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1	Friday, 18 January 2013	1	Mr Pao?
2	(10.00 am)	2	MR PAO: Mr Chairman, it's a matter that concerns the order
3	MR BERESFORD: Mr Chairman, before we start with the	3	of play today. I'm not sure if you have the latest list
4	evidence today, Mr Mok has some news for us, and also	4	of proposed witnesses. It's dated 17 January.
5	I believe Mr Pao has something he wishes to raise.	5	THE CHAIRMAN: Yes. I've got one anyhow that's got today'
6	THE CHAIRMAN: Thank you.	6	batting order.
7	Mr Mok?	7	MR PAO: Mr Chairman will notice that at number 10, my
8	MR MOK: Good morning, Mr Chairman. The witness Mr Fung's	8	client has been interposed between the Marine Department
9	evidence yesterday gave rise to one remaining issue,	9	officers.
10	which is the reference to plating in the letter, of	10	THE CHAIRMAN: Well, it's at the request of the Commission
11	5 mm, whether or not it refers to the shell plating or	11	itself that this order has been rejigged; not the actual
12	any other parts of the ship.	12	rejigging. But it seemed to us that an unnecessary
13	THE CHAIRMAN: Yes.	13	number of Marine Department surveyors were being called
14	MR MOK: I had a word with my learned friend Mr Beresford.	14	and we're anxious to get to the next chapter in the
15	We feel that maybe the best way to deal with it is for	15	story, as it were. We have a feel now for what the
16	Mr CK Wong, who examined all the plans and was indeed	16	Marine Department's evidence is, and that's why we've
17	the person who approved those plans, to make a short	17	asked for it to be done in this way.
18	supplemental statement to refer to this matter. That	18	MR PAO: I see. If that's the wish of the Commission
19	would assist the Commission.	19	THE CHAIRMAN: But by all means, express your concern
20	THE CHAIRMAN: Remind me where the letter is. Can we have	20	MR PAO: My concern is if there's a matter arising from the
21	it up on the screen?	21	second half of the Marine Department officers' evidence
22	MR MOK: It's at page 206, tab 6 of marine bundle 2.	22	which my client wishes or needs to address, then it
23	THE CHAIRMAN: So you're suggesting we get Mr Wong to tell	23	would mean that I have to apply for him to be recalled
24	us what he understood?	24	to testify again.
25	MR MOK: Yes, because he's	25	THE CHAIRMAN: No, I follow that.
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1	MR PAO: Yes. In which case, I need to inform the	1	not been interviewed and they have not given any witness
2	Commission that there will be a short supplemental	2	statements.
3	statement from my client.	3	THE CHAIRMAN: Yes. Thank you for that.
	THE CHAIRMAN: When do you propose serving that?		-
4	· · · ·	4 5	MR BERESFORD: Yes. Those instructing me will be writing to
5	MR PAO: It may be ready by today. Well, perhaps later on		the Department of Justice, setting out the questions
6	today or by the end of today.	6	that we would like to see addressed by those surveyors.
7	THE CHAIRMAN: Yes. Obviously it ought to be available	7	We would like to see their statements before we decide
8	before he's called, if possible.	8	whether or not to call them, Mr Chairman. It may be
9	MR PAO: Yes, but well, I have to briefly mention the	9	that on receipt of those statements, we can dispense
10	content of it.	10	with calling them, but it's difficult to exclude them
11	THE CHAIRMAN: Yes?	11	without having seen the statement.
12	MR PAO: It's basically in respect of an assertion made by	12	THE CHAIRMAN: What length of statement is anticipated is
13	my learned friend Mr Beresford, saying that the flooding	13	necessary?
14	of the aft peak and the tank room together would cause	14	MR BERESFORD: Well, we're looking at the same questions as
15	the Lamma IV to sink.	15	we've looked at before, but at different points in time.
16	THE CHAIRMAN: Mr Beresford, is that assertion continued	16	These are surveyors that examined the vessel in
17	with?	17	subsequent years, and we want to know why they passed
18	MR BERESFORD: No, Mr Chairman.	18	the vessel as having a watertight bulkhead when it
19	THE CHAIRMAN: Thank you.	19	didn't have a watertight door. We want to know if they
20	MR BERESFORD: The position is the aft peak with the tank	20	examined the seats. We want to know if they examined it
21	room and engine room.	21	for safety appliances. All the same questions that have
22	THE CHAIRMAN: It's a narrow question Mr Pao has posed, and	22	been raised in Dr Armstrong's report.
23	that is the assertion you put to Mr Wong was that the	23	THE CHAIRMAN: Why is it necessary to pursue that on
24	tank room together with the steering compartment would	24	an annual basis? This is a vessel that was in service
25	have sunk the vessel when flooded.	25	for a dozen years, was it not? More?
	Page 6		Page 8
1	MR BERESFORD: In 1995? No, I don't assert that.	1	MR BERESFORD: Because there were changes made to the
2	THE CHAIRMAN: There we are.	2	vessel, Mr Chairman. In particular
3	MR PAO: Right. And also on matters that there is	3	THE CHAIRMAN: Could we not take snapshots at different
4	certain mistake in the original statement. So I hope to	4	periods?
5	be able to	5	MR BERESFORD: Yes, we could, Mr Chairman. I'm hoping to do
6	THE CHAIRMAN: That could be dealt with orally in	6	that when we can see the evidence, so that we I'm not
7	examination.	7	suggesting that we call all of these surveyors before
8	MR PAO: Yes. Indeed, Mr Chairman.	8	the Commission and trouble the Commission with their
		9	evidence.
9 10	THE CHAIRMAN: Thank you. MR MOK: Mr Chairman, it's convenient to raise one point.	10	THE CHAIRMAN: No. Well, we're not going to go down that
11	There are a number of other officers who were involved	11	road. It's sufficient for these purposes to have
12		12	a snapshot at a particular time which might deal with
	in the annual surveys. These are listed in the statement of Mr Wong Wing abuen the ampibus statement		a change, as you've suggested. I'm not sure what you
13	statement of Mr Wong Wing-chuen, the omnibus statement.		
14	Those officers have not been interviewed and they have	14	have in mind, but say, for example, it was lead ballast,
15	not filed any witness statements.	15	then a snapshot after the ballast was installed; when
16	So I think maybe the way to deal with it is if my	16	the ballast was moved to a different position,
17	learned friend feels that he needs to call or wishes to	17	a snapshot then. That will inform the tribunal, I would
18	have the evidence of any one of them, then maybe we will	18	have thought.
19	prepare him by preparing a witness statement of that	19	MR BERESFORD: Very well, Mr Chairman.
20	particular survey. Because these are annual surveys,	20	THE CHAIRMAN: We invite you to look at it in that way.
21	which	21	If there are difficulties and you need to go into more
22	THE CHAIRMAN: I'll leave it to counsel to deal with detail	22	detail, please raise the matter.
23	like this. If there is a difficulty, by all means raise	23	MR BERESFORD: Thank you.
24	it with us later.	24	MR MOK: Mr Chairman, may I say that that would be extremely
25	MR MOK: Thank you. I just want to mention that they have	25	helpful, because there are a large number of them and it

	Page 9		Page 11
1	-	1	A. Yes.
1	would be a very big exercise to have to interview each	1 2	
2 3	one of them, and it would take quite a lot of time to do	2	Q. Thank you. Mr Choi, I understand that you are a senior surveyor of ships of the multilateral policy division of
	SO.		
4	THE CHAIRMAN: Yes. I'd invite counsel to proceed on that		the Marine Department; is that right?
5	basis, on a snapshot basis, for the moment.	5	A. (In English) Yes.
6	MR MOK: That's very helpful.	6	Q. And you've held that position since 2010?
7	THE CHAIRMAN: Is Mr Fung here?	7	A. (In English) Yes.
8	Mr Fung, return to the witness box.	8	Q. You hold a Bachelor of Engineering (Honours) in Naval
9	I'm only inviting you to return to the witness box	9	Architecture and Small Craft from the University of
10	so that I can tell you that, as things now stand,	10	Strathclyde?
11	matters having been resolved overnight, it's not	11	A. (In English) Yes.
12	necessary for you to answer any other questions. But it	12	THE CHAIRMAN: What year was the degree conferred?
13	remains for me to thank you for coming to the Commission	13	A. 1997.
14	and giving evidence to assist us in our Inquiry. Thank	14	THE CHAIRMAN: Thank you.
15	you for that. You are now free to go. You may, of	15	MR BERESFORD: You joined Mardep in 1984 as an assistant
16	course, remain in the hearing room and listen to the	16	ship inspector; in 1986 you were posted to the Local
17	evidence that follows.	17	Vessels Safety Section; and in 1997 you became
18	MR FUNG WAI-MAN: I understand.	18	a surveyor of ships in the Local Vessels Safety Section.
19	THE CHAIRMAN: Thank you.	19	Is that right?
20	Yes, Mr Beresford?	20	A. (In English) Yes.
21	MR BERESFORD: Mr Chairman, the next witness is Choi	21	Q. And you transferred out of that section in around 2001
22	Chi-chuen.	22	or 2002?
23	MR CHOI CHI-CHUEN (affirmed in Punti)	23	A. (In English) Yes.
24	(All answers via interpreter unless otherwise indicated)	24	Q. You've made your statement to explain your role as
25	Examination by MR BERESFORD	25	surveyor of ships in the vetting of an inclining
	Page 10		Page 12
1	MR BERESFORD: Good morning, Mr Choi. Thank you very much	1	experiment and stability calculation booklet, and
2	for attending this morning to assist the Commission with	2	a damage stability information booklet, of the Lamma IV
3	its Inquiry.	3	in 1998 and 1999. Perhaps if we can just have a look at
4	I have some questions to ask you on behalf of the	4	those booklets and identify them.
5	Commission. Before I do, I understand you have made	5	A. Okay.
6	a previous statement in connection with this matter,	6	Q. At marine bundle 3, tab 79, page 428, we see a letter
7	a copy of which may be found in our marine bundle 11 at	7	from Cheoy Lee Shipyards Ltd to the Marine Departmen
8	page 3987. You have also approved some notes of	8	dated 10 March 1998, informing the Director of Marine
9	interview that you gave to the Marine Department which	9	that they were going to install on board the Lamma IV
10	may be found in marine bundle 10 at pages 2931 to 2935,	10	trimming ballast of 8.25 tonnes of lead, and enclosing
11	with a translation into English at pages 2935-1 to	11	Revised Stability Booklet, Damage Stability Information
12	2935-5.	12	and Arrangement of Lead Ballast.
	A. Yes.	13	We find the Revised Stability Booklet starting on
14	Q. Mr Choi, do you have your witness statement and your	14	the next page in the bundle, page 429. Is that your
15	notes of interview before you?	15	signature in the "seen" box?
16	A. Yes.	16	A. Yes.
17	Q. And you recognise those as yours?	17	Q. We find the Damage Stability Information starting at
÷ ′	A. Yes.	18	page 442.
			A. Yes.
18	Q. Have you had an opportunity to remind yourself of the	19	A. ICS.
18		19 20	
18 19	Q. Have you had an opportunity to remind yourself of the	20	Q. Was that your signature in the "seen" box on that page
18 19 20	Q. Have you had an opportunity to remind yourself of the content of those documents today?A. Yes, I have seen that.	20 21	Q. Was that your signature in the "seen" box on that page as well?
18 19 20 21 22	Q. Have you had an opportunity to remind yourself of the content of those documents today?	20 21 22	Q. Was that your signature in the "seen" box on that page as well?A. Yes.
18 19 20 21 22 23	Q. Have you had an opportunity to remind yourself of the content of those documents today?A. Yes, I have seen that.Q. Is there any amendment you would wish to make?	20 21	Q. Was that your signature in the "seen" box on that page as well?

