from? 11 A. From? 12 Q. Where do you get this from, Mr Wong? 13 A. From my working experience. 14 THE CHAIRMAN: So rather than calling it "a requirement", 15 perhaps it might be called "the practice". Is that 16 a better way of describing what you're saying? 17 A. I think that is the -- based on my experience, 18 I considered the loading should be static load and 19 dynamic load for the seat. 20 THE CHAIRMAN: But this is a practice that obtained in the 21 Marine Department; is that it? There's no requirement? 22 A. As far as to my knowledge, I think that is only some 23 provision for the seat under the high-speed code. But 24 for normal classification rule or some national 25 standard, I don't see any specific requirement for the</p>	<p style="text-align: right;">Page 60</p> <p>1 witness. 2 I just want to clarify one thing. You never 3 inspected the vessel itself, did you, Mr Wong? You only 4 inspected the drawings? 5 A. I did not inspect the vessel. 6 Q. Just drawings? 7 A. Just drawings. 8 MR BERESFORD: Thank you. Please wait there, Mr Wong. 9 THE CHAIRMAN: Yes? 10 MR GROSSMAN: Mr Chairman, I would ask leave possibly to ask 11 questions in two areas. One is I want to find out 12 whether this is the right witness to ask about annual 13 surveys and spot surveys; if he's not, that's the end of 14 that. Secondly, I just want to enquire into the 15 difference between a surveyor and an inspector. 16 THE CHAIRMAN: Very well. 17 MR GROSSMAN: Thank you very much. 18 Examination by MR GROSSMAN 19 MR GROSSMAN: Mr Wong, are you able to help us as to who 20 does the annual surveys of vessels such as the Lamma IV? 21 A. To my knowledge, that is Mr Yu. 22 Q. Mr Yu? 23 A. But actually, he is the first person. But he raised 24 a number of outstanding items. 25 Q. Yes.</p>

<p style="text-align: right;">Page 61</p> <p>1 A. Then there will be another person who carried out the 2 follow-up inspection. 3 Q. I see. So Mr Yu is the person to ask about the 4 procedure? 5 A. He is the first one carry out the final survey. 6 Q. No, no. I'm talking about annual surveys. 7 A. Annual survey? I don't know. I need to check the file, 8 the ship's file. 9 Q. I see. Very well. I'm not asking you specifically who 10 it was every year who did the annual survey, but who can 11 I ask about the procedure for annual surveys? 12 A. The procedure for annual survey? 13 Q. Can I ask you? 14 A. Yes, I can tell you in a general way, a normal practice. 15 Q. Very well. Can I ask you this then. When the annual 16 survey is done on a vessel like the Lamma IV, what does 17 it include? What is the nature of that survey? 18 A. Inspection will be carried out in full within four 19 years. So the annual survey item and the biannual 20 survey and the other item at the fourth year will be 21 different. But the main -- 22 Q. Sorry, just pause a minute. I see Mr Mok -- 23 MR MOK: Yes, I don't want to interrupt, but, Mr Chairman, 24 you said that we should not be duplicating evidence and 25 I just note that Mr Sam Wong, who did the omnibus</p>	<p style="text-align: right;">Page 63</p> <p>1 THE CHAIRMAN: Mr Grossman, I take it this will be a short 2 matter in any event? 3 MR GROSSMAN: Very short. 4 THE CHAIRMAN: Perhaps you could deal with it, then. 5 MR GROSSMAN: Thank you very much. 6 Mr Wong, would you please tell me what the annual 7 survey encompasses? What is looked at for the annual 8 survey? 9 A. For the launch, the hull survey internally and 10 externally will be different. The internal survey 11 normally, I mean the detailed internal inspection of the 12 hull will be carried out every year. But for the 13 external hull, to my understanding, that will be carried 14 out every two years. Because in the previous time, the 15 hull should be carried out every year. 16 Q. Yes. When the inspection takes place, would that 17 include an inspection of, say, the life jackets? 18 A. Yes, the life jacket will be inspected every year during 19 the final survey. 20 Q. Yes. 21 A. Yes. 22 Q. That's all I'm trying to get at: what is the included in 23 the survey, what is looked at? 24 A. You mean at the final survey? 25 Q. No, no. The annual survey.</p>
<p style="text-align: right;">Page 62</p> <p>1 statement, did refer to annual survey. So I wonder 2 whether it should be covered with him or with this 3 witness. 4 THE CHAIRMAN: Perhaps Mr Grossman might like to look, if 5 you can give him the paragraph numbers, at where 6 that is. 7 MR GROSSMAN: I accept -- I did see that. But I wondered if 8 it might be as well to ask this witness. But I won't 9 take it further. 10 THE CHAIRMAN: Very well. 11 MR GROSSMAN: Just one other aspect then, Mr Wong, if 12 I might. 13 MR BERESFORD: Mr Chairman, it's not certain yet whether 14 Mr Sam Wong will be called. So if Mr Grossman does have 15 a question, perhaps he should ask it now. 16 THE CHAIRMAN: Yes. By that you're referring to the caveat 17 that you entered before calling any of the Marine 18 Department witnesses? 19 MR BERESFORD: Yes. I haven't decided whether I wish to 20 call him, and if my learned friend Mr Mok wishes to call 21 him, he'd have to make an application. 22 THE CHAIRMAN: Yes. So to cover the eventuality of him not 23 being here, you suggest that Mr Grossman be able to 24 pursue the matter now? 25 MR BERESFORD: Yes.</p>	<p style="text-align: right;">Page 64</p> <p>1 A. The annual survey is not a survey together with the 2 final. That will be arranged to be inspected at 3 a shipyard. So normally, the ship -- if required to 4 carry out the external hull inspection, the ship or the 5 vessel will be put on slip and then carry out the bottom 6 survey, the hull survey. If the internal inspection is 7 required, then the inspector will also go into the 8 internal of the ship, carry out the structural survey. 9 But that would not be possible to carry out within one 10 visit, then it may be two visits or three visits for the 11 annual survey. 12 Q. Yes. 13 A. If all this shipyard -- all this inspection at the 14 shipyard been complete, then the ship or the vessel will 15 put into the water again to carry out the final survey, 16 and the final survey includes the running of the engine 17 the inspection of machinery, installation, electrical 18 installation, light and sound signal, fire-fighting, 19 life-saving, everything. And then also a general look 20 of the vessel to see any unacceptable item fitted on 21 board. 22 Q. Would it also include examination or testing of the 23 stability of the seating? 24 A. No. Stability is already tested -- 25 Q. Of the seating. Of the seats.</p>

<p style="text-align: right;">Page 65</p> <p>1 A. Yes. That is a very general inspection. 2 Q. Yes. 3 A. So during the final survey, he will walk around the ship 4 and then see everything. If he touches a handrail that 5 is moveable, then he will reject it and then ask -- 6 Q. I'm sorry. Just so there's no misunderstanding, I'm 7 talking about the annual survey, the survey that happens 8 every year. 9 A. Not final survey? Annual survey? 10 Q. Annual survey. 11 A. The annual survey. 12 THE CHAIRMAN: Every year. Do you understand that? Every 13 year. 14 A. Yes, I understand that. 15 Actually, the shipbuilder or the owner will request 16 MD to arrange the survey with some sort of inspection 17 item. Say the shipyard may request today we only carry 18 out the hull external survey. 19 MR GROSSMAN: I'm sorry, are we talking about the annual -- 20 A. Annual survey, yes. Because annual survey includes 21 a number of inspection items, not a single item. We 22 have a list to be inspected during annual survey. In 23 the Blue Book, in the 1995 instruction, or even in the 24 new code of practice, we specify every item, what kind 25 of item to be inspected during annual survey.</p>	<p style="text-align: right;">Page 67</p> <p>1 A. Inspector is the technical staff. The difference is 2 that they have some sort of academic -- not up to 3 university level. 4 Q. I see. 5 A. And they have, normally, no corporate membership of some 6 professional body. 7 MR GROSSMAN: I see. Thank you very much. 8 Thank you, Mr Chairman. 9 THE CHAIRMAN: Mr Sussex? 10 MR SUSSEX: Mr Chairman, I have no questions for Mr Wong. 11 THE CHAIRMAN: Thank you. 12 Mr Pao? 13 MR PAO: Mr Chairman, I do ask leave to ask this witness on 14 one specific area. 15 THE CHAIRMAN: Which is? 16 MR PAO: The process he adopted when approving the drawing 17 of -- where it shows the opening access, that "Sheet 1 18 of 2" of the Sections and Bulkheads drawing. 19 THE CHAIRMAN: Very well. 20 MR PAO: May we have that? You can look at the coloured 21 version. 22 THE CHAIRMAN: What is the reference, so that we can put it 23 up on the screen? 24 MR PAO: It should be page 205. 25 Examination by MR PAO</p>
<p style="text-align: right;">Page 66</p> <p>1 Q. Right. 2 A. But that is not a single visit. 3 Q. Very well. I just want to confirm that on the annual, 4 the yearly survey, it includes matters such as testing 5 the life jackets -- 6 A. Yes. 7 Q. -- and the stability of the seating arrangement? 8 A. Yes. 9 Q. Thank you. Does the annual survey also include 10 a demonstration of fire-fighting ability by the crew? 11 A. Yes. Every year, during the final inspection, there is 12 a fire and abandon-ship drill on board the ship before 13 the issue of the certificate of survey. 14 Q. Very well. As we've heard, two crewmen are required for 15 the Lamma II and four for the Lamma IV. When you have 16 the fire-fighting drill, would you -- 17 A. I think I'm not in a position to answer this. 18 Q. Very well. I won't press you on it. 19 Can I just ask you one further question. You've 20 talked of surveyors and inspectors. What's the 21 difference? 22 A. Surveyor is a professional staff. 23 Q. Yes. 24 A. They have the right to sign the certificate. 25 Q. Yes.</p>	<p style="text-align: right;">Page 68</p> <p>1 MR PAO: Mr Wong, do you have that Sections and Bulkheads 2 drawing in front of you? 3 A. Yes. 4 Q. Mr Wong, you remember that in paragraph 32 of your 5 witness statement you say: 6 "... I considered that such drawing should be read 7 in the context of the other drawings (including 8 section B-B on the same plan) and the 'Profile and Deck' 9 and 'Shell Expansion' plans where the bulkhead at frame 10 1/2 was indicated to be 'WT', meaning 'watertight'. " 11 A. Yes. 12 Q. You said that? 13 A. Yes. 14 Q. When you reviewed this drawing, at any stage of that 15 review, did you consider putting a notation, just as you 16 did in the rest of the drawing, in relation to the 17 access opening, saying "efficient closing appliances 18 should be provided"? 19 A. No. Actually we will not put everything on 20 an "approved" drawing. As this is already mentioned in 21 the instruction, what we referred to as "Blue Book, it 22 already specified in the Blue Book, and for a structural 23 drawing, there are a number of issue inside the drawing. 24 So even the access opening, we do not need to specify it 25 should be fitted with the watertight door or</p>