1 Q. Is that your signature in the "seen" box there as well?

-	Q. Is that your signature in the "seen" box there as well?	1	booklet."
2	A. Yes.	2	We can see that on page 429. Is that your
3	Q. Thank you.	3	handwriting after the words "Revised Stability Booklet"
4	Then the other document that you've referred to may	4	A. (In English) Yes.
5	be found in marine bundle 3, tab 83, beginning at	5	THE CHAIRMAN: Perhaps you'd read it out, since it's so
6	page 455.	6	poorly copied.
7	THE CHAIRMAN: Before we get to that, could we have a short	7	MR BERESFORD: The title of the document is "Revised
8	description about what was being proposed as to the	8	Stability Booklet (Estimated)".
9	disposition of the lead ballast?	9	Mr Choi, did you also add the handwriting that
10	MR BERESFORD: Well, Mr Chairman, I was going to come back	10	follows that?
11	and deal with each of them in more detail. If you'd	11	A. Yes.
12	like me to take them one at a time, then I'm happy to	12	Q. What does that say?
13	do so.	13	A. "Inclining experiment should be conducted in the
14	THE CHAIRMAN: No, as you please.	14	presence of MD surveyor/inspector".
15	MR BERESFORD: Perhaps if we can just identify and	15	Q. Thank you. Then on page 442, is it right that you
16	authenticate the other document.	16	deleted the word "Final" and inserted "Estimated"?
17	THE CHAIRMAN: Yes.	17	
	MR BERESFORD: Page 455. This is a letter from Cheoy Lee		A. (In English) Yes.
19	Shipyards Ltd to the Director of Marine dated 20 October	18	Q. Then as you've said in your statement:
		19	" [I] directed that an inclining experiment
20	1998, enclosing an inclining experiment and stability	20	should be performed on Lamma IV after the installation
21	calculation, with trimming lead ballast.	21	I wrote on the front cover of the 'Revised Stability
	A. Yes.	22	Booklet' that 'inclining experiment should be conducted
23	Q. We see that document starting at page 456 and running	23	in the presence of MD surveyor/inspector'. I then
24	through to page 471. Is that your signature in the	24	stamped 'seen' on the front cover of these booklets and
25	"seen" box on page 456?	25	dated them."
1	Page 14	1	Page 16
1	A. Yes.	1	Is that right?
2	Q. You tell us that given the passage of time, you don't	2	A. (In English) Yes.
3	have any independent recollection of the circumstances	3	Q. Thank you. You say that you directed that an inclining
4	in which you signed or vetted these documents. But	4	experiment should be done because once the ballasts wer
5	that, based on the information available, which I take	5	added the centres of gravity of the vessel would be
6	to mean on the file, Cheoy Lee submitted a request for	6	changed, and so an inclining experiment would verify
7	trimming ballasts of 8.25 tonnes of lead to be placed in	7	their new position; is that correct?
8	the steering gear compartment and the tank room of	8	A. (In English) Yes.
9	Lamma IV; is that right?	9	Q. And that after the inclining experiment, Cheoy Lee then
10	A. Yes.	10	submitted the second booklet that we identified, which
11	Q. You refer to Cheoy Lee's letter at page 428	11	is at marine bundle 3, tab 83, beginning at page 455.
12	A. Yes.	12	You've given two references here, but in your
13	Q in which they say in the second paragraph:	13	statement it's the same reference. I just wonder if
14	"With the aforesaid trimming ballast, the stability	14	that's an error, Mr Choi. You've got (1) "Inclining
15	of the captioned vessel will be improved with the	15	Experiment Booklet", the reference for which is given:
16	vanishing angle not less than 55 degrees in normal	16	marine bundle 3, tab 83, page 455. The actual booklet
17	operating conditions and a good stable stability in	17	starts at page 456, and that's the one you identified
18	damaged condition."	18	for us a moment ago.
		19	Then you refer to a damage stability booklet, which
19	And you say that Cheoy Lee submitted the booklets		
	And you say that Cheoy Lee submitted the booklets referred to to demonstrate to Mardep that its proposed	20	in your statement has the same reference, but I wonder
19			
19 20	referred to to demonstrate to Mardep that its proposed	20	in your statement has the same reference, but I wonder
19 20 21	referred to to demonstrate to Mardep that its proposed change would not affect the overall safety of Lamma IV.	20 21	in your statement has the same reference, but I wonder if it's the document beginning in the next tab, at page 472. That's the covering letter from Cheoy Lee.
19 20 21 22 23	referred to to demonstrate to Mardep that its proposed change would not affect the overall safety of Lamma IV. Then you explain: " since the calculations in the booklets were	20 21 22	in your statement has the same reference, but I wonder if it's the document beginning in the next tab, at page 472. That's the covering letter from Cheoy Lee. A. (In English) I think
19 20 21 22	referred to to demonstrate to Mardep that its proposed change would not affect the overall safety of Lamma IV. Then you explain:	20 21 22 23	in your statement has the same reference, but I wonder if it's the document beginning in the next tab, at page 472. That's the covering letter from Cheoy Lee.

Page 13

1 2 ... booklet."

Page 15

	Page 17		Page 19
1		1	the one beginning at page 473?
	A. (Witness nods).	2	A. (In English) Yes.
2	Q. Is that correct, Mr Choi?		
3	A. I think the correct number is page 473.	3	Q. You say that the residual GMT "there was
4	Q. Page 473, thank you. Is that your signature in the	4	a substantial residual GMT in each of the compartments
5	"seen" box on page 473?	5	assessed". So we can see at page 474, in relation to
6	A. (In English) Yes.	6	the fore peak compartment, there's a GMT shown of 1.590.
7	Q. Thank you. And you've told us that the ship inspector	7	A. Yes.
8	who witnessed the inclining experiment was Mr Mak	8	THE CHAIRMAN: Just give me a moment, Mr Beresford. Thank
9	Yat-wai, who has since retired?	9	you.
10	A. (In English) Yes.	10	MR BERESFORD: At page 475, dealing with the void space
11	Q. And that these booklets would have been first checked by	11	compartment, the GMT is shown as 1.58 metres?
12	Mr Mak, who had witnessed the experiment?	12	A. Yes.
13	A. (In English) Yes.	13	Q. At page 476, dealing with the crew space compartment,
14	Q. Once he'd completed his checking and was satisfied that	14	the GMT is shown as 1.224 metres?
15	the calculations were acceptable, then the booklets	15	A. Yes.
16	would be submitted to you for final vetting?	16	Q. Page 477, the engine room, the GMT is 0.843 metres?
17	A. (In English) Yes.	17	A. Yes.
18	Q. And you say that it was your usual practice to ask the	18	Q. At page 478, the tank space has GMT of 0.996 metres?
19	ship inspector to redo the calculations using	19	A. Yes.
20	a stability calculation program available in Mardep?	20	Q. Lastly, the steering gear compartment at page 479, the
21	A. (In English) Yes, this is my usual practice.	21	GMT is 1.456 metres?
22	Q. Yes. And that that print-out, the stability program	22	A. Yes.
23	print-out, would be submitted to you together with the	23	Q. Just on that last page, page 479, the measurement says
24	booklets?	24	"Aft BHD" and "Fwd BHD". Is that "aft bulkhead" and
25	A. (In English) Yes.	25	"forward bulkhead"?
	Page 18		Page 20
1	-	1	-
1	Q. You can't recall now whether you've seen the computer	1	A. Judging from this document, it refers to the fore
2	print-out in the instant case; is that right?	2	bulkhead and the aft bulkhead.
3	A. (In English) I can't remember exactly.	3	Q. So the aft bulkhead is measured at minus 12.445 metres;
4	Q. Have we been able to	4	is that right?
5	A. (In English) I haven't seen the print-up	5	A. Yes.
6	Q. We haven't been able to find one?	6	Q. And the forward bulkhead is measured at minus
7	A. (In English) Usually they put the print I change to	7	11.575 metres?
8	Chinese.	8	A. Yes.
9	Q. Whatever you're comfortable with, Mr Choi.	9	Q. What is that measured from?
10	A. Usually they would put the print-out into the drawing	10	A. If you refer to the lines, the two lines above that, you
11	box after viewing them.	11	can see "Longitudinal Datum: Midships", so I believe
12	Q. You say:	12	that the measurement is taken from the midship.
13	"Upon receipt of the documents, I would have looked	13	Q. Thank you. Am I correct in thinking that this is
14	at the calculations presented and formed a view on	14	a measurement of the steering gear compartment, so the
15	whether they were acceptable. In particular, I would	15	steering gear compartment runs from 11.575 metres aft of
16	have considered the sufficiency of stability in damaged	16	the midships line to 12.445 metres aft of the midships
17	condition by looking at the value of the residual	17	line; is that right?
18	transverse metacentric height ('GMT')."	18	A. Yes, this is the measurement shown on this page.
19	Is that right?	19	Q. So, according to my maths, and do correct me if I'm
20	A. (In English) Yes.	20	wrong, that's a length of 0.87 metres; is that right?
21	Q. And you explain:	21	A. Correct.
22	"The residual GMT in any case must be a positive	22	
23	figure equal to or in excess of 0.05 metres."	23	compartment was 1.625 metres. I can show you where that
24	A. (In English) Yes.	24	comes from, Mr Choi. It comes from the plans.
25	Q. And you refer to the Damage Stability Booklet. Is that		Perhaps if we can have a look at the side shell
	Construction of the Damage Statistic Bookiet. Is that	-	T

	Page 21		Page 23
1	profile at page 204. We can see at the stern	1	A. There will be some variation to the calculation for GMT.
2	a measurement of 1,000 metres to frame 0, and another	2	But the variation should not be that obvious.
3	625 to frame $1/2$.	3	THE CHAIRMAN: By that you mean not that great?
4	THE CHAIRMAN: 1 metre, perhaps.	4	A. (In English) Yes.
5	MR BERESFORD: 1,000 millimetres. 1 metre, Mr Chairman.		MR BERESFORD: All right. The other matter I wanted to ask
6	Then if you look at the General Arrangement at	6	you about, Mr Choi, in relation to this could you
7	page 172, you see the steering compartment goes up to	7	please be shown the fax of 1 August 1994, which is at
8	frame $1/2$. Would you have compared these measurements	8	marine bundle 8, page 2081.
9	to the plans, Mr Choi?	9	This was a fax from the Marine Department to
10	A. (In English) Yes.	10	a designer in Singapore, explaining the stability
11	Q. So do you have any idea why there might be such	11	requirement for ferry vessels or passenger vessels
12	a discrepancy?	12	operating in Hong Kong waters. They were told then
13	A. I'm not sure why there is such discrepancy. I'm not	13	that, as you see in paragraph 3:
14	sure why there is such discrepancy, because I'm not the	14	"For every vessel carrying more than 100 passengers,
15	one who did the computer calculation.	15	the watertight subdivision (one-compartment flooding)
16	Q. So who should we ask about that, then?	16	requirements are to be complied with (see attached
17	A. Since this document was submitted by Cheoy Lee Factory	17	copies, schedules 1 and 3)."
18	to Mardep, so I think it is more appropriate for Cheoy	18	A. Yes.
19	Lee to explain.	19	Q. We see attached those two schedules, which were Legal
20	Q. But would Mardep not have noticed such a substantial	20	Notice 325 of 1991, which are what became Cap 369AM;
21	discrepancy, between 0.85 of a metre and 1.625 of	21	that is to say, the Merchant Shipping (Safety)
22	a metre?	22	(Passenger Ship Construction and Survey) (Ships Built On
23	MR MOK: Mr Chairman, would Mr Beresford assist us as to	23	or After 1 September 1994) Regulations.
24	where is the reference to 0.85?	24	We see schedule 3 has been altered to delete
25	THE CHAIRMAN: He's done it by arithmetic from the	25	paragraph (3)(a) and substitute it with
20		20	
1	Page 22 calculation of the distance from the forward end of the	1	Page 24
1		1	a one-compartment flooding standard. We've heard how
2	bulkhead and the aft end; that is, minus 12.445 and 11.575.	2	this reflected the practice of regulation of local vessels in 1995.
3		3	
4 5	MR MOK: I see. All right. THE CHAIRMAN: As I understand it.	45	Do you agree that it reflected the practice in 1998
6	MR MOK: I'm struggling to understand what is being put to	6	when you were looking at these documents?
7	the witness.	7	A. Now, from my recollection, the standard at that time was one-compartment flooding, and I haven't seen that
8	THE CHAIRMAN: He called it mathematics, but I think it's	8	document back in 1998 but during our conversation in the
9	arithmetic.	9	office, we were talking about the one-compartment
10	MR BERESFORD: Anyway, the length of 0.85 is the difference		flooding.
11	between 12.445 and 11.575. I think you agreed with	11	Q. Yes. Would you be familiar with regulations at
12	that, Mr Choi, did you not?	12	Cap 369AM, the regulations I just mentioned?
13	A. I can't give an explanation, but as I mentioned in my	13	A. (In English) No. You mean the whole chapter or the
14	statement, it is possible that we did our own	14	Q. Yes.
15	calculation but haven't noticed this. But now I am	15	A. (In English) No.
16	unable to give an explanation.	16	Q. No. Okay. Looking at page 2085, schedule 3 of this
17	Q. If the true length of the steering gear compartment was	17	notice in the gazette, do you see the heading two-thirds
18	1.625 metres and not 0.85 metres, that would invalidate	18	of the way down the page "Sufficiency of stability in
19	this calculation, would it not?	19	damaged condition"?
20	A. The calculation is not that accurate.	20	A. Yes.
21	THE CHAIRMAN: Well, would it invalidate the calculation?	21	Q. Do you see that provides:
22	A. I would like to ask, are you asking on the basis of the	22	"The intact stability of the ship shall be deemed to
23	whole calculation?	23	be sufficient if the calculation specified in
24	THE CHAIRMAN: Mr Beresford?	24	paragraph 1 shows that, after the assumed damage [which
25	MR BERESFORD: Well, let's take GMT first.	25	is, as amended, the one-compartment flooding
	-		

	Page 25		Page 27
1	assumption], the condition of the ship as follows"	1	line on the diagram at the bottom of that page?
2	Then in paragraph (1) it sets out three stages in	2	A. Yes.
3	the event of symmetrical flooding: firstly at all	3	THE CHAIRMAN: Can we zoom in on the aft part of the vessel.
	stages; secondly at intermediate stages; and thirdly at	4	Thank you.
4		5	That's what you mean?
5	the final stage of flooding.	6	A. (In English) Yes.
6 7	A. (Witness nods).	7	THE CHAIRMAN: The 75 mm reference with the two parallel
	Q. In paragraph (c), at the final stage of flooding, there are two requirements are there not, one "the morgin	8	lines, that shows the margin line?
8 9	are two requirements, are there not: one, "the margin line shall not be submerged"; and two, "there shall be	9	A. (In English) Yes, the margin line 75 mm below the deck
10	a positive residual metacentric height of at least 50 mm	10	side.
11	as calculated by the constant displacement method."	11	THE CHAIRMAN: Thank you.
12	Do you see that?	12	-
13	A. (In English) Yes.	13	say that it was not your usual practice to refer to the
14	Q. You've told us that you were looking at the value of the		hull drawings before vetting the stability calculations.
15	residual transverse metacentric height, the GMT, the	15	Can I just clarify something, because that seems to be
16	residual GMT, which you've said must be a positive	16	inconsistent with what you told me earlier. I thought
17	figure equal to or in excess of 0.05 metres.	17	you said you did refer to the hull drawings.
18	A. (In English) Yes.	18	Did you or did you not refer to the hull drawings?
19	Q. That's equivalent to the second of those conditions, is	19	A. I would like to clarify, when did you ask me about
20	it not, in subparagraph (c)?	20	reference to the hull drawings?
21	A. (In English) (c), yes.	21	Q. When we were looking at the discrepancy in the length of
22	Q. Do you agree?	22	the steering gear compartment, as shown in the stability
23	A. (In English) Yes.	23	calculation and as shown on the hull drawings.
24	Q. Did you or did you not look at the first condition,		A. It was I just looked at the drawing when you asked me
25	whether the margin line should be submerged?	25	just now, but normally, if there is nothing special,
	Page 26		Page 28
1	A. Are you referring to (1)(b)?	1	usually I don't refer to the construction drawing.
2	Q. No, (1)(c).	2	Q. Yes, I see. Then you deal with an issue relating to
3	A. (In English) Oh, yes. Yes.	3	what we refer to as the 0.1L issue, but I think you say
4	Q. You see (1)(c) relates to the final stage of flooding,	4	that it would not have been obvious to you that there
5	and then there is the word "and" which separates the two	5	was any issue concerning 0.1L at the time, so perhaps
6	conjuncts or two conditions. The first condition is	6	it's not necessary to ask you any questions about that.
7	that "the margin line shall not be submerged"; and the	7	A. Yes.
8	second condition is that "there shall be a positive	8	MR BERESFORD: All right, Mr Choi. Please wait there.
9	residual metacentric height of at least 50 mm as	9	THE CHAIRMAN: Mr Grossman?
10	calculated by the constant displacement method".	10	MR GROSSMAN: No application, thank you.
11	Now, you've told us about the second condition, the	11	THE CHAIRMAN: Mr Sussex?
12	GMT, but you haven't said anything in your statement	12	MR SUSSEX: Mr Chairman, I have no questions for Mr Choi.
13	about the first. I want to know whether you looked,	13	THE CHAIRMAN: Mr Pao?
14	whether you checked to see whether the margin line	14	MR PAO: Mr Chairman, no questions.
15	should not be submerged.	15	THE CHAIRMAN: Mr Mok?
16	A. The margin line should also be viewed.	16	MR MOK: Mr Chairman, I do wish to follow up on that issue
17	Q. Yes; as part of the damage stability calculation?	17	concerning how those two figures are calculated.
18	A. (In English) Yes.	18	I haven't got any instructions now. This is a matter
19	Q. Would you have done it? A Deforming to the Stability Decklet submitted by Cheeve	19	which has sprung up
20 21	A. Referring to the Stability Booklet submitted by Cheoy	20 21	THE CHAIRMAN: Yes. Very well. Do so. MR MOK: and we would like to reserve our questioning,
21	Lee, there is a margin line marked with 75 mm. THE CHAIRMAN: Can you give us the reference to that?	21	maybe until we have had a chance to take instructions.
23	A. (In English) Page 479.		THE CHAIRMAN: Do you want to explore it with the witness?
24	THE CHAIRMAN: Thank you.	24	He might be able to deal with the issue.
· · ·			The might be uple to deal with the issue.
25	MR BERESFORD: So are you referring to the drawing of the	2.5	MR MOK · I shall try

	Page 29		Page 31
1	THE CHAIRMAN: It seemed to me to be pretty straightforward	1	Q. Do you have any amendment you wish to make?
2	evidence.	2	A. No.
3	MR MOK: All right.	3	Q. Are the contents of those documents true?
4	THE CHAIRMAN: If you need time, we will give you time.	4	A. Yes.
5	MR MOK: I would appreciate that, if we could have a little	5	Q. Thank you. Mr Liu, you are a senior surveyor of ships
6	bit of time to	6	in the passenger ship safety section of the shipping
7	THE CHAIRMAN: So you'll be able to come back later this	7	division of the Marine Department, and you've held that
8	morning?	8	position since September 2012; is that right?
9	MR MOK: Yes.	9	A. Yes.
10	THE CHAIRMAN: Yes. Very well.	10	Q. And you hold a Bachelor of Engineering (Honours) in
11	MR MOK: Thank you.	11	Naval Architecture and Ocean Engineering from the
12	THE CHAIRMAN: Mr Choi, thank you for coming to assist us by	12	University of Glasgow.
13	giving us your testimony. Counsel has asked, you will	13	A. Yes.
14	have heard, for an opportunity to consider whether or	14	Q. What year did you receive that degree?
15	not he wishes to ask you some questions, and we'll allow	15	A. 1987.
16	him to do that. That will mean this, that I'm going to	16	Q. Thank you. Prior to joining Mardep in 1997, you worked
17	have to ask you to remain here for the moment. I'm sure	17	for seven years with Det Norske Veritas as a ship
18	we can resolve this matter during the course of the	18	surveyor; is that right?
19	morning. If it's necessary, we'll then recall you to	19	A. Yes.
20	deal with whatever those questions are.	20	Q. Then you joined Mardep in 1997 as a surveyor of ships in
21	A. (In English) Thank you. Okay.	21	the port state control section. You were posted to the
22	THE CHAIRMAN: Thank you. Please take a place in the public	22	Local Vessels Safety Section between 2005 and 2010?
23	gallery.	23	A. Yes.
24	A. (In English) Thank you very much.	24	Q. Thank you. Your duties in the Local Vessels Safety
25		25	Section include supervision over ship inspectors, final
	Page 30		Page 32
1	(The witness withdrew)	1	vetting of plans and stability calculations, and
2	THE CHAIRMAN: Yes, Mr Beresford.	2	certification works in connection with the initial and
3	MR BERESFORD: Mr Chairman, the next witness is Liu	3	periodic survey of local vessels?
4	Chiu-fai, Barry.	4	A. Yes.
5	MR LIU CHIU-FAI, BARRY (affirmed in Punti)	5	Q. You have prepared your witness statement to explain your
6	(All answers via interpreter unless otherwise indicated)	6	role as surveyor of ships in vetting the Lamma IV
7	Examination by MR BERESFORD	7	Stability Booklet, which we can find in marine bundle 4
8	MR BERESFORD: Good morning, Mr Liu. Thank you very much	8	at page 668.
9	for coming to assist the Commission in its Inquiry this	9	A. Yes.
10	morning. I have some questions to ask you on behalf of	10	Q. We see on that page which is showing on the screen
11	the Commission.	11	a Marine Department stamp marked "seen". Can you
12	A. Yes.	12	identify the signature in that stamp?
13	Q. Mr Liu, you have previously given an interview to the	13	A. Yes.
14	Marine Department, I believe, and your signed notes of	14	Q. It's yours?
15	that interview are to be found in marine bundle 10 at	15	A. Yes.
16	pages 2944 to 2949, with a translation at pages 2935-1	16	Q. Thank you. We see from the previous page, page 667,
17	to 2935-5. We also have a witness statement that you	17	that it came to the Marine Department under cover of
18	have prepared in marine bundle 11 at page 3993.	18	a letter from Cheoy Lee Shipyards dated 21 September
19	Do you have those documents in front of you, Mr Liu?	19	2005. A Nor
20	A. Yes.	20	A. Yes.
21	Q. Do you recognise your signature on those documents?	21	Q. You say in your statement that although you can't recall
22	A. Yes.	22	the circumstances now, based on the documents, you note
23	Q. Have you had an opportunity to remind yourself of what they say today?	23	that on 27 June 2005, Cheoy Lee informed Mardep by
24 25	A. Yes.	24 25	letter that the owner of the Lamma IV wished to raise the lead ballasts placed in Lamma IV by a baight of
	A. 155.	ZΟ	the lead ballasts placed in Lamma IV by a height of