<p style="text-align: right;">Page 69</p> <p>1 weather-tight door, that sort of wording, because 2 actually the instruction or the construction rules 3 already specify that sort of requirement. 4 Q. So what you are saying is that you are relying on the 5 knowledge of either the naval architect who prepared 6 this drawing, or the -- 7 A. No, no, not the naval architect. 8 Q. The shipbuilder? 9 A. What I am saying, actually we already mentioned in the 10 General Arrangement plan that "Instruction for the 11 Survey of Launches and Ferry Vessels" should be complied 12 with, and that is -- 13 Q. The Blue Book, you mean? 14 A. Yes, the Blue Book. There is a provision mentioning if 15 an opening at the watertight bulkhead, that should be 16 fitted with efficient closing appliances. Then 17 I consider bulkhead at frame 1/2 is watertight, so 18 I expect that should be watertight. Except the builder 19 informed me, "I don't want it to be watertight and 20 I just leave it open", and they have sufficient reason 21 to do so, then we will accept that as a non-watertight 22 bulkhead. 23 Q. Did the builder actually tell you that they wanted this 24 opening to be open? 25 A. No, I don't --</p>	<p style="text-align: right;">Page 71</p> <p>1 A. Yes. 2 Q. -- for purposes of approval of plans? 3 A. Yes. No, for approval this GA plan, I have no such -- 4 Q. No, not the GA plan; for the structure of the hull and 5 other drawings that you reviewed and approved, you 6 considered this section, the section I just described, 7 this watertight bulkhead just aft of the engine room, 8 towards the end of the vessel, you considered that as 9 one compartment and you considered this watertight 10 bulkhead just aft of the engine room as the watertight 11 bulkhead for the aft peak as well? 12 THE CHAIRMAN: Let's deal with that question. 13 Can you answer that? 14 A. Yes. 15 THE CHAIRMAN: Do you understand the question? 16 A. Yes, I understand the question. 17 THE CHAIRMAN: Well, try and direct your answer to the 18 question. 19 A. Yes. During the examination of the structure or GA 20 drawing, I have no intention or idea to consider the 21 after end -- the engine-after bulkhead as a peak 22 bulkhead, because I consider the 1/2 -- the bulkhead at 23 frame 1/2 is watertight bulkhead. But at later stage, 24 if there is no such closing appliances, then it will be 25 a whole compartment, as you said. That means engine</p>
<p style="text-align: right;">Page 70</p> <p>1 THE CHAIRMAN: Please stop interrupting the questions, 2 Mr Wong. 3 Ask your question and complete it so that we can 4 understand what you're asking. 5 MR PAO: Did the shipbuilder at any stage when you were 6 reviewing this drawing tell you that they want this 7 access opening to remain open, with no closing 8 appliances applied to it? 9 A. No, I did not receive any of this information. 10 Q. Right. And you approved it on that basis? 11 A. Yes. 12 Q. At another stage of your evidence, you said that you 13 consider -- if I may invite you to have a look at the 14 drawing General Arrangement, and in particular the 15 underdeck plan portion of it. 16 THE CHAIRMAN: Is that the one at page 172? 17 MR PAO: Indeed yes, Mr Chairman. Yes. 18 May I just hold it up and ask you this question. 19 You said that you consider this entire section -- 20 THE CHAIRMAN: You're going to have to use words for the 21 transcript. 22 MR PAO: The bulkhead aft of the engine room, to the end of 23 the vessel. 24 You consider that portion of it, that's the aft 25 peak --</p>	<p style="text-align: right;">Page 72</p> <p>1 room bulkhead, after bulkhead, can be considered as 2 a peak bulkhead. 3 Q. So that particular watertight bulkhead served both 4 purposes? 5 A. Yes, yes. 6 MR PAO: Okay. Thank you very much, Mr Wong. 7 THE CHAIRMAN: Mr Mok? 8 MR MOK: Yes, I have three short areas. The first one 9 relates to some notations on the GA plan. The second 10 one is on the definition of "new vessel" in the 1995 11 instructions. The third one, a little bit on 12 paragraph 12 of the Blue Book. 13 THE CHAIRMAN: Yes. 14 Examination by MR MOK 15 MR MOK: Since we are on the General Arrangement plan, can 16 we have a look at that first. 17 A. This one? 18 Q. Yes. Can we direct our attention to the underdeck plan. 19 THE CHAIRMAN: That's page 172? 20 MR MOK: Yes, the same one. 21 There is a notation which I would ask you to 22 identify at frame 1/2. It was not very clear before; it 23 is now clearer in the big drawing. Do you see 24 something, the bolder part of the line which represents 25 the bulkhead at frame 1/2 -- do you see that?</p>

<p style="text-align: right;">Page 73</p> <p>1 A. Yes. 2 Q. Can you identify for the Commission what that notation 3 means? 4 A. That is the access opening. 5 THE CHAIRMAN: Sorry, could we put the pointer on the -- 6 MR MOK: Yes, it's that part. 7 THE CHAIRMAN: The two triangles facing each other? 8 A. Yes, yes. That is the access opening looking from the 9 top of the bulkhead. 10 MR MOK: Thank you. 11 The second matter on the -- 12 THE CHAIRMAN: Just give me a moment, please. 13 Thank you. 14 MR MOK: Yes. The second matter on this plan I wish to ask 15 you relates to comment 2 on the upper right-hand box. 16 It says: 17 "Instructions for the Survey of Launches and Ferry 18 Vessels' are to be complied with." 19 Do you see that? 20 A. Yes, I see it. 21 Q. Yesterday you were asked a question whether or not it is 22 the practice of the Marine Department to always refer to 23 such booklet by its full name; do you remember that 24 question? 25 A. Yes.</p>	<p style="text-align: right;">Page 75</p> <p>1 A. "Ferry Vessels". 2 Q. "Vessels", thank you. 3 In contrasting this particular plan with the General 4 Arrangement plan, can you again say whether or not it is 5 or it is not the practice of the Marine Department to 6 refer to these booklets by their full name? 7 A. Yes, we refer it in the full name. We refer the 8 instruction in the full name. 9 THE CHAIRMAN: Can you help us as to the date of this plan? 10 MR MOK: I don't see the date on this particular page. Can 11 we give this to you later? 12 THE CHAIRMAN: Do we know when Sea Smooth was first 13 certified? I'm sure we do. Can someone help? 14 A. Mr Chairman, I saw another drawing, another structural 15 drawing, showing the examination date is 1998, in the 16 year of 1998. 17 THE CHAIRMAN: Thank you. 18 MR MOK: It's September 1998. 19 THE CHAIRMAN: Thank you very much. 20 MR BERESFORD: The drawing at page 906 is an enclosure from 21 a letter from Cheoy Lee to the Director of Marine dated 22 14 September 1998. 23 THE CHAIRMAN: Thank you for that. 24 MR BERESFORD: That's at page 865 of marine bundle 5. 25 THE CHAIRMAN: Thank you.</p>
<p style="text-align: right;">Page 74</p> <p>1 Q. Just keeping your place here, may I ask you to compare 2 this plan with another plan that we have in evidence. 3 This relates to the Sea Smooth. This is marine 4 bundle 5, tab 1, page 908. 5 It's not the one shown on the screen. It's page 908 6 of marine bundle 5. 7 THE CHAIRMAN: Page 508? 8 MR MOK: Page 908, sorry. 9 THE CHAIRMAN: That's page 908, "Laminate Schedule". 10 MR MOK: That's very strange, because it's the same page 11 number but it's a different document. I don't know 12 whether, Mr Chairman, you have the same document as me. 13 THE CHAIRMAN: Perhaps if you show the document that you 14 want to find to Mr Beresford, he might be able to help 15 you. 16 MR MOK: Yes. It's page 906, I'm told, so there's something 17 wrong with the pagination. 18 THE CHAIRMAN: Yes, page 906. 19 MR MOK: Yes, this is the one. Can we zoom in on the 20 comments in the middle section on the right-hand side. 21 Again, this is comment 2. It's very difficult to read. 22 I'll try to read it from my copy. It says: 23 "Instructions for the Survey of Class I & Class 2 24 Launches and Ferry [I don't know what is the next word] 25 to be complied with."</p>	<p style="text-align: right;">Page 76</p> <p>1 MR MOK: Mr Wong, the next matter I want to refer you to is 2 in relation to the definition of "new vessel" in the 3 1995 instructions; do you remember that? 4 A. I remember that. 5 Q. It was put to you that, according to that definition, 6 Lamma IV should be considered a new vessel in those 7 instructions. 8 A. Yes. 9 Q. I would like to refer you to one document and to follow 10 up by asking you another question. Can we now turn to 11 marine bundle 4, tab 165, starting at page 831. 12 This is the first page of a bundle which 13 I understand to be a copy of the file kept by the Marine 14 Department in relation to Lamma IV; is that correct? 15 A. Yes, correct. 16 Q. That's an internal file? 17 A. Yes. 18 Q. Can I ask you, please, to turn to page 834. There's 19 a comment which relates to the applicability of the 1995 20 instructions, in the second paragraph. If I may read 21 that: 22 "Outstanding items of final survey dated 15 February 23 1996 were inspected afloat. Item 2, 3, 4, 5 & 6 were 24 found in order, but item 1 was not so complied with the 25 requirement of the new 'Instructions for The Survey of</p>