	i age oo		rage so
1	10 inches, to facilitate the cleaning and checking of	1	modification involved no change from the previous
2	hull plates.	2	one) and Mr Chau would also have briefed me on
3	A. Yes.	3	anything unusual arising from the inclining experiment
4	Q. We can see a copy of that letter in marine bundle 4 at	4	or his checking of the calculations."
5	page 639.	5	A. Yes.
6	A. Yes.	6	Q. And you refer a draft witness statement of Mr Chau
7	Q. There's some handwriting on that letter, is there not,	7	To-yui and say that you understand that he recounted
8	that states "Cheoy Lee contact CSI acting at 29/6 to	8	that he reported to you:
9	carry out inclining experiment"?	9	" that there was a discrepancy between the data
10	A. Yes.	10	obtained in the inclining experiment he conducted on
11	Q. Do you know who was "CSI acting"?	11	19 July 2005 and the previous one in 1998 regarding the
12	A. It was Mr Au Yeung at that time.	12	lightship weight and vertical centre of gravity. The
13	Q. Mr Au Yeung.	13	relevant difference is that in 1998/1999 the lightship
14		14	
	And "CSI" stands for what, please?		weight was 63.618 tonnes"
15	A. "Chief ship inspector".	15	And we can see that from marine bundle 3, page 463.
16	Q. Chief ship inspector. And you've told us that you can't	16	Can we have a look at page 463, please.
17	recognise the handwriting.	17	We see that in condition 1, headed "Lightship
18	A. (In English) I can't.	18	Condition", at the bottom, second row up, it says
19	Q. Then you say:	19	"Lightship"; first column in, 63.618. Is that what
20	"An inclining experiment of Lamma IV after the	20	you're referring to?
21	repositioning of the ballasts was carried out on 19 July	21	A. Yes.
22	2005 and attended by Mr Chau To-yui, a ship inspector of		Q. Whereas in 1995, it was 60.36 tonnes, and you refer to
23	the Local Vessels Safety Section.	23	page 673. That's the first row in the first table under
24	On 21 September 2005, Cheoy Lee submitted the	24	"Loading Summary", "Lightship", 60.36 metric tonnes; is
25	Stability Booklet, which was passed to me for vetting	25	that right?
	Page 34		Page 36
1	after Mr. Chevy had a smulated shealving "	1	A. Yes.
1 2	after Mr Chau had completed checking."	1 2	
	Is that right?		Q. Then you say:
3	A. Yes.	3	"I have no recollection of Mr Chau so informing me.
4	Q. Then you say:	4	But in any event, I would not have considered [it]
5	"At that time, I would have noted that the stability	5	significant [because] the inclined condition of a
6	calculations were not that of a new vessel or	6	vessel depends on a number of [conditions], including
7	an existing vessel with major modification. 'Major	7	
8			weather conditions in which the experiment took place,
	modification' means structural changes that would affect	8	the mooring rope condition, the bilge water, the drafts
9	the principal dimensions or passenger capacity of the	9	the mooring rope condition, the bilge water, the drafts and water density, the inclining weights, add-on and
10	the principal dimensions or passenger capacity of the vessel. The change proposed by Cheoy Lee involved no	9 10	the mooring rope condition, the bilge water, the drafts and water density, the inclining weights, add-on and go-off items, and record-taking by the personnel
10 11	the principal dimensions or passenger capacity of the vessel. The change proposed by Cheoy Lee involved no change to the vessel's structure or even weight since it	9 10 11	the mooring rope condition, the bilge water, the drafts and water density, the inclining weights, add-on and go-off items, and record-taking by the personnel involved."
10 11 12	the principal dimensions or passenger capacity of the vessel. The change proposed by Cheoy Lee involved no change to the vessel's structure or even weight since it was merely the repositioning of ballasts already on	9 10 11 12	the mooring rope condition, the bilge water, the drafts and water density, the inclining weights, add-on and go-off items, and record-taking by the personnel involved." So you say that you don't regard the difference
10 11 12 13	the principal dimensions or passenger capacity of the vessel. The change proposed by Cheoy Lee involved no change to the vessel's structure or even weight since it was merely the repositioning of ballasts already on board."	9 10 11 12 13	the mooring rope condition, the bilge water, the drafts and water density, the inclining weights, add-on and go-off items, and record-taking by the personnel involved." So you say that you don't regard the difference shown in this case to be unusual or significant?
10 11 12 13 14	the principal dimensions or passenger capacity of the vessel. The change proposed by Cheoy Lee involved no change to the vessel's structure or even weight since it was merely the repositioning of ballasts already on board." Is that right?	9 10 11 12 13 14	 the mooring rope condition, the bilge water, the drafts and water density, the inclining weights, add-on and go-off items, and record-taking by the personnel involved." So you say that you don't regard the difference shown in this case to be unusual or significant? A. Yes.
10 11 12 13 14 15	 the principal dimensions or passenger capacity of the vessel. The change proposed by Cheoy Lee involved no change to the vessel's structure or even weight since it was merely the repositioning of ballasts already on board." Is that right? A. (In English) Yes. 	9 10 11 12 13 14 15	 the mooring rope condition, the bilge water, the drafts and water density, the inclining weights, add-on and go-off items, and record-taking by the personnel involved." So you say that you don't regard the difference shown in this case to be unusual or significant? A. Yes. Q. Then you say:
10 11 12 13 14 15 16	 the principal dimensions or passenger capacity of the vessel. The change proposed by Cheoy Lee involved no change to the vessel's structure or even weight since it was merely the repositioning of ballasts already on board." Is that right? A. (In English) Yes. Q. "In these circumstances, I would not have asked the ship 	9 10 11 12 13 14 15 16	 the mooring rope condition, the bilge water, the drafts and water density, the inclining weights, add-on and go-off items, and record-taking by the personnel involved." So you say that you don't regard the difference shown in this case to be unusual or significant? A. Yes. Q. Then you say: "In any event, the purpose of the inclining
10 11 12 13 14 15 16 17	 the principal dimensions or passenger capacity of the vessel. The change proposed by Cheoy Lee involved no change to the vessel's structure or even weight since it was merely the repositioning of ballasts already on board." Is that right? A. (In English) Yes. Q. "In these circumstances, I would not have asked the ship inspector to redo the stability calculations. I would 	9 10 11 12 13 14 15 16 17	 the mooring rope condition, the bilge water, the drafts and water density, the inclining weights, add-on and go-off items, and record-taking by the personnel involved." So you say that you don't regard the difference shown in this case to be unusual or significant? A. Yes. Q. Then you say: "In any event, the purpose of the inclining experiment and stability calculations is to verify the
10 11 12 13 14 15 16 17 18	 the principal dimensions or passenger capacity of the vessel. The change proposed by Cheoy Lee involved no change to the vessel's structure or even weight since it was merely the repositioning of ballasts already on board." Is that right? A. (In English) Yes. Q. "In these circumstances, I would not have asked the ship inspector to redo the stability calculations. I would have only asked him to do so in the case of a new vessel 	9 10 11 12 13 14 15 16 17 18	 the mooring rope condition, the bilge water, the drafts and water density, the inclining weights, add-on and go-off items, and record-taking by the personnel involved." So you say that you don't regard the difference shown in this case to be unusual or significant? A. Yes. Q. Then you say: "In any event, the purpose of the inclining experiment and stability calculations is to verify the stability of vessel in its present condition, and so
10 11 12 13 14 15 16 17 18 19	 the principal dimensions or passenger capacity of the vessel. The change proposed by Cheoy Lee involved no change to the vessel's structure or even weight since it was merely the repositioning of ballasts already on board." Is that right? A. (In English) Yes. Q. "In these circumstances, I would not have asked the ship inspector to redo the stability calculations. I would have only asked him to do so in the case of a new vessel or an existing vessel involving major modification." 	9 10 11 12 13 14 15 16 17 18 19	 the mooring rope condition, the bilge water, the drafts and water density, the inclining weights, add-on and go-off items, and record-taking by the personnel involved." So you say that you don't regard the difference shown in this case to be unusual or significant? A. Yes. Q. Then you say: "In any event, the purpose of the inclining experiment and stability calculations is to verify the stability of vessel in its present condition, and so discrepancies between the present and previous
10 11 12 13 14 15 16 17 18 19 20	 the principal dimensions or passenger capacity of the vessel. The change proposed by Cheoy Lee involved no change to the vessel's structure or even weight since it was merely the repositioning of ballasts already on board." Is that right? A. (In English) Yes. Q. "In these circumstances, I would not have asked the ship inspector to redo the stability calculations. I would have only asked him to do so in the case of a new vessel or an existing vessel involving major modification." A. (In English) Yes. 	9 10 11 12 13 14 15 16 17 18 19 20	 the mooring rope condition, the bilge water, the drafts and water density, the inclining weights, add-on and go-off items, and record-taking by the personnel involved." So you say that you don't regard the difference shown in this case to be unusual or significant? A. Yes. Q. Then you say: "In any event, the purpose of the inclining experiment and stability calculations is to verify the stability of vessel in its present condition, and so discrepancies between the present and previous measurements, unless they are so 'off the mark' as to
10 11 12 13 14 15 16 17 18 19 20 21	 the principal dimensions or passenger capacity of the vessel. The change proposed by Cheoy Lee involved no change to the vessel's structure or even weight since it was merely the repositioning of ballasts already on board." Is that right? A. (In English) Yes. Q. "In these circumstances, I would not have asked the ship inspector to redo the stability calculations. I would have only asked him to do so in the case of a new vessel or an existing vessel involving major modification." A. (In English) Yes. Q. Then you say: 	9 10 11 12 13 14 15 16 17 18 19 20 21	 the mooring rope condition, the bilge water, the drafts and water density, the inclining weights, add-on and go-off items, and record-taking by the personnel involved." So you say that you don't regard the difference shown in this case to be unusual or significant? A. Yes. Q. Then you say: "In any event, the purpose of the inclining experiment and stability calculations is to verify the stability of vessel in its present condition, and so discrepancies between the present and previous measurements, unless they are so 'off the mark' as to suggest that there may be problems in the integrity of
10 11 12 13 14 15 16 17 18 19 20 21 22	 the principal dimensions or passenger capacity of the vessel. The change proposed by Cheoy Lee involved no change to the vessel's structure or even weight since it was merely the repositioning of ballasts already on board." Is that right? A. (In English) Yes. Q. "In these circumstances, I would not have asked the ship inspector to redo the stability calculations. I would have only asked him to do so in the case of a new vessel or an existing vessel involving major modification." A. (In English) Yes. Q. Then you say: " I believe that prior to my vetting of the 	9 10 11 12 13 14 15 16 17 18 19 20 21 22	 the mooring rope condition, the bilge water, the drafts and water density, the inclining weights, add-on and go-off items, and record-taking by the personnel involved." So you say that you don't regard the difference shown in this case to be unusual or significant? A. Yes. Q. Then you say: "In any event, the purpose of the inclining experiment and stability calculations is to verify the stability of vessel in its present condition, and so discrepancies between the present and previous measurements, unless they are so 'off the mark' as to suggest that there may be problems in the integrity of the calculations, is not in general a matter of
10 11 12 13 14 15 16 17 18 19 20 21 22 23	 the principal dimensions or passenger capacity of the vessel. The change proposed by Cheoy Lee involved no change to the vessel's structure or even weight since it was merely the repositioning of ballasts already on board." Is that right? A. (In English) Yes. Q. "In these circumstances, I would not have asked the ship inspector to redo the stability calculations. I would have only asked him to do so in the case of a new vessel or an existing vessel involving major modification." A. (In English) Yes. Q. Then you say: " I believe that prior to my vetting of the Stability Booklet, I would have had (i) the Stability 	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 the mooring rope condition, the bilge water, the drafts and water density, the inclining weights, add-on and go-off items, and record-taking by the personnel involved." So you say that you don't regard the difference shown in this case to be unusual or significant? A. Yes. Q. Then you say: "In any event, the purpose of the inclining experiment and stability calculations is to verify the stability of vessel in its present condition, and so discrepancies between the present and previous measurements, unless they are so 'off the mark' as to suggest that there may be problems in the integrity of the calculations, is not in general a matter of concern."
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	 the principal dimensions or passenger capacity of the vessel. The change proposed by Cheoy Lee involved no change to the vessel's structure or even weight since it was merely the repositioning of ballasts already on board." Is that right? A. (In English) Yes. Q. "In these circumstances, I would not have asked the ship inspector to redo the stability calculations. I would have only asked him to do so in the case of a new vessel or an existing vessel involving major modification." A. (In English) Yes. Q. Then you say: " I believe that prior to my vetting of the Stability Booklet, I would have had (i) the Stability Booklet and (ii) the stability booklets from the 	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	 the mooring rope condition, the bilge water, the drafts and water density, the inclining weights, add-on and go-off items, and record-taking by the personnel involved." So you say that you don't regard the difference shown in this case to be unusual or significant? A. Yes. Q. Then you say: "In any event, the purpose of the inclining experiment and stability calculations is to verify the stability of vessel in its present condition, and so discrepancies between the present and previous measurements, unless they are so 'off the mark' as to suggest that there may be problems in the integrity of the calculations, is not in general a matter of concern."
10 11 12 13 14 15 16 17 18 19 20 21 22 23	 the principal dimensions or passenger capacity of the vessel. The change proposed by Cheoy Lee involved no change to the vessel's structure or even weight since it was merely the repositioning of ballasts already on board." Is that right? A. (In English) Yes. Q. "In these circumstances, I would not have asked the ship inspector to redo the stability calculations. I would have only asked him to do so in the case of a new vessel or an existing vessel involving major modification." A. (In English) Yes. Q. Then you say: " I believe that prior to my vetting of the Stability Booklet, I would have had (i) the Stability 	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 the mooring rope condition, the bilge water, the drafts and water density, the inclining weights, add-on and go-off items, and record-taking by the personnel involved." So you say that you don't regard the difference shown in this case to be unusual or significant? A. Yes. Q. Then you say: "In any event, the purpose of the inclining experiment and stability calculations is to verify the stability of vessel in its present condition, and so discrepancies between the present and previous measurements, unless they are so 'off the mark' as to suggest that there may be problems in the integrity of the calculations, is not in general a matter of concern."

Page 33

Page 35

	Page 37		Page 39
1	"When I vetted the Stability Booklet, I would have	1	be sufficient if the calculation specified in
2	considered the purpose of the exercise, which was to add	2	paragraph 1 shows that, after the assumed damage, the
3	height to the ballasts already installed. [For this	3	condition of the ship as follows
4	purpose] I would have looked at the residual value of	4	(1) In the event of symmetrical flooding"
5	the transverse metacentric height ('GMT') in damage	5	And then (a), (b) and (c) describe the stability at
6	conditions, which in any case must be a positive figure	6	different stages of flooding: (a) at all stages; (b) at
7	equals to or in excess of 0.05 metres, and also compared	7	intermediate stages; (c) at the final stage. Do you see
8	the 2005 calculations against the 1998 calculations to	8	that?
9	see if they disclose a consistent trend. In the present	9	A. Yes.
10	case, the Stability Booklet shows that there is	10	Q. I'm particularly interested in (c), "at the final stage
11	substantial residual margin in GMT and no inconsistency	11	of flooding". It says:
12	between the 2005 calculations and the 1998	12	" the margin line shall not be submerged and
13	calculations."	13	there shall be a positive residual metacentric height of
14	A. Yes.	14	at least 50 mm as calculated by the constant
15	Q. Can I please show you a fax dated 1 August 1994 from the		displacement method."
16		16	•
17	Marine Department to a surveyor in Singapore. It's		A. Yes.
18	page 2081. A. Yes.	17 18	Q. Do you agree that that reflected the practice in
			relation to local vessels when you were carrying out
19 20	Q. This fax is describing the stability requirements for	19	your vetting of the Stability Booklet?
20	a passenger vessel operating in Hong Kong waters at that	20	A. Yes.
	time. You see at paragraph 3 it says:	21	Q. You say that you looked at the residual value of the
22	"For every vessel carrying more than 100 passengers,	22	GMT, but you don't say anything about checking to see
23	the watertight subdivision (one-compartment flooding)	23	whether the margin line would not be submerged.
24	requirements are to be complied with. (see attached	24	If you need it on the screen, it's page 2085, the
25	copies, schedules 1 and 3)."	25	top right-hand part of the page, condition (c). You see
	Page 38		Page 40
1	Attached are schedules 1 and 3 to Legal Notice 325	1	for the intact stability of the ship to be deemed to be
2	of 1991. This notice became the Merchant Shipping	2	sufficient at the final stage of flooding, there are two
3	(Safety) (Passenger Ship Construction and Survey) (Ships	3	conditions. One is the positive residual metacentric
4	Built On or After 1 September 1984) Regulations,	4	height of at least 50 mm, and the other is that the
5	Cap 369AM.	5	margin line shall not be submerged.
6	Are you familiar with these schedules?	6	A. Yes, I can see it.
7	A. (In English) No.		
8		7	Q. So my question to you is, would you have looked to see
1	Q. So you were not aware that these applied to the	8	Q. So my question to you is, would you have looked to see if the margin line would not be submerged? Did you
9	Q. So you were not aware that these applied to the regulation of local vessels in 2005; is that right?		Q. So my question to you is, would you have looked to see if the margin line would not be submerged? Did you check for that?
9 10	Q. So you were not aware that these applied to the regulation of local vessels in 2005; is that right?A. I haven't seen that fax.	8 9 10	Q. So my question to you is, would you have looked to see if the margin line would not be submerged? Did you check for that?A. Yes, I will look into it.
9 10 11	Q. So you were not aware that these applied to the regulation of local vessels in 2005; is that right?A. I haven't seen that fax.Q. What about the schedules to Cap 369AM? I should draw	8 9 10 11	Q. So my question to you is, would you have looked to see if the margin line would not be submerged? Did you check for that?A. Yes, I will look into it.Q. Because if you had looked at that, Mr Liu, I suggest
9 10 11 12	Q. So you were not aware that these applied to the regulation of local vessels in 2005; is that right?A. I haven't seen that fax.Q. What about the schedules to Cap 369AM? I should draw your attention to the fact that schedule 3 has	8 9 10 11 12	Q. So my question to you is, would you have looked to see if the margin line would not be submerged? Did you check for that?A. Yes, I will look into it.Q. Because if you had looked at that, Mr Liu, I suggest that you would have found that the vessel would have
9 10 11 12 13	 Q. So you were not aware that these applied to the regulation of local vessels in 2005; is that right? A. I haven't seen that fax. Q. What about the schedules to Cap 369AM? I should draw your attention to the fact that schedule 3 has an amendment, if you look at page 2085. The assumed 	8 9 10 11	Q. So my question to you is, would you have looked to see if the margin line would not be submerged? Did you check for that?A. Yes, I will look into it.Q. Because if you had looked at that, Mr Liu, I suggest that you would have found that the vessel would have sunk.
9 10 11 12 13 14	 Q. So you were not aware that these applied to the regulation of local vessels in 2005; is that right? A. I haven't seen that fax. Q. What about the schedules to Cap 369AM? I should draw your attention to the fact that schedule 3 has an amendment, if you look at page 2085. The assumed damage has been changed in paragraph 1(3)(a) to what's 	8 9 10 11 12	Q. So my question to you is, would you have looked to see if the margin line would not be submerged? Did you check for that?A. Yes, I will look into it.Q. Because if you had looked at that, Mr Liu, I suggest that you would have found that the vessel would have sunk.MR MOK: Under what condition is my learned friend referring
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	Page 41		Page 43
1	Condition 1 is the first inclining, new	1	used the words "Vessel sinking", as you can see. So
2	construction. Condition 2 is second inclining, with the	2	perhaps, when my learned friend puts this proposition,
3	addition of 8.25 tonnes of lead ballast. Condition 3 is	3	I'm not sure that this is a correct proposition to put
4	the third inclining, with the raising of 8.25 tonnes of	4	to the witness.
5	ballast by 10 inches.	5	THE CHAIRMAN: Very well. Thank you for pointing that out.
6	That's as far as we need to go.	6	You have the advantage of knowing how it is, perhaps,
7	Then if we look along the top, we see columns for	7	that Dr Peter Cheng intends to define these terms.
8	"Fully Loaded Condition", the steering gear compartment	8	MR MOK: Yes. That's my understanding, and that's why
9	and the tank room, checked together; the engine room;	9	I think he's put it in those terms. But again, we
10	the crew space; the void compartment; and the fore peak.	10	haven't seen it yet.
11	Then we have two different lots of criteria. One	11	THE CHAIRMAN: Yes. When are we to receive this draft
12	appears to be the Marine Department criteria, and the	12	report?
13	other one appears to be Mr Cheng's criteria.	13	MR MOK: I was expecting, actually, a draft to be ready
14	But on the assumption that the steering gear	14	today but up to now, I haven't got it yet.
15	compartment and the tank room are damaged under	15	THE CHAIRMAN: Very well.
16	condition 3, we see that on both criteria, the question	16	Mr Beresford?
17	of whether the requirement of margin line submerging is	17	MR BERESFORD: Mr Liu, obviously I'm not asking you to
18	not complied with.	18	verify Dr Cheng's calculations. But on the point that's
19	Do you see that, Mr Liu?	19	just been made about the difference between "Not
20	A. (In English) Yes, I see that.	20	complied" and "Vessel sinking", of course the margin
21	THE CHAIRMAN: I think it's only fair to the witness that we		line is a margin, isn't it? It's a margin of safety?
22	give him some explanation about the nature of this		A. (In English) Yes.
23	material.	23	
24	This is material that's been provided by the	24	that right?
25	Commission in advance of our receiving a draft report or	25	A. (In English) Yes.
	Page 42		Page 44
1	-	1	Page 44 Q. What I want to afford you an opportunity to do is to
1 2	Page 42 a report which we will then consider as to whether or not we receive, and we've been given raw data that	1 2	
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 a report which we will then consider as to whether or not we receive, and we've been given raw data that apparently is provided to support what is a conclusion the couple of pages that are now on the screen. Do you understand? And Dr Peter Cheng is a naval architect, so we understand. Mr Mok, who appears, amongst others, for the Marine Department, has invited us to permit him to call this witness so that the Commission can receive this prospective evidence. Do you understand? A. Yes. THE CHAIRMAN: We are as yet to be provided with this draft expert's report. So it's on the basis of what's provided as the results page, which is what I've called it, that this proposition is being put to you. Do you understand? A. Yes. THE CHAIRMAN: Yes, Mr Beresford? MR MOK: Mr Chairman, I wonder if this proposition is not put prematurely, because when my learned friend refers to that particular column, where it says "Margin Line Submerged or not", with the words "Not complied", all it 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 Q. What I want to afford you an opportunity to do is to show us where in this Stability Booklet at page 668 the question of whether the margin line was submerged or not has been addressed. Can the witness please be provided with a hard copy of the document. THE CHAIRMAN: Yes. That's obviously an easier way to peruse it. MR BERESFORD: Take your time, Mr Liu. THE CHAIRMAN: How many pages is the witness being invited to look at? MR BERESFORD: This is a more substantial document than the previous versions, Mr Chairman. It runs from pages 668 to 724. If you're minded to take the break now, that might be very helpful. THE CHAIRMAN: That's what I have in mind. MR MOK: Mr Chairman, perhaps the witness can be directed to from page 697 onwards, where it talks about damage cases. THE CHAIRMAN: Yes. Certainly he can be. No doubt this is a document he has some familiarity with. Mr Liu, we're going to take a break now for