<p style="text-align: right;">Page 77</p> <p>1 Launches & Ferry Vessels' of 1995 edition. I consulted 2 with surveyor of ship Mr Norman T Lee, and he agreed 3 that the vessel had to follow the previous instructions 4 as she had been built before that new edition took 5 effect in 1996." 6 Do you see that? 7 A. Yes, I see that. 8 Q. First of all, in relation to the comment or the 9 indication by Mr Norman Lee, that is "the vessel had to 10 follow the previous instructions as she had been built 11 before that new edition took effect in 1996", does that 12 accord with your own understanding? 13 A. Yes, my own understanding. 14 Q. Secondly, can you inform the Commission who is Mr Norman 15 T Lee and what was his role in relation to the vetting 16 of Lamma IV? 17 A. Yes. Mr Norman Lee is the surveyor of ship in the 18 machinery stream or discipline. He worked with me. 19 Because the local craft safety section have two 20 surveyors of ship: one for hull, another for machinery. 21 I was responsible for the hull part. He was responsible 22 for the machinery and electrical installation. 23 Q. Right. And you consider that the vessel was being built 24 before the new edition, that is the 1995 instructions, 25 took effect, therefore it was the old instructions, that</p>	<p style="text-align: right;">Page 79</p> <p>1 the design and the drawing comply with this particular 2 rule? 3 A. No. 4 Q. Sorry? 5 A. No. Because that is an open launch. For Lamma IV, that 6 is a deck launch. 7 Q. Right. Shall we now go to -- 8 THE CHAIRMAN: Just give me a moment. 9 Thank you. 10 MR MOK: Shall we then go to subparagraph (ii). It reads as 11 follows: 12 "All decked-in launches are to be fitted with 13 watertight bulkheads at each end of the machinery space 14 in addition to the collision bulkhead: these bulkheads 15 should preferably be made of steel. Where the machinery 16 is placed forward, the collision bulkhead may, depending 17 on the general arrangement of the launch, form one of 18 these machinery bulkheads." 19 Do you see that? 20 A. Yes, I see that. 21 Q. Again, does that apply to the Lamma IV? 22 A. Yes, apply. 23 Q. Again, the reference to "machinery space", in which 24 compartment do we find that space? 25 A. Engine room. Engine room of the Lamma IV.</p>
<p style="text-align: right;">Page 78</p> <p>1 is in the Blue Book, that were applicable? 2 A. Yes, agree. 3 Q. Thank you. The third area I would like to ask you on is 4 in relation to paragraph 12 of the Blue Book. Can we 5 turn to that. 6 THE CHAIRMAN: Page number? 7 MR BERESFORD: Page 1769. 8 THE CHAIRMAN: Thank you. 9 MR MOK: I have a few questions relating to subparagraphs 10 (i), (ii) and (iv) of instruction 12. 11 A. Yes. 12 Q. If I may just read subparagraph (i) first: 13 "All open launches shall have at least one 14 watertight collision steel bulkhead. Oiltight bulkheads 15 extending to the height of the load waterline shall be 16 fitted at the ends of the machinery spaces, and shall be 17 constructed of steel or other fire-resistant material or 18 of wood adequately protected on both sides by steel 19 lining." 20 Do you see that? 21 A. I see that. 22 Q. The "machinery spaces" that are referred to, can you 23 tell us in what compartment are those spaces found? 24 A. That should be the engine room. 25 Q. The engine room. So far as Lamma IV is concerned, did</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Thank you. In your view, do the design and the drawings 2 of Lamma IV comply with this particular rule? 3 A. Yes. 4 Q. Thank you. 5 Maybe one more question. Even if the frame or the 6 bulkhead at frame 1/2 was not to be watertight, then do 7 the drawings and the designs still comply with this 8 rule? 9 A. Yes. 10 Q. Thank you. Lastly, in relation to paragraph (iv), may 11 I read this again: 12 "In all double-ended launches and launches over 13 70 feet long peak bulkheads will be required at both 14 ends." 15 A. Yes. 16 Q. You've answered a number of questions on this paragraph. 17 A. Yes. 18 Q. Just to be absolutely clear, in your view, do the 19 drawings and the design of Lamma IV comply with this 20 rule? 21 A. Yes. 22 Q. Also, even if the bulkhead at frame 1/2 was not to be 23 watertight, would you still consider that this rule was 24 complied with in relation to the design and drawings of 25 Lamma IV?</p>

Page 81	Page 83
<p>1 A. Yes.</p> <p>2 MR MOK: Thank you. I have no more questions.</p> <p>3 THE CHAIRMAN: Thank you.</p> <p>4 Mr Beresford?</p> <p>5 MR BERESFORD: Just a couple of questions, please,</p> <p>6 Mr Chairman.</p> <p>7 Further examination by MR BERESFORD</p> <p>8 MR BERESFORD: You were asked about annual surveys, Mr Wong.</p> <p>9 A. Yes.</p> <p>10 Q. You've also been shown a document which commences at</p> <p>11 page 831 of marine bundle 4. This contains, after the</p> <p>12 page to which your attention was drawn, from page 835,</p> <p>13 inspection records. Page 835 is dated 15 February 1996;</p> <p>14 page 836, 19 February 1997; page 837, 21 November 1997;</p> <p>15 page 838, 21 October 1998; page 839, 8 November 1999.</p> <p>16 Then we have at page 840 a copy of the survey</p> <p>17 report, and then more inspection records, going from</p> <p>18 2000, 2001, 2002, 2003 through 2005.</p> <p>19 At page 849 there's a survey report, and then</p> <p>20 page 851, another inspection report of 2006. Then there</p> <p>21 are more of these -- 2007, 2008, 2009.</p> <p>22 At page 855, a periodical survey report. 2009 is at</p> <p>23 page 856; page 857, 2010. Page 858, another one: 13 May</p> <p>24 2010, which I think we've heard was the last inspection.</p> <p>25 A periodical survey report at page 859. And</p>	<p>1 tank room as the aft peak bulkhead --</p> <p>2 A. No.</p> <p>3 Q. -- at the time.</p> <p>4 THE CHAIRMAN: Just wait for the question, Mr Wong.</p> <p>5 Take your time and reformulate the question.</p> <p>6 Perhaps I can put what I think you're getting at.</p> <p>7 It's your evidence, is it not, that the aft</p> <p>8 watertight bulkhead in the engine room -- I think I'll</p> <p>9 leave it to you, Mr Beresford.</p> <p>10 MR MOK: Mr Chairman, I think his evidence was this. If the</p> <p>11 bulkhead at frame 1/2 was not watertight, then that</p> <p>12 bulkhead between the engine room and the tank room would</p> <p>13 be considered to be the aft peak bulkhead.</p> <p>14 THE CHAIRMAN: Yes. Thank you for formulating it.</p> <p>15 MR BERESFORD: I'm grateful to my learned friend Mr Mok.</p> <p>16 I think in an answer to a question by Mr Pao, you</p> <p>17 said you didn't think that at the time. Is that right,</p> <p>18 Mr Wong?</p> <p>19 A. I don't get your question.</p> <p>20 Q. At the time when you were inspecting the plans --</p> <p>21 A. Yes.</p> <p>22 Q. -- you did not treat the bulkhead at the aft of the</p> <p>23 engine room --</p> <p>24 A. Yes.</p> <p>25 Q. -- the bulkhead between the engine room and the tank</p>
Page 82	Page 84
<p>1 a periodical inspection report, two records, dated 2011,</p> <p>2 at pages 860 and 861. More inspection records: 2011 and</p> <p>3 2012. Sorry, the last one is page 864.</p> <p>4 THE CHAIRMAN: And your question?</p> <p>5 MR BERESFORD: My question is, in relation to -- you were</p> <p>6 asked whether the annual survey included the stability</p> <p>7 of seating.</p> <p>8 A. Yes.</p> <p>9 Q. My question is whether there is any record of that</p> <p>10 check.</p> <p>11 A. No.</p> <p>12 Q. So there's no other record apart from the documents that</p> <p>13 we've just looked at?</p> <p>14 A. No. Because it's only an item, a general item, without</p> <p>15 that specific list in this inspection record.</p> <p>16 Q. Thank you.</p> <p>17 Then you were asked by my learned friend Mr Pao on</p> <p>18 behalf of Cheoy Lee Shipyards whether you had regarded</p> <p>19 the engine room and the tank room as being one</p> <p>20 compartment at the time, and you said no.</p> <p>21 THE CHAIRMAN: I don't recall that being put. The tank room</p> <p>22 and the steering compartment was one compartment.</p> <p>23 MR BERESFORD: Sorry, yes.</p> <p>24 I think the question was framed as to whether you</p> <p>25 considered the bulkhead between the engine room and the</p>	<p>1 room --</p> <p>2 A. Yes.</p> <p>3 Q. -- as the aft watertight bulkhead?</p> <p>4 A. Yes.</p> <p>5 Q. Because the bulkhead behind that, further aft, between</p> <p>6 the tank room and the steerage gear compartment, was</p> <p>7 marked on the plan as being watertight?</p> <p>8 A. Yes.</p> <p>9 THE CHAIRMAN: That's as I understood your evidence.</p> <p>10 A. Yes.</p> <p>11 MR BERESFORD: So the question of whether the bulkhead at</p> <p>12 the aft of the engine room, or between the engine room</p> <p>13 and the tank room, might have been the aft bulkhead is</p> <p>14 hypothetical?</p> <p>15 A. Is what?</p> <p>16 Q. Hypothetical.</p> <p>17 THE CHAIRMAN: Might have been the aft peak bulkhead; is</p> <p>18 that the point?</p> <p>19 MR BERESFORD: I'm sorry, Mr Chairman?</p> <p>20 THE CHAIRMAN: Might have been the aft peak bulkhead?</p> <p>21 MR BERESFORD: Yes, Mr Chairman.</p> <p>22 A. It can be a --</p> <p>23 Q. But it's hypothetical; that isn't what you thought at</p> <p>24 the time, in fact?</p> <p>25 THE CHAIRMAN: And you didn't need to think about it at the</p>

Page 85

1 time, did you?
2 A. I didn't name it.
3 THE CHAIRMAN: I think we understand your evidence on this
4 point.
5 MR BERESFORD: Thank you, Mr Chairman.
6 I have no further questions, thank you.
7 THE CHAIRMAN: Mr Wong, thank you for coming to assist us
8 with your evidence about these matters, but your
9 evidence is now complete and you're free to go. Thank
10 you again for your help.
11 A. Okay. Thank you.
12 (The witness withdrew)
13 MR BERESFORD: Mr Chairman, the next witness is Mr Leung
14 Wai-hok.
15 THE CHAIRMAN: Yes.
16 MR BERESFORD: Actually, Mr Chairman, I apologise.
17 According to the list -- I believe the order may have
18 been changed -- it's Mr Leung Kwong-chow.
19 THE CHAIRMAN: Yes. Thank you.
20 MR LEUNG KWONG-CHOW (affirmed in Punt) (i)
21 (All answers via interpreter unless otherwise indicated)
22 Examination by MR BERESFORD
23 MR BERESFORD: Good morning, Mr Leung. Thank you for coming
24 to assist this Commission with its Inquiry this morning.
25 I have some questions to ask you on behalf of the

Page 86

1 Commission.
2 You have previously made a statement, have you not,
3 that we may find in marine bundle 11, item 44,
4 pages 3974 to 3979, and you have also given an interview
5 to the Marine Department, notes of which we can find in
6 marine bundle 1, item 5.2 in the Chinese at pages 34-26
7 to 34-33, and the translation is at item 5.5,
8 pages 34-52 to 34-60.
9 A. Yes.
10 Q. Do you have those documents in front of you, Mr Leung?
11 A. Yes.
12 Q. And do you recognise the witness statement and the notes
13 of interview as being yours?
14 A. Yes.
15 Q. Have you been given an opportunity to look over them
16 today and remind yourself of what they say?
17 A. Yes.
18 Q. Do you have any amendment that you wish to make?
19 A. No, no amendment.
20 Q. So are the contents of these documents true?
21 A. Yes, they are true.
22 Q. Thank you. Mr Leung, you were a senior ship inspector
23 working in the maintenance section of the Marine
24 Department, or you are now such a senior ship inspector;
25 is that correct?