	Page 45		Page 47
1	document to address the question you're being asked,	1	a compartment at the stern called steering gear
2	whether or not the issue of the margin line is addressed	2	compartment.
3	in any way in this Stability Booklet. Do you	3	THE CHAIRMAN: Do you agree?
4	understand?	4	A. (In English) Yes.
5	A. (In English) Yes.	5	MR BERESFORD: Thank you. Returning to page 697.
6	THE CHAIRMAN: 20 minutes, then.	6	A. (In English) Yes.
7	(11.35 am)	7	Q. You were explaining that this page related to Damage
8	(A short break)	8	Case 1, as appears in the title, "After Peak damaged",
9	(11.55 am)	9	or flooded.
10	THE CHAIRMAN: Mr Beresford?	10	A. (In English) Yes.
11	MR BERESFORD: Thank you, Mr Chairman.	11	Q. Then you were going to go on?
12	Mr Liu, did you find any evidence in the Stability	12	A. (In English) Yes. On the next page.
13	Booklet?	13	Sorry.
14	A. (In English) Yes.	14	A. On page 699.
15	Q. Where is it, please?	15	Q. Yes.
16	A. It is in the stability calculation in the year 2005.		A. (Chinese spoken).
17	Q. Yes, but can you help us, please, identify in the		THE CHAIRMAN: Before we get to page 699, the title is at
18	Stability Booklet?	18	page 698, is it not? It's "Damage Case 2: Tank Space
19	A. It could be found in Damage Case 1 on page 697.	19	damaged"?
20	Q. Where is that, please?	20	A. (In English) Yes.
21	A. It is in the "Floating Status" in the middle of the	21	THE CHAIRMAN: Thank you.
22	stage.	22	A. Same at "Floating Status". You can also find at
23	Q. Could you explain to us how that works, please?	23	column 1, "Draft FP", "Draft MS" and "Draft AP".
24	A. In the first column, you can find "Draft FP", "Draft MS"	24	MR BERESFORD: Yes. Can you tell us, please, Mr Liu, what
25	and "Draft AP". Those are the positions of the vessel,	25	"FP", "MS" and "AP" stand for?
	Page 46		Page 48
1	the position of the draft when the compartment is	1	A. (In English) "FP" is forward perpendicular. "MS" stands
2	flooded. Using this to compare the depth of the vessel,	2	for midship. "AP" is aft perpendicular.
3	it has far exceeded the requirement of the margin line.	3	Q. Just going back to the calculations relating to the
4	This is in relation to the first aft compartment, the	4	after peak on page 697. Can you explain why the draft
5	flooding of the aft compartment.	5	at the forward perpendicular is less than the draft at
6	Q. Sorry, before you go on, Mr Liu, we can see that in the	6	the aft perpendicular, when it's the after peak that's
7	diagram, can we not, in the shaded part, above the words	7	damaged?
8	"Fluid Legend"?	8	A. Can you repeat your question?
9	A. Yes.	9	Q. Yes. Could you please explain why the draft at the
10	Q. And the shading more or less corresponding to the length	10	forward perpendicular, which is stated to be
11	of the "Fluid" equates, does it not, to the after peak	11	0.939 metres, is less than the draft at the aft
12	referred to? And do you agree that	12	perpendicular, which is stated to be 1.443 metres?
13	THE CHAIRMAN: Well, deal with that question first.	13	A. Because the aft peak tank was flooded.
14	Does it refer here to the after peak only?	14	Q. So can you help us understand what this means? Where is
15	A. It is a calculation in relation to the flooding of the	15	the aft perpendicular? If it helps, you can refer to
16	aft peak.	16	the General Arrangement plan on page 670.
17	THE CHAIRMAN: What is the aft peak, as you understand it?	17	A. (In English) If you look at page 670, the aft
18	A. It is a compartment at the aft of the vessel.	18	perpendicular in the profile can you look at the
19	THE CHAIRMAN: Is it the steering compartment only?	19	profile?
20	A. Yes.	20	Q. Yes?
21	THE CHAIRMAN: Thank you.	21	A. The aft end. THE CHAIRMAN: You want to zoom in?
22	Yes, Mr Beresford.	22	THE CHAIRMAN: You want to zoom in?
23	MR BERESFORD: You can compare it, if you like, with the	23	A. (In English) Yes. MP REPESEORD: Can we zeem in on the off and of the profile.
24 25	General Arrangement plan at page 670 at the beginning of	24	MR BERESFORD: Can we zoom in on the aft end of the profile,
1 / 7	this booklet. And the underdeck plan, we see	25	please.

	Page 49		Page 51
1	A. (In English) Okay. The aft perpendicular is at the line	1	MR BERESFORD: Thank you, Mr Chairman.
2	on the rudder. There's a line on the rudder.	2	You say in your statement, do you not, that you were
3	Q. Yes, I see.	3	aware of what is commonly referred to as the 0.1L?
4	A. (In English) Normally, the aft perpendicular is on that	4	A. (In English) Yes.
5	line.	5	Q. So doesn't that mean that you should disregard the
6	Q. So that is just forward of the centre of the steering	6	bulkhead between the after peak and the tank space in
7	gear compartment?	7	making these calculations?
8	A. Yes.	8	A. (In English) Can you repeat?
9	Q. And where in relation to the hull and the deck is the	9	Q. Yes. Doesn't the requirement commonly referred to as
10	measurement of 1.443 metres?	10	0.1L mean that you should disregard the bulkhead between
11	A. (In English) It would be measured from the baseline or	11	the after peak or the steerage gear compartment and the
12	the lowest part of the vessel, to the waterline.	12	tank room, because the steerage gear compartment is less
13	Q. To the waterline?	13	than 10 per cent of the length of the vessel?
14	A. (In English) Yes.	14	A. (In English) But in this case, when I consider this
15	Q. So when that refers to the draft, is that telling us how	15	Stability Booklet, because this is not a new
16	much is flooded, how much water there is in there? Is	16	construction or modification, I will not consider that
17	that telling us that the waterline will be 1.443 metres	17	this requirement have to take into my consideration
18	above the baseline?	18	during my vetting.
19	A. (In English) Yes.	19	THE CHAIRMAN: Sorry, keep your voice up and speak closer to
20	Q. Are you able to tell from this document where that would	20	the microphone, if you would.
21	be without any flooding? Perhaps I can ask the question		A. (In English) Because in my vetting, the vessel was
22	in another way. How can we tell that that exceeds the	22	already built for a long time. And there was no major
23	requirement of the margin line?	23	modification of the vessel. There is no structure
24	A. (In English) Margin line is 76 mm.	24	change. It's just because of the ballast weight was
25	Q. Down from the deck?	25	lifted. And I based on the previous stability booklet,
	Page 50		Page 52
1	A. (In English) Down from the deck side.	1	which is also same condition like the one submitted to
2	Q. So how do we make the connection? How do we understand	2	me. So I assume that the bulkhead between the steering
3	this figure to be in excess of that requirement?	3	gear compartment and the tank room is watertight.
4	A. (In English) It's a simple calculation. Because the	4	THE CHAIRMAN: You assumed that? Just a moment,
5	depth, the total depth of the vessel, is 2.88.	5	Mr Beresford. You assumed that; have I got that right?
6	Q. Where do we find that, please?	6	A. (In English) I assumed that because there's no mention
7	A. (In English) Page 671.	7	that any modification to the vessel, for the submission.
8	Q. Thank you.	8	THE CHAIRMAN: So you worked on the assumption that there
9	THE CHAIRMAN: Mr Liu, so that I can understand what the	9	was a watertight door in this bulkhead? Is that what
10	Damage Stability Booklet is addressing, page 697, is	10	I'm to understand you as saying?
11	that a consideration of the steering compartment only	11	A. (In English) Can you repeat?
12	being damaged and flooded?	12	THE CHAIRMAN: I'll leave it to you.
13	A. (In English) Yes.	13	MR BERESFORD: Perhaps it would be fair to the witness to
14	THE CHAIRMAN: And then at page 698, is that a consideration	14	ask if you worked on the assumption that the bulkhead
15	of the tank space being damaged only?	15	was watertight.
16	A. (In English) Yes.	16	A. (In English) Yes.
17	THE CHAIRMAN: Not the steering compartment as well?	17	Q. Does that imply that if there were any access opening,
18	A. (In English) No.	18	it would be fitted with a watertight appliance?
	THE CHAIRMAN: So what's the position, then, if there's no	19	A. (In English) Yes.
20	door in the space between the tank room and steering	20	Q. But my question is you is slightly different. Even if
21	compartment? Is there any calculation of that?	21	the bulkhead was watertight, shouldn't you have
	A. (In English) If the	22	disregarded it if the length of the steerage gear
1 - ·	THE CHAIRMAN: In this booklet, do any of these damage case	23	compartment was less than 10 per cent of the vessel?
23			
24	scenarios examine that position? A. (In English) No.	24 25	A. (In English) As I said, the vessel was already built and also

	Page 53		Page 55
1	Q. Can you just answer the question. Should you have	1	Mr Grossman?
2	disregarded it?	2	MR GROSSMAN: I have no questions.
3	A. (In English) If it's less than 10.	3	MR SUSSEX: I have no questions for this witness.
4	Q. You should?	4	MR MOK: No questions, thank you.
5	A. (In English) Yes.	5	THE CHAIRMAN: Mr Liu, thank you for coming to assist us by
6	Q. But you didn't because you relied on what had gone	6	giving the testimony that you have done. Your evidence,
7	before?	7	at least for the moment, is complete. I say "for the
8	A. (In English) Sorry?	8	moment" because it may be appropriate to have you
9	Q. You relied on what had gone before?	9	recalled when we have the information that you've heard
10	A. (In English) Yes.	10	us asking for. But if you are to be recalled, then
11	MR BERESFORD: Thank you. Please wait there.	11	we'll inform you. For the moment, you're free to go.
12	THE CHAIRMAN: Mr Beresford, are we to be provided with	12	You may, of course, stay in the public gallery and
13	information as to the extent of the non-compliance with	13	listen to the proceedings. Thank you for helping us.
14	the margin line?	14	(The witness withdrew)
15	MR BERESFORD: Yes, I believe we are. Well, I think we have	15	MR BERESFORD: Mr Chairman, the next witness is Louk
16	it in Peter Cheng's results. No, we don't. No, I see.	16	Hon-ying.
17	THE CHAIRMAN: No, it simply says it doesn't comply.	17	MR LOUK HON-YING (sworn in Punti)
18	MR BERESFORD: Yes.	18	(All answers via interpreter unless otherwise indicated)
19	THE CHAIRMAN: But it doesn't use, as Mr Mok has pointed	19	Examination by MR BERESFORD
20	out, the term "sinking". So is somebody doing	20	MR BERESFORD: Mr Louk, thank you very much for coming this
21	a calculation as to the extent to which this margin line	21	morning to assist the Commission with its Inquiry.
22	was breached?	22	I have some questions to ask you on behalf of the
23	MR BERESFORD: I believe that has been done and can be	23	Commission.
24	provided.	24	You've previously made a statement in connection
25	MR PAO: Mr Chairman, my client is also doing that	25	with this matter, I believe, which we can find in our
	Page 54		Page 56
1	Page 54 calculation.	1	Page 56 marine bundle 11 at pages 3999 to 4002.
1 2		1 2	
	calculation.		marine bundle 11 at pages 3999 to 4002.
2	calculation. THE CHAIRMAN: Thank you. And no doubt Mr Peter Cheng is	2	marine bundle 11 at pages 3999 to 4002. Do you have a copy of that statement in front of
2 3	calculation. THE CHAIRMAN: Thank you. And no doubt Mr Peter Cheng is doing the same?	2 3	marine bundle 11 at pages 3999 to 4002. Do you have a copy of that statement in front of you?
2 3 4	calculation. THE CHAIRMAN: Thank you. And no doubt Mr Peter Cheng is doing the same? MR MOK: Yes.	2 3 4	marine bundle 11 at pages 3999 to 4002.Do you have a copy of that statement in front of you?A. (In English) Yes.
2 3 4 5	calculation. THE CHAIRMAN: Thank you. And no doubt Mr Peter Cheng is doing the same? MR MOK: Yes. THE CHAIRMAN: Or has done?	2 3 4 5	marine bundle 11 at pages 3999 to 4002.Do you have a copy of that statement in front of you?A. (In English) Yes.Q. Do you recognise your signature on that statement?
2 3 4 5	calculation.THE CHAIRMAN: Thank you. And no doubt Mr Peter Cheng is doing the same?MR MOK: Yes.THE CHAIRMAN: Or has done?MR MOK: I think he's already done all the calculation.	2 3 4 5 6	marine bundle 11 at pages 3999 to 4002.Do you have a copy of that statement in front of you?A. (In English) Yes.Q. Do you recognise your signature on that statement?A. (In English) Yes.
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2 3 4 5 6 7 8	 calculation. THE CHAIRMAN: Thank you. And no doubt Mr Peter Cheng is doing the same? MR MOK: Yes. THE CHAIRMAN: Or has done? MR MOK: I think he's already done all the calculation. THE CHAIRMAN: Yes. MR MOK: Maybe he hasn't put all the data in the summary table. THE CHAIRMAN: No. Well, it is a summary. 	2 3 4 5 6 7 8	 marine bundle 11 at pages 3999 to 4002. Do you have a copy of that statement in front of you? A. (In English) Yes. Q. Do you recognise your signature on that statement? A. (In English) Yes. Q. Have you had an opportunity today to remind yourself of what it says?
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	Page 57		Page 59
1	Q. Then you joined Mardep in 1993 as an assistant ship	1	A. (In English) Yes.
2	inspector in the Local Vessels Safety Section?	2	Q. This is the first item, is it not? The hull is
3	A. (In English) Yes.	3	described the shell, as aluminium plating.
4	Q. Later you were posted to the Government New Construction	4	A. This refers to the general material of the vessel. It
5	Section, and in 1993 you were transferred back to the	5	is either steel or wood or fibreglass. But in this
6	Local Vessels Safety Section as a ship inspector, where	6	case, it was made of aluminium. That is why I put down
7	you remained until 2010?	7	"Al".
8	A. (In English) Yes.	8	Q. Yes.
9	Q. Thank you. Your duties in the Local Vessels Safety	9	A. And since this survey is applicable every year, so
10	Section included, amongst other things, liaising with	10	I have also made a remark that hull gauging has been
11	shipbuilders or shipowners, vessel inspection and the	11	reported.
12	valuation of detained craft?	12	Q. The remark says "Hull gauging report to be submitted at
13	A. (In English) Yes.	13	final"; is that right?
14	Q. You've made your statement to explain your role as ship	14	A. (In English) Yes.
15	inspector in the inspection of the lifting of the lead	15	Q. So when was "final"?
16	ballast installed in the steering gear compartment in	16	A. "Final survey" refers to a survey conducted at sea when
17	the tank room of Lamma IV; is that right?	17	all the items to be surveyed have been completed.
18	A. (In English) Yes.	18	Q. Is that reflected on the next page, page 849?
19	Q. You said you don't have any clear recollection of the	19	A. Yes. At the fourth penultimate line, there's a date of
20	circumstances of the above inspection, so what you tell	20	the final survey, and somebody has completed that.
21	us is based on your inspection of the documents?	21	Q. At the top of that page, we see "Hull gauging" and
22	A. (In English) Yes.	22	under "2005", there's a tick?
23	Q. You refer to the inspection record form MO 540 which we	23	A. (In English) Yes.
24	can see in marine bundle 4 at page 847.	24	Q. Did you do the hull gauging test yourself?
25	A. Not that one.	25	A. In conjunction with the shipyard.
	Page 58		Page 60
1	Q. You've told us that this shows that you oh, not that	1	THE CHAIRMAN: Where was the vessel when this test was done?
2	one.	2	A. On shore.
3	Just give us a moment while we find it, please,	3	MR BERESFORD: Where geographically was that? Where is the
4	Mr Louk.	4	shipyard that you attended?
5	A. It should be on page 848.	5	A. It should be Cheoy Lee.
6	THE CHAIRMAN: Thank you.	6	Q. In Lantau?
7	MR BERESFORD: Thank you very much, Mr Louk.		A. (In English) Stonecutters Island.
8	You say that this shows that you carried out the	8	Q. Can we please have a look at the document at marine
9 10	quadrennial survey of Lamma IV on 16 June 2005, that's	9 10	bundle 4, page 654. Do you recognise this document, Mr Louk?
11	at page 848; 29 June 2005 is that apparent from the same page, Mr Louk?	11	A. This should be the hull gauging report.
12	A. (In English) Yes, the same page.	12	Q. So is this your report?
13	Q. And 13 July 2005?	13	A. This report was prepared by the shipyard.
14	A. (In English) Yes, the same page.	14	Q. I see. And was it a report to you?
15	Q. I can see the 13 July 2005 date by the word "Frames".		A. When I conduct the survey, this is provided to me for
16	Can you help us where the reference to 29 June is?	16	reference and I fill in the data with it.
17	A. In item 12, where the reference to "Anchors and Cables"	17	Q. When you say you filled in the data, does that include
18	is, there's a date, 29 June 2005.	18	the figures for hull plate thickness, the 4.5 in circles
19	Q. I see. I think I see another one, do I not, by "Lights	19	that we see?
20	and sound signals", item 29?	20	A. It has been measured.
21	A. (In English) The same.	21	THE CHAIRMAN: By you?
22	Q. Thank you. You say:	22	A. (In English) In conjunction with the shipyard, yes.
23	"On 16 June 2005, I carried out the survey of		THE CHAIRMAN: So are you saying that you were given the
24	Lamma IV against the requirements set out in [this	24	plan with the shape of the ship, and that you then
24 25	form], including a hull gauging test."	25	filled in the numbers? Is that what you're saying?

	Page 61		Page 63
1	A. It is like this. I would be provided with an initial	1	THE CHAIRMAN: So that I understand your evidence, Cheoy Lee
2	plan with the numbers on, and while I was conducting the	2	having cleaned away the paint various places, had they
3	test on the ship, I did random checks on the data in	3	produced results themselves which you then checked at
4	comparison with the previous data, and put in the new	4	random; is that the position?
5	data.	5	A. I would recheck
6	MR BERESFORD: How did you test the hull gauge?	6	THE INTERPRETER: Sorry.
7	A. I did the test with the ultrasonic test gauge of the	7	A. In more than 80 per cent of the cases, I would recheck,
8	shipyard, and in fact it was the shipyard who did the	8	I would do the recheck.
9	test, and I was standing by, standing at their side, to	9	MR MOK: I'm not sure whether the witness is talking about
10	verify it.	10	80 per cent of the cases, or 80 per cent of the area of
11	Q. Do you know how accurate that testing is?	11	the vessel. Can he clarify that?
12	A. Every time the machine was turned on, there is	12	THE CHAIRMAN: Can you clarify that? Are you saying that on
13	a calibration process and it will be set to zero. If	13	this particular vessel, or perhaps it's a general
14	I have any doubt, I will use a real plate and take the	14	practice, you would check 80 per cent of the places
15 16	measurement, and then compare the reading with the	15 16	where the shipyard had measured the thickness?
10 17	result of the gauge. THE CHAIRMAN: What's the name of the device that was used		A. Yes, but as I have mentioned, if there is any area that I find problematic, I would add on to conduct the test.
18	to do this test?	18	And also, since several points were taken for testing on
19	A. I don't know the exact name, but usually we call it the	19	each plate, so if I find that several points on
20	ultrasonic thickness gauge.	20	a certain plate had got the right data, then I may not
21	THE CHAIRMAN: Does it have a brand name?	21	proceed with checking the remaining one or two points.
22	A. (In English) No, sorry.	22	THE CHAIRMAN: So that's what you mean when you told us that
23	THE CHAIRMAN: Since I at least am a novitiate at measuring	23	you took several checks, and then you averaged it? Is
24	the thickness of hulls, would you explain step by step	24	that it?
25	what is done?	25	A. If there is a great discrepancy between the several
	Page 62		Page 64
1	A. First of all, the ship was docked on shore and then the	1	points, then I wouldn't put down the average figure;
2	shipyard would clear the barnacles and the dirt attached	2	I would put down a figure of more than one point.
3	to the hull. Then, since the ship was made with many	3	THE CHAIRMAN: But from what we see here, where there's only
4	plates and not by a single one, the shipyard would take	4	one figure per plate, that wasn't the case in this
5	several points at the welding seams and remove the paint	5	examination; is that right?
6	from there, and then use a measuring gauge to take the	6	A. Yes.
7	measure the thickness and put down the figure, so when	7	THE CHAIRMAN: And finally, could you help me as to this
8	I did the survey, I could refer to it.	8	testing that you watched as Cheoy Lee did, at your
9	So if you refer to the plan, in fact the lines there	9	direction, how long did it take?
10	refer to the weld seam. You can see that only one	10	A. I can only answer your question in general and not for
11	figure was inserted here, but in fact I did a random	11	this particular vessel, because of the lapse of time.
12	check on several points, but I take the average figure	12	But usually, for this kind of test, it takes more than
13	and put that in. The shipyard would take me there, and	13	60 minutes.
14	I would take the random check on the figures on each	14	THE CHAIRMAN: Thank you.
15 16	plate, and if I find that the figure is correct, then such figure would be recorded on the plan.	15 16	Yes, Mr Beresford. MR BERESFORD: Thank you, Mr Chairman.
10 17	THE CHAIRMAN: The ultrasonic thickness gauge that was used,	17	Mr Beresford. Thank you, Mr Chairman. Mr Louk, when you got these results that we see from
17 18	was that provided by Cheoy Lee?	18	page 654, the results that we see up on the screen
19	A. (In English) Yes.	19	A. (Chinese spoken).
20	THE CHAIRMAN: And they had in advance of your arrival	20	Q. I haven't asked my question yet.
21	chosen places to test and cleaned away the paint?	21	A. (In English) I'm sorry.
22	A. Yes, but it also but depending on the actual	22	Q. When you got these results, did you compare them with
	,		
23	situation, for instance if I see that there is damage or	23	anything?
	situation, for instance if I see that there is damage or a problem on the side of the hull, then I would ask them	23 24	anything? A. As I have mentioned before, before conducting the test,