Page 87

1 A. Correct.
2 Q. And you're the holder of a higher certificate in naval
3 architecture and shipbuilding?
4 THE CHAIRMAN: Which is the body that issues that
5 qualification?
6 A. At that time it was issued by the Hong Kong Polytechnic.
7 THE CHAIRMAN: Thank you.
8 MR BERESFORD: In June 1988, you joined the Marine
9 Department as an assistant ship inspector?
10 A. Correct.
11 Q. In April 1997, you became a senior ship inspector?
12 A. Correct.
13 Q. In 1995, you were working as a ship inspector in the
14 local craft safety section, assisting in the plan
15 approval and conducting inspections on vessels before
16 certificate of survey is issued?
17 A. Yes.
18 Q. You've submitted your statement to explain your role in
19 the initial survey of the Lamma IV in 1995.
20 A. Yes.
21 Q. You explain that in dealing with plans submitted by
22 shipbuilders, the practice was for the chief ship
23 inspector of the section to assign the plans to a senior
24 ship inspector or a ship inspector for checking?
25 A. Yes, it was assigned to us by the chief ship inspector.

Page 88

1 Q. And then you would check the plans against the relevant
2 guidelines?
3 A. Yes.
4 Q. And then submit the plans, together with any comments
5 that you made on the plans, to the surveyor of ships?
6 A. Yes. Our comments, together with the plans, would be
7 submitted to the surveyor of ships for approval.
8 Q. Yes. In the case of the Lamma IV, you were assigned to
9 check two plans or drawings: the General Arrangement
10 plan, which we can find at our page 172; and the
11 Sections and Bulkheads (sheet 2 of 2) plan, which we
12 haven't seen before, which can be found at page 194.
13 A. Yes.
14 Q. You say that in relation to the General Arrangement
15 plan, you checked it against the Instructions for the
16 Survey of Launches and Ferry Vessels (1989), commonly
17 referred to as the Blue Book, which is at our page 1761.
18 A. Yes, correct.
19 Q. You also checked it against the International
20 Regulations for Preventing Collisions at Sea 1972.
21 A. Yes.
22 Q. You also say that you referred to the applicable rules
23 of classification societies?
24 A. Yes, correct.
25 THE CHAIRMAN: Are those classification societies' rules

<p style="text-align: right;">Page 89</p> <p>1 internal to each classification society? Do you 2 understand what I mean? So Lloyd's have their set of 3 rules, and China Classification Society have their set 4 of rules; is that the position? 5 A. Yes. Each classification society has their own rules. 6 THE CHAIRMAN: Thank you. 7 MR BERESFORD: You say that -- as a general remark that you 8 made, checking against the applicable rules of the 9 classification societies, but did you actually check 10 against any rules of the classification societies in the 11 present case? 12 A. No. 13 THE CHAIRMAN: So when you say "In respect of this plan", 14 that being the General Arrangement plan, that's not 15 accurate? I'm looking at paragraph 5. 16 A. In fact, "the rules" mentioned here refers to -- it's 17 a generic term. It means "the general rules". 18 THE CHAIRMAN: Did you check against the China 19 Classification Society's rules or not in respect of the 20 General Arrangement plan for Lamma IV? You can answer 21 that "yes" or "no", I think. 22 A. No. 23 THE CHAIRMAN: Thank you. 24 MR BERESFORD: And did you check against any other rules of 25 any other classification society in relation to this</p>	<p style="text-align: right;">Page 91</p> <p>1 Q. And provided? 2 A. Yes. 3 Q. Then you say: 4 "After the initial checking, I submitted my proposed 5 comments to Mr Wong Chi-kin, the then surveyor of ship, 6 for his consideration and endorsement." 7 A. Yes. 8 Q. You note: 9 "The plan was approved by Mr Wong on 8 May 1995 with 10 15 comments from the Marine Department marked on the 11 plan." 12 A. Yes. 13 Q. Can we please have page 172 up on the screen again. Can 14 we focus on the Marine Department's stamp. It's just 15 come into the screen. 16 You've told us that the signature appended inside 17 the stamp in the bottom right corner was that of 18 Mr Wong. 19 A. Yes. 20 Q. And you say that your signature appeared at the lower 21 right corner of the stamp. Can you see it there? 22 A. Yes. 23 THE CHAIRMAN: Where is your signature? 24 A. The lower right, bottom right corner. 25 THE CHAIRMAN: Can we bring that up, please.</p>
<p style="text-align: right;">Page 90</p> <p>1 plan? 2 A. No. 3 Q. Thank you. You say that when you examined the General 4 Arrangement plan, your primary concern fell on: (1) the 5 location and navigation lights; (2) the passageway; (3) 6 the arrangement of bulkheads; and (4) the requirement 7 for watertight subdivision. Is that right? 8 A. Yes. 9 Q. Then you say: 10 "Under paragraph 15 of the Blue Book, 'all new 11 launches, designed to carry more 100 passengers must 12 comply with the watertight subdivision requirement'. As 13 the passenger-carrying capacity of Lamma IV would exceed 14 100, one of my proposed comments was to require the 15 owner of the vessel to provide calculations of damaged 16 stability and floodable length." 17 A. Yes, correct. 18 Q. We can see that if we look at page 172. 19 Can we please have the General Arrangement on the 20 screen, and the comments at the top right-hand corner. 21 The comment you're referring to is comment 11, is it 22 not? 23 A. Yes. 24 Q. Did you anticipate that both of those would be required? 25 A. Yes.</p>	<p style="text-align: right;">Page 92</p> <p>1 What letter or word is it next to? 2 A. Next to the letter "C". 3 THE CHAIRMAN: Of "Cheoy Lee"? That little squiggle, that's 4 your initial? 5 A. Yes. 6 MR BERESFORD: Can the witness please be shown a full-sized 7 copy. We're having some difficulty identifying which is 8 your signature or initial. 9 THE CHAIRMAN: It's not on the full-sized copy, is it? 10 MR BERESFORD: Can't see it. 11 Oh, I see there's something additional on that one. 12 Is it the fact that you can see it on the copy but 13 not on the full-sized one? 14 A. Yes. 15 THE CHAIRMAN: Well, it may be the fact rather that it is 16 Cheoy Lee's copy and not the Marine Department's copy. 17 MR BERESFORD: That seems to be the explanation, 18 Mr Chairman, yes. 19 A. Yes. 20 MR BERESFORD: Thank you, Mr Leung. You then go on to deal 21 with the Sections and Bulkheads plan, and you explain 22 that you did the initial checking only in respect of 23 sheet 2 of 2, and not sheet 1 of 2, which is the one 24 we've been looking at. 25 A. I only checked page 2. Page 1 was checked by Mr Wong</p>

Page 93	Page 95
<p>1 Chi-kin. 2 THE CHAIRMAN: Where do we see the page number? 3 MR BERESFORD: 2 of 2 is at page 194. 4 THE CHAIRMAN: Where do we see the page number, that this 5 is 2? 6 MR BERESFORD: It's at the bottom right-hand corner, above 7 the "Pte" of Naval-Consult Pte Ltd. There's a drawing 8 number and then it says "Sheet 2 of 2". 9 THE CHAIRMAN: Thank you. 10 MR BERESFORD: Is that correct, Mr Leung? 11 A. Yes. 12 MR BERESFORD: Mr Chairman, I don't see the need to go 13 through this drawing in detail, unless you want me to. 14 THE CHAIRMAN: No. 15 MR BERESFORD: Then you clarify certain matters in the 16 record of your interview at paragraph 14 of your 17 statement. 18 A. Yes. 19 Q. You point out that the reference to paragraph 15 of the 20 Blue Book should be chapter II, not chapter V. 21 A. Yes. 22 Q. You reiterate that you did not assist in the approval of 23 sheet 1 of 2 of this Sections and Bulkheads drawing. 24 A. Yes. 25 Q. And you have corrected the reference to the 1995</p>	<p>1 MR BERESFORD: Mr Chairman, the next witness is Mr Fung 2 Wai-man. 3 MR FUNG WAI-MAN (affirmed in Punti) 4 (All answers via interpreter unless otherwise indicated) 5 Examination by MR BERESFORD 6 MR BERESFORD: Good afternoon, Mr Fung. Thank you for 7 coming this afternoon to assist this Commission with its 8 Inquiry. I have some questions to ask you on behalf of 9 the Commission. 10 First of all, you have made a statement previously 11 in connection with this matter, I believe? 12 A. Yes. 13 Q. The statement can be found in our marine bundle 11, 14 item 43, at pages 3969 to 3973. 15 Mr Fung, you have also given an interview to the 16 Marine Department and you've signed the notes of 17 interview. That can be found in marine bundle 1, 18 item 5.3, at pages 34-34 to 34-40; translation at 19 item 5.6, pages 34-61 to 34-68. 20 A. Yes. 21 Q. Do you have that statement and those notes of interview 22 in front of you? 23 A. Yes. 24 Q. Do you recognise your signature on page 3972 and at the 25 bottom of the notes of interview?</p>
Page 94	Page 96
<p>1 instructions, which you now say are not applicable. 2 A. Yes. 3 Q. And you change what you say about the 0.1L stability 4 calculation requirement. But, Mr Leung, I don't think 5 that I need trouble you with that. 6 Mr Leung, would you just wait there, please. 7 THE CHAIRMAN: Mr Grossman, do you have any application? 8 MR GROSSMAN: No, thank you. 9 THE CHAIRMAN: Mr Sussex? 10 MR SUSSEX: Mr Chairman, no. 11 THE CHAIRMAN: Mr Mok? 12 MR MOK: No questions, thank you. 13 THE CHAIRMAN: Thank you, Mr Leung, for coming to assist the 14 Commission with your evidence but your evidence is now 15 complete and you're free to go. You may, of course, if 16 you wish, remain in the public gallery to hear the other 17 evidence that we have. But thank you again for coming 18 to help us. 19 (The witness withdrew) 20 In view of the time, we'll adjourn now until 2.30 21 this afternoon. 22 (1.01 pm) 23 (The luncheon adjournment) 24 (2.30 pm) 25 THE CHAIRMAN: Yes, Mr Beresford.</p>	<p>1 A. Yes. 2 Q. Have you had an opportunity to remind yourself of the 3 contents today? 4 A. Yes. 5 Q. Do you have any amendment you wish to make? 6 A. No. 7 Q. So are the contents of these documents true? 8 A. Yes. 9 Q. Thank you. Mr Fung, you are a senior ship inspector 10 working in the maintenance section of the Marine 11 Department; is that right? 12 A. Yes. 13 Q. And you hold a higher certificate in naval architecture 14 and shipbuilding from the Hong Kong Polytechnic? 15 A. Yes. 16 Q. It was in 1991 that you joined the Marine Department as 17 an assistant ship inspector, and in 2011 you were 18 promoted to senior ship inspector? 19 A. Yes. 20 Q. And you were in what was formerly known as the local 21 craft safety section, now known as the local vessel 22 safety section of the Marine Department from 1991 to 23 2003? 24 A. Yes. 25 Q. Your duties there included assisting in plan approval</p>

Page 97	Page 99
<p>1 and conducting inspections of vessels before 2 a certificate of survey was issued? 3 A. Yes. 4 Q. Your involvement in relation to the Lamma IV consisted 5 of two inspections, one on 13 November 1995 and one on 6 7 March 1996? 7 A. Yes. 8 Q. We can see a record of those inspections at page 831 of 9 marine bundle 4. We see in the top part of that page -- 10 I'll come back to this to look at it in detail in 11 a moment, but if we could just identify it for now. We 12 see in the top part of that page a record of six 13 outstanding items, and your name in the right-hand 14 column, after the date 13 November 1995? 15 A. Yes, but in fact there are seven outstanding items to be 16 followed up. 17 Q. I'm sorry, you're quite right. 18 THE CHAIRMAN: Was 13 November 1995 the date of your 19 inspection? 20 A. Yes. 21 THE CHAIRMAN: That was an inspection of the hull structure? 22 A. Yes, the internal structure of the hull. 23 THE CHAIRMAN: So at that stage, was there any 24 superstructure on the vessel? 25 A. I cannot recall, because of the lapse of time.</p>	<p>1 A. Yes. 2 Q. Now, in relation to the first inspection, you say that 3 you were assigned to inspect the hull structure of the 4 Lamma IV? 5 A. Yes. 6 Q. And you list a number of plans or drawings that you 7 would have generally inspected or looked at before 8 conducting the inspection. 9 A. Yes. 10 Q. These include the profile and deck, and we have 11 a Profile and Deck plan for Lamma IV at page 204. 12 "Sections and Bulkheads". We have a copy of that 13 for Lamma IV at page 205. 14 The "General Arrangement". We have a copy of that 15 at page 172. 16 I'm sorry, I missed the "Midship Section" in your 17 list. There's a copy of that at page 203. 18 The "Shell Expansion". We have a copy of that at 19 page 202. 20 And the "Survey Items List". We have a copy of that 21 at page 265. 22 In relation to the survey items list, you tell us 23 that "some of the hull items had already been inspected 24 by the China Classification Society, which issued a full 25 survey report of the hull construction on 6 September</p>
Page 98	Page 100
<p>1 THE CHAIRMAN: Where did you perform the inspection? 2 A. Should be at the Cheoy Lee factory in Hong Kong. 3 THE CHAIRMAN: Where is that? Or where was it in November 4 1995? 5 A. I don't understand what you mean by "where was it". 6 THE CHAIRMAN: What was the address? 7 A. Are you asking about the address of the shipbuilding 8 factory? 9 THE CHAIRMAN: Cheoy Lee's address where you inspected this 10 hull; where was it? 11 A. I don't remember the exact details, but as far as my 12 impression was concerned, it was in Lantau Island. 13 THE CHAIRMAN: Thank you. 14 MR BERESFORD: And the second inspection that you were 15 involved in was on 7 March 1996, was it not? 16 A. Yes. 17 Q. And your note appears at page 834 of marine bundle 4. 18 Is that your note, beginning "Outstanding items of final 19 survey dated 15.2.96"? 20 A. Yes. 21 Q. Do you recall if that was in Lantau as well? 22 A. I don't remember. 23 Q. In fact you have said in your statement that you no 24 longer have any independent recollection of these 25 inspections; is that right?</p>	<p>1 1995." 2 If we can keep page 265 on the screen for the 3 moment, please, or go back to page 265. 4 We see there in the third column a number of items 5 marked "CCS". You say in your statement: 6 "This report [which we'll come to in a moment] 7 covered hull inspection item 1 to item 11 and item 13 8 ... in the Survey Items List ..." 9 But looking at that list, it appears that items 5, 10 6, 7 and possibly 8 have "HKMD" in the "Remarks" column. 11 Do you see that? 12 A. Yes. 13 Q. So who was in fact responsible for items 5, 6, 7 and 8? 14 Does "HKMD" mean "Hong Kong Marine Department"? 15 A. Yes. 16 Q. So they were responsible for 5, 6 and 7? 17 A. Yes. 18 Q. And who was responsible for the hull construction 19 survey, x-ray examination? 20 A. Part of them was done by the CCS, the x-ray examination. 21 Q. Then why does it say x-ray examination by HKMD; can you 22 help us with that? 23 A. Because in the process of ship-making, from the very 24 beginning to the completion of the hull, the CCS was 25 there to conduct regular inspection. In fact, this was</p>

<p style="text-align: right;">Page 101</p> <p>1 mentioned in the survey report, inside the report. 2 Q. Yes, all right. Let's just have a look at the report. 3 The report is over the page at page 266. This certifies 4 that a surveyor, at the request of the Wuzhou Shipyard 5 in Guangxi, attended the ship on 18 May 1995 and 6 subsequently for the purpose of the survey, identified 7 as 28-metre aluminium launch, Cheoy Lee Yard No. 4625. 8 It refers to the ship drawings numbered NC-391, 9 which we've seen, for example, in the General 10 Arrangement plan; and HKMD -- "approved", I think that 11 must be. Do you agree, Mr Fung? 12 A. Yes, I agree. 13 Q. And that reference is the Marine Department's reference 14 number, isn't it, SD/L-7962? If you need to verify 15 that, we can see it, for example, at the bottom of the 16 General Arrangement drawing at page 172. 17 A. Yes, this is our reference number. 18 Q. Thank you. Then they say at 2: 19 "The material of hull plate, deck plate and 20 construction material have been inspected." 21 They state the grades. 22 "3. The welding material has been inspected. 23 4. The ship keel-laying date: 30 June 1995. 24 5. The hull welding have been examined by visual 25 and x-ray and found satisfactory."</p>	<p style="text-align: right;">Page 103</p> <p>1 Before I do, Madam Interpreter, the witness gave the 2 answer in relation to item 7, partly in Chinese and 3 partly in English, and I understood him to say that 4 "FOT" stood for "fuel oil tank", and "FWT" stood for 5 "freshwater tank", but I don't think that got into the 6 transcript because it wasn't translated. 7 THE INTERPRETER: Yes. 8 THE CHAIRMAN: I think it did. Perhaps it's missed in the 9 transcript, but I've made a note of what he said. 10 MR BERESFORD: He said it in English, Mr Chairman. 11 THE CHAIRMAN: So it's missing from the transcript? 12 MR BERESFORD: I only said it for the purpose of the 13 transcript. 14 THE CHAIRMAN: Very well. 15 MR BERESFORD: So, coming back to item 6. 16 My question concerns the thickness of the 17 side-plate. The CCS have certified here: 18 "The hull and main deck construction and their 19 dimensions have been inspected and found compliant with 20 the request of the drawing. 21 It seems to me that that could include the thickness 22 specified in the drawings, the thickness of the 23 side-plate? 24 THE CHAIRMAN: Would you like to come to the drawing, which 25 details that information?</p>
<p style="text-align: right;">Page 102</p> <p>1 So that's the welding they've checked with x-ray. 2 "6. The hull and main deck construction and their 3 dimensions have been inspected and found compliant with 4 the request of the drawing." 5 Do you agree with that so far? 6 A. Agree. 7 Q. In relation to item 6, would you agree that what is 8 stated there could include hull thickness or 9 side-plating thickness, but it's not clear? Do you 10 agree? 11 A. Agree. 12 Q. Then at item 7, it says: 13 "The FOT & FWT in the ship have been hydraulic 14 tested and found satisfactory." 15 Can you help us, please, with those acronyms? What 16 do they mean, "FOT" and "FWT"? 17 A. (Answer not interpreted). 18 Q. Thank you. 19 A. I need to make some supplementary remarks. 20 Q. Yes. 21 A. I would like to refer to item 6 that was asked. 22 Q. Yes. 23 A. Were you referring to the survey item list when you say 24 the SIL? 25 Q. Shall I repeat my question?</p>	<p style="text-align: right;">Page 104</p> <p>1 MR BERESFORD: I just want to ask him about his 2 understanding of this at first, Mr Chairman, and then of 3 course I'll come to the drawing. 4 THE CHAIRMAN: If you like. 5 MR BERESFORD: It could include thickness, but on its face 6 it isn't clear; do you agree with that? 7 A. I agree that the thickness was included in the dimension 8 in item 6 of the survey report. 9 Q. So you understood this to certify that the thickness was 10 the thickness specified in the drawing? 11 A. From the surface of it, it does require the -- it does 12 fulfil the -- it does comply with the drawing. But as 13 for the requirement, one needs to refer to the drawing. 14 Q. All right. Let's do that then. The Shell Expansion is 15 at page 202. 16 If we can enlarge that a bit, please, starting top 17 left quarter of the drawing. 18 Yes, that should do for the moment. 19 We can see just to the right of frame 2 at the top, 20 a "5" with a squiggle underneath it. There is another 21 one just after frame 0, just above the line labelled 22 "Outer Chine". Can you see that? 23 A. Yes. 24 Q. Do those figure "5"s indicate the thickness of the 25 plating at those positions to you?</p>

<p style="text-align: right;">Page 105</p> <p>1 A. Yes. 2 Q. And what does the squiggle underneath the "5" signify? 3 A. It shows the thickness. 4 Q. Do you understand the "5" to mean 5 mm, for example? 5 A. Yes. 6 Q. But there is a wavy line underneath the "5" in each 7 case. 8 A. Yes. 9 Q. What I want to know is, what does the wavy line mean? 10 A. It's a symbol that shows the thickness of that position. 11 Q. So that signifies that the number relation to thickness; 12 is that right? 13 A. Yes. 14 Q. Then if we look down to the left, we see 15 "6 THK Chine PL". Does that mean 6 mm-thick chine 16 plate? 17 A. Yes. 18 Q. So why is it necessary to have the wavy line under 19 the "6", as well as the "THK" abbreviation? 20 A. Usually this wavy line is used if the thickness was 21 signified on the plate. 22 Q. Yes, all right. Looking over to the right of that 23 drawing, we can see various other "5"s with a wavy line 24 underneath, approximately every two plates. They appear 25 to go throughout the length of the hull on the</p>	<p style="text-align: right;">Page 107</p> <p>1 page 206. 2 THE CHAIRMAN: Thank you. 3 Yes, Mr Beresford. 4 MR BERESFORD: Just continuing with the survey report for 5 the moment. We see at item 8 on page 267 it states: 6 "The fore peak and the aft peak have been 7 flood-tested and found satisfactory." 8 A. Yes. 9 Q. Can we have a look, please, at the General Arrangement 10 on page 172, and in particular the underdeck plan. 11 Can you please help us, Mr Fung, identify which is 12 the fore peak and which is the aft peak? 13 THE CHAIRMAN: Well, the fore peak is on the plan, isn't it? 14 MR BERESFORD: The fore peak is marked as such, yes, 15 Mr Chairman. But the aft peak is not. 16 THE CHAIRMAN: The aft peak is the stern, isn't it, the 17 stern of the vessel? 18 A. Yes, it is the steering gear compartment. 19 MR BERESFORD: Thank you. At item 9, it says: 20 "The ER" -- that's the engine room, is it -- "has 21 been flood-tested and found satisfactory." 22 A. Yes. 23 Q. And then it says: 24 "The welding of hull plate and deck plate of the 25 ship has been hose-tested and found satisfactory."</p>
<p style="text-align: right;">Page 106</p> <p>1 side-plate; is that right? 2 A. Yes. 3 Q. So going back to the China Classification Society's 4 survey report, when they said: 5 "The hull and main deck construction and their 6 dimensions have been inspected and found compliant with 7 the request of the drawing." 8 Would you have understood that to certify that the 9 plate was 5 mm thick? 10 MR MOK: Mr Chairman, perhaps it may be fair to refer also 11 to a variation by letter, which is in the bundle, before 12 the witness -- because he doesn't have any independent 13 recollection. 14 THE CHAIRMAN: No, I follow that. By all means, but I think 15 he can answer this question because it's a general 16 matter as well as a specific, and then by all means 17 refer him to the letter. 18 MR MOK: Yes. Thank you. 19 THE CHAIRMAN: So, reading the survey report, is it to be 20 inferred that the plates, where they're marked as being 21 5 mm plates, were found to be 5 mm plates? 22 A. Yes. 23 THE CHAIRMAN: Would you give me the reference, for my 24 purposes, of the variation letter. 25 MR MOK: Yes, of course. It's marine bundle 2, tab 6,</p>	<p style="text-align: right;">Page 108</p> <p>1 A. Yes. 2 Q. And in conclusion, two items: 3 "1. The hull, main deck calculation and fuel oil 4 tank and freshwater tank have been built by Wuzhou 5 Shipyard on 6 September 1995. 6 2. The survey items (1-4 & 8-11 and 13) in the 7 Hong Kong Marine Department survey items list have been 8 finished and signed by CCS surveyor." 9 A. Yes. 10 Q. Coming back to page 265, we see in relation to item 8, 11 which we looked at briefly before, that it's marked as 12 completed by the CCS surveyor, but in the "Remarks" 13 column, it says "HKMD (x-ray examination)". 14 Now, in your statement you've told us that you would 15 only follow up on the items that were marked "HKMD" in 16 the "Remarks" column of this list. So was there 17 something to follow up or was there not, in relation to 18 item 8 on the survey items list? 19 A. Yes. 20 Q. Does that mean, yes, there was something to follow up? 21 A. Yes. 22 Q. Was that the x-ray examination? 23 A. No. 24 Q. What was there to follow up, then? 25 A. The structure of the hull.</p>

<p style="text-align: right;">Page 109</p> <p>1 Q. Can you explain why the words "x-ray examination" appear 2 in the "Remarks" column of this document? 3 MR MOK: Mr Chairman, there is a key to the asterisk at the 4 bottom of the table, which may explain it. 5 THE CHAIRMAN: Yes. 6 The question, Mr Fung, is can you explain why there 7 is this reference to "x-ray examination" in these 8 brackets next to that asterisk? 9 A. The x-ray examination is mainly for testing the welding 10 of the hull. 11 THE CHAIRMAN: Why has this been put in the "Remarks" 12 section next to "HKMD"? 13 A. Since this survey item list was issued by my supervisor 14 and not by myself, so I am unable to answer the 15 questions in detail. 16 THE CHAIRMAN: You can't help us about this one? 17 A. Are you asking about the "x-ray examination" by the 18 asterisk? 19 THE CHAIRMAN: Yes. If you can't help us, just say you 20 can't help us. 21 A. I can't. 22 THE CHAIRMAN: Thank you. 23 Yes, Mr Beresford. 24 MR BERESFORD: So who was the supervisor that issued this 25 form, please?</p>	<p style="text-align: right;">Page 111</p> <p>1 "Hull construction (internal) inspected with 2 approved drawings and outstanding items found as 3 below ..." 4 And then you list out the seven outstanding items, 5 as you pointed out earlier. 6 A. Yes. 7 Q. Is that your signature next to your name? 8 A. Yes. 9 Q. Thank you. You say: 10 "... the purpose of this inspection was to inspect 11 the hull structure of the vessel, to ensure that it was 12 intact and was constructed in accordance with the 13 approved [drawings]." 14 Is that right? 15 A. Yes. 16 Q. And you say that you can't now remember whether there 17 was or was not a watertight door at the access opening 18 between the steering gear compartment and the tank room. 19 In fact, Mr Fung, I believe Cheoy Lee have now confirmed 20 that there was no watertight door ever fitted, but you 21 say that even if there was no watertight door affixed, 22 you wouldn't have considered that to be an abnormality? 23 A. Yes, I was referring to the period when the inspection 24 was conducted. 25 Q. So would you consider it an abnormality now?</p>
<p style="text-align: right;">Page 110</p> <p>1 A. He should be the senior ship surveyor, my section head. 2 Q. What was his name, please? 3 A. If I remember correctly, he is Ho Wing-shing. 4 Q. Thank you. Moving on, then. You say: 5 "During the inspection, I would have focused on the 6 layout of hull internal structure including the random 7 inspection of the location, quantity and size of hull 8 primary members. Hull primary members include hull 9 longitudinal stiffeners, framing sections, and bulkheads 10 and its attached stiffeners, ie the primary members 11 which give the necessary strength to the hull of vessel 12 as prescribed by the relevant guidelines and/or rules of 13 the classification societies. The inspection would also 14 include manholes/access holes and any hatch openings." 15 Then you go on to tell us: 16 "If there is any unusual feature or abnormality 17 arising from the inspection, I would usually put them 18 down in writing in the record book of the shipyard on 19 the spot. When I returned to the office, I would enter 20 in the inspection record of the Marine Department the 21 defects identified and placed it on file for my 22 colleagues to follow up in the next inspection." 23 A. Yes. 24 Q. Then you refer to the report that we looked at briefly 25 at page 831, which says:</p>	<p style="text-align: right;">Page 112</p> <p>1 A. Are you referring to afterwards, or what? 2 Q. Well, you just qualified your own statement, Mr Fung, 3 and I was just seeking clarification of that 4 qualification. You say in your statement here: 5 "I would not have considered [the absence of 6 a watertight door] to be an abnormality because details 7 of covers to an access opening are 'outfittings' and not 8 structures, and 'outfittings' are capable of being 9 changed at a later date." 10 You just told me that was the case then, when you 11 carried out the inspection, so I'm asking you what is 12 the case now. 13 A. It depends on whether the bulkhead is watertight. If it 14 is a watertight bulkhead, then the watertight appliances 15 are necessary. But if the bulkhead is not effective, 16 then the watertight appliance is not necessary. 17 Q. Well, this was a watertight bulkhead, wasn't it, 18 Mr Fung? Do you want to look at the plans? 19 A. Which plan are you referring to? 20 Q. Well, let's go through them one by one. Let's have 21 a look at the Profile and Deck at page 204, please. 22 Do you have the Profile and Deck plan there, 23 Mr Fung? 24 A. Yes. 25 Q. Do you see frame 1/2 in the side shell profile, that's</p>

Page 113	Page 115
<p>1 the top profile? 2 A. Yes. 3 Q. It's marked "WT BHD"? Do you agree that that's 4 a watertight bulkhead? 5 A. Yes, I agree. 6 Q. And then it's also shown on the centreline profile -- 7 THE CHAIRMAN: I don't think we need to pursue it if he's 8 agreed it is a watertight bulkhead as shown on the plan. 9 MR BERESFORD: Thank you, Mr Chairman. 10 So this is a watertight bulkhead, you agree? 11 A. From the characters "WT BHD", it shows that it is 12 a watertight bulkhead. 13 Q. Yes. So what I'm asking you is whether there's 14 a difference between your practice then and your 15 practice now. 16 A. No. 17 Q. So if it's a watertight bulkhead, should you not have 18 noted that the fitting of a watertight door was 19 outstanding? 20 A. When I checked the structure, the fitting of 21 a watertight door would not be considered. 22 THE CHAIRMAN: Because that's an outfitting and not 23 a structural matter; is that it? 24 A. Yes. 25 MR BERESFORD: So what did you mean when you qualified your</p>	<p>1 MR MOK: I'm sorry, I don't think the Chairman's question 2 has been completely -- 3 THE CHAIRMAN: Can you suggest the change that needs to be 4 added to the interpretation? 5 (Mr Mok translates question) 6 THE CHAIRMAN: Thank you, Mr Mok. 7 MR MOK: I was asking whether the witness understands. 8 THE CHAIRMAN: Yes, I understood that. He looks as 9 perplexed as he was when I asked my question. 10 A. In fact, this is not a very complicated formula. 11 THE CHAIRMAN: Well, let's pass on, shall we. 12 Before we do, let me ask you this. Have you and 13 your fellow surveyors who were involved in the survey of 14 this vessel had discussions since this vessel sank, 15 about your surveys? 16 A. Are you referring to those who are still working? 17 THE CHAIRMAN: The question was perfectly obvious. Just 18 answer the question. 19 A. Yes. 20 THE CHAIRMAN: Thank you. 21 Yes, Mr Beresford. 22 MR BERESFORD: Mr Fung, you then go on in your statement to 23 deal with "Inspection of Outstanding Items Final Survey 24 on 7 March 1996". 25 We saw from page 831 that you conducted the first</p>
Page 114	Page 116
<p>1 statement to say that's what you would have done then? 2 A. Because during the inspection of the structure, the 3 watertight door was only considered to be an outfitting, 4 and so I didn't consider it as an abnormality. 5 Q. Yes, all right. Then you go on to say: 6 "In any event, I would like to add that in the 7 present case, the proposed length of the steering gear 8 compartment was only 1.625 metres, which is much less 9 than 0.1L (L being 24.89 metres)." 10 THE CHAIRMAN: Are the matters that you detail here in 11 paragraph 8 matters that you've reflected on in 12 hindsight, rather than being matters that you had in 13 your mind at the time? 14 A. It was in my mind at that time, but the figure was not 15 that detailed. 16 THE CHAIRMAN: Why would you need to consider that, if you 17 regarded the fitting of a door as an outfitting matter, 18 and that disposed of the matter? 19 MR MOK: I think maybe the question should be interpreted 20 again. 21 THE CHAIRMAN: Yes. Let me put it again. 22 Why would you need to consider this complicated 23 formula when it was disposed of at a stroke by the fact 24 that it was an outfitting matter to put a door on a hole 25 in a bulkhead, not a structural matter?</p>	<p>1 inspection, and there are a number of intermediate 2 inspections between your first inspection on 13 November 3 1995, culminating in a survey at the top of page 834 4 dated 15 February 1996, which appears to be a final 5 survey by KC Yu, who found the vessel was 6 unsatisfactory. That appears to refer to -- is that 7 a memorandum, that long number? 8 A. Can you repeat your question? 9 THE CHAIRMAN: The question is, the reference that is in 10 those first and second lines on the page, "Final survey 11 was carried out and found unsatisfactory, det [perhaps 12 "detail", I don't know] refer MO", and then 13 an alphanumeric sequence; is that a memorandum? 14 A. It was an existing record, but that long number was not 15 a reference number. The letters "MO539" refers to the 16 number of a form. 17 THE CHAIRMAN: Yes, and the rest of it? 18 A. "SN" refers to "serial number". "009038" is the 19 reference of the form. 20 MR BERESFORD: Is that where the outstanding items of the 21 final survey would have been listed, Mr Fung? 22 A. Yes. 23 THE CHAIRMAN: Would this have been supplied to Cheoy Lee to 24 explain why the survey had failed? 25 A. This survey report was prepared by my colleague at the</p>

<p style="text-align: right;">Page 117</p> <p>1 site during the survey, and so he should have explained 2 to Cheoy Lee at the site. 3 THE CHAIRMAN: Is the purpose of the form in any way 4 connected with Cheoy Lee, MO539? 5 A. Yes. 6 THE CHAIRMAN: What's the connection? 7 A. If defects were identified during the survey, it would 8 usually be recorded in MO539. The original copy of this 9 would be kept in the shipbuilding factory, and another 10 copy would be kept in our file. 11 THE CHAIRMAN: So Cheoy Lee would have one and the Marine 12 Department would have one; is that what it comes to? 13 A. Yes. 14 THE CHAIRMAN: Mr Mok, Mr Pao, can we -- 15 MR BERESFORD: We have a copy, Mr Chairman. 16 THE CHAIRMAN: Thank you. 17 MR BERESFORD: Can you please turn to page 835. We see at 18 the bottom left of that page "MO539", and at the top 19 right we see "Serial No. 009038". This appears to be 20 an inspection record dated 15 February 1996, does it 21 not? 22 A. Yes. 23 Q. So is this the document referred to at the top of 24 page 834? 25 A. Yes.</p>	<p style="text-align: right;">Page 119</p> <p>1 A. Yes. 2 Q. Mr Lee is an engineering surveyor; is that right? 3 A. Yes. 4 Q. Then finally, you seek to clarify one matter in your 5 record of interview. In that record of interview, 6 I believe you were asked about the position of the 7 access opening. It's been noticed, has it not, that the 8 access opening is slightly to one side of where it is 9 drawn on the drawings; is that right? You were asked 10 about that? 11 A. Yes. 12 Q. You simply say that you believe that it must have been 13 in accordance with the plans when you looked at it, 14 because otherwise you would have recorded 15 an abnormality; is that right? 16 A. Yes. 17 MR BERESFORD: Okay. Please wait there, Mr Fung. 18 THE CHAIRMAN: Thank you. 19 Mr Grossman? 20 MR GROSSMAN: No, thank you, Mr Chairman. 21 THE CHAIRMAN: Mr Sussex? 22 MR SUSSEX: Mr Chairman, I have no questions for Mr Fung. 23 THE CHAIRMAN: Mr Pao? 24 MR PAO: Mr Chairman, I do have a few questions for this 25 witness in relation to certain observations he made in</p>
<p style="text-align: right;">Page 118</p> <p>1 Q. So in your inspection report underneath, when you say 2 "Outstanding items of final survey dated 15 February 3 1996 were inspected afloat", the final survey that 4 you're referring to is the document at page 835; is that 5 right? 6 A. Yes. 7 Q. And you say: 8 "All of the six outstanding items related to the 9 fittings and not the structure of the vessel." 10 A. Yes. 11 Q. And you explain the point about the 1995 instructions. 12 You say item 1 did not comply with the requirement of 13 the 1995 instructions. 14 A. Yes. 15 Q. So you consulted with Mr Lee, and he told you to follow 16 the Blue Book; is that right? 17 A. Yes. 18 Q. So you said that an STC -- can you tell us what an STC 19 is, please? 20 A. (In English) Short-term certificate. 21 Q. A short-term certificate for three months was issued, 22 and a full-term certificate of survey could be issued 23 pending the approval of the stability report? 24 A. Yes. 25 Q. Is that your signature next to your name on page 834?</p>	<p style="text-align: right;">Page 120</p> <p>1 the interview back in November, and also about the 2 outfitting item in his evidence. 3 THE CHAIRMAN: Yes, very well. 4 Examination by MR PAO 5 MR PAO: Mr Fung, you said that you consider a hole in the 6 bulkhead meant for a door to go in as an outfitting 7 item, therefore you dismissed it outright; is that your 8 evidence? 9 A. I am not referring to the opening, but the installation 10 above the opening. 11 Q. That's the part I'm coming to. In your experience in 12 inspecting vessels where bulkheads with an opening that 13 is meant for a door to go in there, a watertight door to 14 go in that space, even if the door is missing, would it 15 be different than just a bare hole cut into the 16 bulkhead? 17 (Question translated) 18 May I just put it slightly more clearly. Even at 19 the stage when you inspected the vessel, if that opening 20 is meant to have a door, would it have a frame around 21 the hole where hinges or latches would go on? 22 A. As far as my experience -- in my experience, there would 23 be a frame there but the hinges and latches would go in 24 much later. 25 Q. So what you're saying is that at the stage when you</p>

<p style="text-align: right;">Page 121</p> <p>1 inspected the vessel, a frame would be there, so 2 preparatory work would have been done to that hole for 3 a door to go in? 4 A. Not necessarily, because the frame is usually there to 5 strengthen or to reinforce the structure and not 6 necessarily mean there will be a door. 7 Q. All right. So, in any event, if there is going to be 8 a door, there will be a frame around the hole? 9 A. It depends on the method of installation. It could be 10 welded in or it could be held there by nuts and bolts. 11 Q. But a hole cut into the bulkhead would affect the 12 structure of the hull? 13 A. It won't have significant effect on the hull structure, 14 but it does have some effect locally. That is why 15 a frame or other means of reinforcement is needed. 16 Q. So you wouldn't have dismissed it outright when you saw 17 a hole in the bulkhead? 18 THE CHAIRMAN: Sorry, wouldn't have dismissed what? 19 MR PAO: The hole in the bulkhead outright, as he said in 20 the evidence, because it's an outfitting item and 21 therefore does not affect the structure; he wouldn't 22 have considered it. 23 THE CHAIRMAN: Very well. 24 A. No. The location of the opening has to comply with the 25 drawing.</p>	<p style="text-align: right;">Page 123</p> <p>1 THE CHAIRMAN: Mr Mok? 2 MR MOK: I have three areas I would like to deal with 3 shortly. The first one is in relation to the variation 4 of the hull thickness. 5 THE CHAIRMAN: Page 206? 6 MR MOK: Yes. Can I go to that first, and then a bit about 7 the survey items list, and then finally one 8 clarification of the witness's answer. 9 THE CHAIRMAN: Certainly. 10 Examination by MR MOK 11 MR MOK: Can we go to marine bundle 2, tab 6 at page 206, 12 please. This is a letter dated 4 April 1995 from Cheoy 13 Lee to the Director of Marine. I just want to focus 14 your attention on the middle part of the letter, where 15 it says: 16 "We would also like to advise of the following 17 changes: 18 1. 0.19 inches (4.83 mm) plating in place of 5 mm 19 plating." 20 Do you see that? 21 A. Yes. 22 Q. In conjunction with that item, can you please also turn 23 to page 208 to look at the top two drawings on this 24 page. Those are the ones referred to as the profile of 25 the aft bulwark and the forward bulwark. Do you see</p>
<p style="text-align: right;">Page 122</p> <p>1 THE CHAIRMAN: And did it? 2 A. As I have mentioned in my statement, I have no 3 recollection because of the lapse of time, but since 4 I haven't put that down as a defect, it should have 5 complied with the plan, with the drawing. 6 THE CHAIRMAN: Thank you. 7 MR PAO: Mr Fung, let's move on to another area. 8 You remember you were interviewed by a Marine 9 Department officer on 21 November 2012? 10 A. Yes. 11 MR PAO: The record appears in marine bundle 1, item 5.3 at 12 pages 34-34 to 34-37; and the translation appears on 13 pages 34-61 to 34-65. 14 THE CHAIRMAN: Thank you. 15 MR PAO: May I invite you to look at page 34-37. The 16 translation is page 34-65. It's item 8 on the record. 17 The translation reads: 18 "If 'Watertight door to be provided' was marked at 19 the bulkhead at 'Frame 1/2' on Sheet 1 of 2 of the 20 approved plan 'Sections and Bulkhead', it would be 21 easier for inspectors to notice it." 22 A. Yes. 23 Q. Is that your view today? 24 A. Yes. 25 MR PAO: Thank you. Thank you, Mr Fung.</p>	<p style="text-align: right;">Page 124</p> <p>1 those? 2 A. Yes. 3 Q. Do you see that in both of these drawings, there are 4 a number of the number "4" with a squiggly curved line 5 underneath? Do you see that? 6 A. Yes. 7 Q. My first question is, do those numbers, each "4", 8 represent the hull thickness at those particular areas? 9 A. Yes, it represents the thickness of that location. 10 THE CHAIRMAN: Of the hull? 11 A. I don't think so. 12 MR MOK: Of which part? 13 A. (In English) The bulwark. 14 Q. Okay. When you go back to page 206, please, where it 15 refers to a change from 5 mm plating to 4.83 mm plating, 16 do you understand which part of the ship it was 17 referring to? 18 A. It didn't specify which part. 19 Q. When you undertook the inspection, were you aware of 20 this letter? 21 A. I can't remember. 22 Q. So does it mean that you are unable to assist us now, 23 relating to the application of this letter? 24 A. Yes. 25 Q. Right. My second question relates to the survey item</p>

<p style="text-align: right;">Page 125</p> <p>1 list, which is marine bundle 2, tab 31, page 265. 2 In item 8, there is a reference to "x-ray 3 examination", in brackets, and then there is 4 an asterisk. 5 Do you see that? 6 A. Yes. 7 Q. If you go down to the very bottom of this table, there 8 is a line which says "[asterisk equals] organisations, 9 ie CCS; GDPSSD", et cetera. 10 A. Yes. 11 Q. What does "CCS" stand for? 12 A. Chinese Classification Society. 13 Q. That is the society which issued the report on page 266, 14 right? 15 A. Yes. 16 Q. So far as item 8 is concerned, was there a division of 17 labour undertaken on the one hand by the Society, and by 18 the Marine Department on the other hand? 19 A. You can understand it that way. 20 Q. So can you tell us precisely what was the division of 21 labour; which organisation undertook which part of the 22 responsibilities? 23 A. This Chinese Classification Society was mainly 24 responsible for the welding and the x-ray examination on 25 the welding; and the examination on the hull structure</p>	<p style="text-align: right;">Page 127</p> <p>1 A. Yes. 2 Q. Then you gave this answer on page 112, line 15 of the 3 transcript. You said this: 4 "It depends on whether the bulkhead is watertight. 5 If it is a watertight bulkhead, then the watertight 6 appliances are necessary. But if the bulkhead is not 7 effective, then the watertight appliance is not 8 necessary." 9 Do you remember this answer? 10 A. Yes. 11 Q. My question is, what did you mean when you said "if the 12 bulkhead is not effective"? What did that mean? 13 A. That means if the length of the ship is less than 0.1L, 14 then whether it is marked as watertight or not, it is 15 considered as ineffective. 16 MR MOK: Can I ask for the translation to be given again of 17 this answer? Perhaps the witness can answer the 18 question once more and have the answer interpreted once 19 more. Slowly, please. 20 A. It means if the length of the compartment is less than 21 0.1L, that means one-tenth of the length of the vessel, 22 then whether or not the bulkhead is marked as 23 watertight, it would still be considered as ineffective. 24 MR MOK: I think, Mr Chairman, the witness said "even if the 25 bulkhead was marked as watertight, it would still be</p>
<p style="text-align: right;">Page 126</p> <p>1 was done by Marine Department. 2 Q. Thank you. Finally, can I ask you to clarify one of 3 your answers. If I may just give you the transcript 4 reference today, which is at page 112, lines 15-18. 5 You will recall that you were asked a question 6 relating to the bulkhead at frame 1/2. 7 A. Yes. 8 Q. You said that it was an outfitting and not structure. 9 You said that you did not have to pay attention or 10 particularly inspect that one, because of this; correct? 11 THE CHAIRMAN: Do you remember this? 12 MR MOK: Can I draw your attention to your statement. 13 Page 3971, line 3 on this page. You said there: 14 "Even if there was no watertight door affixed to the 15 access opening, I would not have considered that to be 16 an abnormality because details of covers to an access 17 opening are 'outfittings' and not structures, and 18 'outfittings' are capable of being changed at a later 19 stage." 20 A. Yes. 21 Q. You said that was your position at the time of your 22 inspection. 23 A. Yes. 24 Q. Then you were asked the question: what is your position 25 regarding this now? Do you remember that question?</p>	<p style="text-align: right;">Page 128</p> <p>1 considered ..." 2 THE CHAIRMAN: That's how I understood it. It's this 0.1L 3 that he's clearly making the point about. 4 MR MOK: That's right. That's the question. 5 THE CHAIRMAN: Thank you. 6 Yes, Mr Beresford? 7 Further examination by MR BERESFORD 8 MR BERESFORD: Mr Fung, you were asked by my learned friend 9 Mr Pao about item 8 in your record of interview, when 10 you said: 11 "If 'Watertight door to be provided' was marked at 12 the bulkhead at 'Frame 1/2' on Sheet 1 of 2 of the 13 approved plan 'Sections and Bulkhead', it would be 14 easier for inspectors to notice it." 15 That was in further answer to a question numbered 8, 16 which we can see in the translation at page 34-67, when 17 you were asked if you noticed the access opening on the 18 bulkhead between the tank and the steering compartment. 19 I suggest that the truth is that you simply didn't 20 notice that a watertight door was missing. 21 A. Which timeframe are you referring to? 22 Q. When you made the inspection of the hull on 13 November 23 1995. 24 A. I didn't notice that there was a door. 25 Q. Thank you. Then my learned friend Mr Mok asked you</p>

Page 129	Page 131
<p>1 about the document, the letter at page 206, and the 2 changes referred to there to 4.83 mm plating. He showed 3 you two bulwark construction drawings. Do you remember 4 that? 5 A. Are you referring to the content of the letter? 6 Q. I'm just asking you if you remember my learned friend 7 showing you these documents. 8 A. Yes. 9 Q. In your witness statement at paragraph 3, you didn't 10 mention bulwark construction drawings as being amongst 11 the drawings that you would normally look at before 12 conducting the inspection, did you? 13 A. You mean the bulwark? 14 Q. Yes. 15 A. Yes. 16 Q. So is it right that you wouldn't normally look at 17 bulwark construction drawings before making a hull 18 inspection? 19 A. Yes. 20 MR BERESFORD: Thank you, Mr Fung. 21 Questions by THE COMMISSION 22 THE CHAIRMAN: Mr Fung, have you ever seen any plan, 23 drawing, for Lamma IV where the change in plating from 24 5 mm was changed to 4.83 mm? 25 A. I don't quite remember.</p>	<p>1 A. I believe so. 2 Q. Yes. And the reference to "5" is a reference to 5 mm of 3 the plating on the hull? 4 A. Yes. 5 Q. The Chairman's question to you was, had you ever seen 6 any drawing which changed the thickness of the hull from 7 5 mm to 4.83 mm; do you remember that question? 8 A. Yes. 9 Q. And you have no recollection of that; right? 10 My question to you is this. If there was 11 an application to change the thickness of the hull from 12 5 mm to 4.83 mm, as a matter of practice, would the 13 Marine Department require a replacement drawing or would 14 the Department be content with a letter such as what you 15 saw before on page 206? 16 What's the practice? 17 A. Since I have never been involved in dealing with such 18 matters, so I am not sure. 19 Q. Okay. Maybe one final question. 20 The reference to "5 mm plating", you said you're not 21 sure what part of the ship this was a reference to. 22 A. Because it was not specified in the letter. 23 Q. I understand. But from the documents that you have seen 24 up to now, besides the thickness of the hull, which was 25 indicated on some of the plans to be 5 mm thick, was</p>
Page 130	Page 132
<p>1 MR MOK: Can I ask a follow-up question from your question? 2 THE CHAIRMAN: Yes. 3 Further examination by MR MOK 4 MR MOK: Mr Fung, can I ask you to look at the letter again 5 on page 208. It's tab 6 of bundle 2. 6 Mr Fung, if we look at this letter carefully, the 7 first part of the letter refers to three drawings, 1, 2 8 and 3, set out there. Do you see that? 9 A. Yes. 10 Q. Those are then attached, now shown on pages 207, 208 and 11 209; correct? 12 A. Yes. 13 Q. It then goes on to say: 14 "We would also like to advise of the following 15 changes ..." 16 And then under item 1: 17 "0.19 inches (4.83 mm) plating in place of 5 mm 18 plating." 19 First of all, may I ask you, the reference to "5 mm 20 plating", do you remember that you were shown a plan 21 called "Shell Expansion"? 22 A. I believe so. 23 Q. Can I remind you of what you were being shown, in the 24 same bundle at page 202. You were shown this plan 25 before; correct?</p>	<p>1 there any other reference to another part of the ship 2 which has a plating with a thickness of 5 mm? 3 A. There is the shell plate which shows 5 mm. 4 Q. That's indicated on the plan on page 202; is that right? 5 A. Yes. 6 MR MOK: Thank you. 7 THE CHAIRMAN: Mr Beresford? 8 MR BERESFORD: I have one question, Mr Chairman, if I may 9 Further examination by MR BERESFORD 10 MR BERESFORD: Mr Fung, in the letter at page 206, there is, 11 as my learned friend Mr Mok has observed, no reference 12 to which 5 mm plating is meant. But the subject matter 13 of the letter is bulwark plating and tank thickness in 14 the fin. 15 This is not the same as side-plating, is it, or 16 shell plating, as you put it? 17 MR MOK: Mr Chairman, the subject matter is: 18 "Our Yard No. 4625. 19 28M Aluminium/GRP Passenger Launch ..." 20 It's not just the bulwark. 21 THE CHAIRMAN: Yes. The issue that occurs to me is worth 22 exploring is whether there is any mention of 5 mm as 23 a dimension on any of the three plans that were 24 submitted. 25 MR BERESFORD: Which plans do you mean, Mr Chairman?</p>

Page 133	Page 135
<p>1 THE CHAIRMAN: The ones that are referred to in the letter: 2 drawing Nos. 391-27, 391-9, 391-26. Or whether it is in 3 fact, although it doesn't state it, a reference to plans 4 or drawings submitted earlier. 5 MR MOK: Mr Chairman, I wonder if we can resolve this in 6 this way. If we could ask for the assistance of Mr Pao 7 to show the original drawings of the bulwarks to see 8 what was the plating thickness, that may give us 9 a better answer. 10 THE CHAIRMAN: Certainly we can do that, and that's 11 a helpful suggestion. But do we have some copies of 12 those documents that were accompanying this letter, that 13 are referred to in the letter? 14 MR BERESFORD: The documents that are referred to in the 15 letter are immediately behind it in the bundle, 16 Mr Chairman. 17 THE CHAIRMAN: Yes. And are there any references to 5 mm -- 18 MR BERESFORD: Well, these are the new documents so we'd 19 need to find the old ones. 20 Mr Chairman, I wonder if this is something we can 21 look at overnight? 22 THE CHAIRMAN: Yes. Why do you say that these are the new 23 documents? "Please find enclosed two copies each of the 24 following drawings for your kind approval", and there 25 are three types of drawings. The issue is, do any of</p>	<p style="text-align: center;">I N D E X</p> <p>1 2 MR WONG CHI-KIN (on former affirmation)4 3 Examination by MR BERESFORD (continued)6 4 Examination by MR GROSSMAN60 5 Examination by MR PAO67 6 Examination by MR MOK72 7 Further examination by MR BERESFORD81 8 (The witness withdrew)85 9 MR LEUNG KWONG-CHOW (affirmed in Puntì)85 10 Examination by MR BERESFORD85 11 (The witness withdrew)94 12 MR FUNG WAI-MAN (affirmed in Puntì)95 13 Examination by MR BERESFORD95 14 Examination by MR PAO120 15 Examination by MR MOK123 16 Further examination by MR BERESFORD128 17 Questions by THE COMMISSION129 18 Further examination by MR MOK130 19 Further examination by MR BERESFORD132 20 21 22 23 24 25</p>
Page 134	
<p>1 those three drawings have reference to a 5 mm thickness? 2 That's the issue. But you're right; this can be 3 resolved overnight. 4 Mr Fung, we've come to the end of our hearing day. 5 Unfortunately there is a matter outstanding that I'm 6 going to have to ask you to come back and see if you can 7 help us with tomorrow. So please return so that you can 8 resume your evidence at 10 o'clock tomorrow. 9 A. (In English) Okay. 10 THE CHAIRMAN: Thank you. 11 Are there any matters anyone wishes to raise? 12 MR MOK: I need to report to you the progress relating to 13 Dr Peter Cheng's working papers. 14 THE CHAIRMAN: Yes. Thank you for that. 15 MR MOK: I understand that these can be circulated later on 16 tonight, so they could be given to the parties. Oh, 17 it's already with you. 18 THE CHAIRMAN: A copy reached me earlier in the afternoon. 19 So thank you for that, and thank Dr Cheng as well. So 20 we'll adjourn then, and they can be distributed after 21 we've risen. 22 10 o'clock tomorrow. 23 (4.33 pm) 24 (The hearing adjourned until 10 am on the following day) 25</p>	