	Page 65		Page 67
1	able to tell what report he has given me, but it must be	1	drawings.
2	a report that shows the previous figures for me to	2	Q. Yes. And this drawing shows that the side-plate
3	compare with.	3	thickness was supposed to be at least 5 mm, doesn't it?
4	THE CHAIRMAN: Previous being what?	4	A. Yes, judging from this drawing.
5	A. Because I'm not sure whether the thickness measured is	5	Q. Then we've been shown a letter at page 206 that seems to
6	acceptable to them, so I need to make a comparison to	6	suggest a change in the thickness, if indeed it applies
7		7	to this plating, to 4.83 mm. Do you see that?
	see if it is acceptable. The report I mentioned, the	8	
8	previous report, refers to the very first report that		A. Yes, judging from this letter.
9	was prepared after the completion of the vessel.	9	THE CHAIRMAN: Have you seen the letter before?
10	THE CHAIRMAN: Thank you.	10	A. (In English) No.
11	MR BERESFORD: Can the witness please be given a hard copy		MR BERESFORD: But your survey shows most of the side plates
12	of the document beginning at page 831, tab 165 of marine	12	as being 4.5 mm, in one case 4.4 mm, does it not?
13	bundle 4.		A. Yes. Yes, because according to our requirement, as long
14	If you turn to page 849, we see the tick for	14	as it falls within 10 per cent, it is still acceptable.
15	"Hull gauging" under "2005". We've already looked at	15	Q. So I come back to my question. Would you have compared
16	that on screen.	16	your results with the information on the Marine
17	A. The year 2005?	17	Department's file to see whether it was within 10 per
18	Q. Yes.	18	cent of the original specification?
19	A. (In English) Item 1?	19	A. I am unable to tell which method I used to do the
20	Q. Yes.	20	comparison in the year 2005, but if it is indeed 5 mm as
21	A. (In English) Yes, I tick it. I make the tick.	21	shown on the Shell Expansion plan, and my measurement
22	Q. And then on the previous page, we see your remark,	22	shows 4.5 mm, then it is within the acceptable limit.
23	again, item 1 "Hull: Shell/aluminium plating. Hull	23	If there is any doubt, I would consult my senior or
24	gauging report to be submitted at final."	24	superior.
25	You've explained that. So can you please help us,	25	THE CHAIRMAN: The two methods that you've outlined for this
	Page 66		Page 68
1	looking back before that record at the previous records,	1	comparison, one would be that the shipyard would give
2	and identify where the previous hull gauging, if any,	2	you a report of some measurements that were done at the
3	has taken place?	3	time the vessel was built, or alternatively we'd look at
4	A. I am unable to tell from just this report that is shown	4	the drawings, that is the plans, for the vessel; is that
5	before me.	5	right?
6	Q. Well, we can see from page 846, can't we, that there	6	A. Yes.
7	does not appear to have been any test in 2000, 2001,	7	THE CHAIRMAN: If it was the former that is, Cheoy Lee
8	2002 or 2003?	8	gave you some previous test results at the time the
9	A. As I have put down in my statement, the first hull	9	vessel was built would you have kept a copy?
9 10	1	10	A. Can you repeat your question? Because I'm not sure what
	gauging would not be done until the vessel is eight		
11	years old.	11	your question means.
12	Q. Yes, I see. So yours would have been the first, would	12	THE CHAIRMAN: Yes. If Cheoy Lee had furnished you with
13	it?	13	some test results that came into being at the time when
14	A. Yes.	14	the vessel was built, and you used that as the basis for
15	Q. So there was no previous hull gauging to compare?	15	comparison, would you have kept a copy of the document
16	A. That is why I said I should have a report. But that one	16	they furnished you?
17	was provided was the report of the shipyard when it	17	
18	was first completed.	18	we use the figures shown on the plan but not those on
19	Q. Do you mean that you rely on the shipyard to tell you	19	the report, because the figures on the plan were
20	what the original thickness was?	20	provided by the were endorsed by the Marine
21	A. Yes, but if there is any doubt, I would go back and	21	Department, and I have confidence in those figures.
22	refer to the records myself.	22	THE CHAIRMAN: So are you now excluding the possibility that
23	Q. Would those records include the Shell Expansion drawing	23	Cheoy Lee gave you some results obtained at the time the
	that we can see for example at page 2022	24	ship was built, from actual tests rather than a plan?
24 25	that we can see, for example, at page 202? A. If I have any doubt, I would refer to these kinds of	21	MR MOK: I'm sorry, I think the interpreter translated it to

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1 him as saying he was excluding the possibility that it 1 of the Shell Expansion drawing with you when you were on 2 was a result provided by Chevy Lee, as opposed with he site conducting the test; is that ifjul? 3 THE CHAIRMAN: Yes. It me try agin. A. Yes, because without that been approved by myself. This is our 4 was a result provided with anything from Chevy Lee a base informing that you would have relied on the plans, 6 THE CHAIRMAN: Yes. It me try agin. 9. O the say introposed by myself. This is our 10 case? a samp showing that it had been approved by the Marine 11 A. Are your comparison. On 13 July 2005, you Palan and we would have a copy with us, because it was 11 basis of your comparison. On 13 July 2005, you 10 Department, is that righ? 12 out what he something else. ws: 115 Q. Ves, all right. Would be side. Can we have a look at a copy. 17 out what he something else. ws: 11 A. New board base the dow with the something else. ws: 18 At It should be the Shell Expansion plan with our starge or 11 A. Nonably when 1 dot had load at ac copy. 19 Department, is that starge or 12 11 <t< th=""><th></th><th>Page 69</th><th></th><th>Page 71</th></t<>		Page 69		Page 71
3 excluding the plan. I think it's double negative 3 A. Yes, because without this plan, wouldn't have been 4 witch is coursig some difficulty. 5 5 THE CHAIRMAN: Yes. Let me try again. 5 6 You seem to be changing your evidence. You now seem 6 7 to be saying that you would have relied on the plans, 6 8 rather than being provided with anything from Cheoy Lee 9 9 that were test results conducted earlier. Is that the 9 10 case? 11 A. res you referring to the test results on that occasion, 13 THE CHAIRMAN: No. We're trying to find out what was the 13 Vers, because without fruits be, in the deen approved by the Marine 14 Yes, because without and be to approved by the secause it was that the scing and accey, it would b soluble? 14 15 performed some tests with Cheoy Lee, and you're 16 16 16 comparing it with something else. west 14 Yes, because without fruits be anythere it's 16 comparing it with something else. west 14 West be anythere it's 17 out what the something else. west	1	him as saying he was excluding the possibility that it	1	of the Shell Expansion drawing with you when you were on
4 which is causing some difficulty. 4 able to compare the actual measurement with the previous 5 THE CHAIRMAN: Yes. Let me try again. 5 drawings, and also hist drawing was given to me by the 6 The try again. 5 drawings, and also hist drawing was given to me by the 7 to be saying that you would have relied on the plans, a stamp showing that it had been approved by the Marine. 9 that were test results conducted earlier. Is that the 9 a stamp showing that it had been approved by the Marine. 10 coperative tis statil show the vessel was buil? 11 A. Are you referring to the test results on that occasion, 11 THE CHAIRMAN: No. We're trying to find out what was the 13 Yes, because we wouldh'use we can opy with us, because it was 13 THE CHAIRMAN: Thenk vessel was buil? 14 A. Yes, because we would's use the original copy of the 14 basis of your comparison. On 13 July 2005, you 14 copy, it would be soled. So we bring along a copy. 15 particular time, I am unable to answer. But according 10 Now Tamal practice, Haw and proot the time. 16 MB MOK: I'm sorry, instead of the word "adopted ".1 think *da the stamp your're			2	
5 THE CHAIRMAN: Yes. Let me ty again. 5 drawings, and also this drawing was given to me by the 7 to be saying that you would have relied on the plans, susual practice. 6 shipyard and not brought along by myself. This is our 8 rather than being provided with anything from Cheoy Lee 9 8. Usual practice. 9 0. But you mentioned that you had seen on the drawing. 9 rather than being provided with anything from Cheoy Lee 9. But you mentioned that you had seen on the drawing. 10 case? 10. K. Yes, because we wouldn't use the original copy of the 11 A. Yes, beause we wouldn't use the original Copy. The original Copy of the 11. A. Yes, because we wouldn't use the original Copy of the 12 orthe test results when the vested was built? 12 12 plan and we would have a corginal 13 THE CHAIRMAN: No. We're trying to find out what was tho 13 if Mark Sectares on the drawing. 14 copy. Hut can we have a look at a copy 17 out what the something else. We're trying to find 14 copy. Hut can we have a look at a copy 17 out what the something else. We're trying to find 16 noriginal or a copy. But can we have a look at a copy 16 tout usual practice, this is the case.	3	excluding the plan. I think it's a double negative	3	A. Yes, because without this plan, I wouldn't have been
6 You seem to be changing your evidence. You now seem to be saying that you would have relied on the plans, a rather than being provided with anything from Checy Lee that were test results conducted earlier. Is that the case? 0 OB your mentioned that you had seen on the drawing a stamp showing that it had been approved by the Marine to case? 11 A. Are you referring to the test results on that excasion, 12 1 A. Yes, because we wouldn't use the original copy of the pass of your comparison. On 13 July 2005, you 13 1 A. Yes, because we wouldn't use the original copy of the pass of your comparison. On 13 July 2005, you 14 1 A. Yes, because we wouldn't use the original copy of the pass of your comparison. On 13 July 2005, you 15 1 A. Yes, because we wouldn't use we bring along a copy. 16 10 Department; is that it had bave a copy with use because it was 13 14 14 14 Now, please, it page 202. 16 17 16 16 16 17 16 16 17 16 16 17 16 18 14 18 14 14 14 14 14 16 17 16 16 16 16 16 16 16 16 16 16 16 16 16 16 16 16	4	which is causing some difficulty.	4	able to compare the actual measurement with the previous
7 to be saying that you would have relied on the plans, 8 rather than being provided with anything from Cheoy Lee 9 that were test results conducted earlier. Is that the 10 case? 11 A. Are you referring to the test results on that occasion, 12 or the test results when the vessel was buil? 13 THE CHAIRMAN: No. We're trying to find out what was the 14 basis of your comparison. On 13 July 2005, you 15 performed some tests with Cheoy Lee, and you're 16 comparing it with something else. We're trying to find 17 out what the something else. We're trying to find 17 out what the something else. We're trying to find 18 A. It should be the Shell Expansion plan with our stamp ont. 19 Batt if you ask me whether this plan was adopted at that 20 test meant was that whether it was the actual plan 21 to ur usaal practice, this is the case. 22 that was referred to at that time, rather than 23 TMR MOK: The sory, instead of the word "adopted", 1 thisk 24 THE CHAIRMAN: Yes. Well, I took that as being the meaning. 3 aftemoon. Thank you. 4 <td>5</td> <td>THE CHAIRMAN: Yes. Let me try again.</td> <td>5</td> <td>drawings, and also this drawing was given to me by the</td>	5	THE CHAIRMAN: Yes. Let me try again.	5	drawings, and also this drawing was given to me by the
8 Q. But you mentioned that you had seen on the drawing 9 batt were test results wonducted carlier. Is that the 10 case? 11 A. Are you referring to the test results on the two costaion, 12 or the test results wonducted carlier. Is that the 13 THE CHAIRMAN: No. We're trying to find out what was the 13 in and we would have a copy with us, because it was 14 basis of your comparison. On 13 July 2005, you 14 15 performed some tests with Checy Lee, and you're 15 16 comparing it with something else was. 16 17 ow, please, at pusc 202. 16 18 A. It should be the Shell Expansion plan with our stamp on. 18 19 particular time, I am unable to answer. But according 17 16 21 to our usual practice, this is the case. 21 1. Normally when I do the hall guaging, I would retrieve 22 THE CHAIRMAN: Thank you. 23 Q. Thank you. Can you turn to page - 24 THE CHAIRMAN: Thank you. 24 THE CHAIRMAN: Thank you. 25 Thack you for that. 25 </td <td>6</td> <td>You seem to be changing your evidence. You now seem</td> <td>6</td> <td>shipyard and not brought along by myself. This is our</td>	6	You seem to be changing your evidence. You now seem	6	shipyard and not brought along by myself. This is our
9 that were test results conducted earlier. Is that the 10 case? 10 case? a stamp showing that it had been approved by the Marine 10 12 or the test results on that occasion, 11 A. Yes, because we would have a copy with us, because it was 12 13 THE CHAIRMAN. No. We're trying to find out what was the 13 orongaring it with something else. We're trying to find 14 A. Yes, because we would have a copy with us, because it was 14 14 basis of your comparison. On 13 July 2005, you 14 copy, it would be soiled. So we bring along a copy. 15 15 performed some tests with Cheoy Lee, and you're an original or a copy. But can we have a look at a copy 10 16 comparing it with something else. We're trying to find 11 MK MCK: The sorty, instead of the word "adopted", I think 11 17 now, please, at page 202. 18 Ha the stamp you're referring to? 14 20 Is that the stamp you're referring to? 14 was provided with. That's one that was referred to at that time, rather than 20 15 Ne MCK. 14 Nemaly whether it was the word "adopted", I think 14 14 was provided with. That's one that was copied 14 Nemaly we're solve whet was copied 14 Nemaly whether it was the we're solve wha	7		7	usual practice.
10 case? 10 Department, is that right? 11 A. Are you referring to the test results on that occasion, 11 A. Yes, because we wouldha't use the original cay of the test results when the vessel was buil? 13 THE CHAIRMAN. No. We're trying to find out what was the 11 A. Yes, because we wouldha't use the original cay only it would be solied. So we bring along a copy. 13 THE CHAIRMAN. The We're trying to find out what was the 11 A. Yes, because we wouldha't use the original cay only it would be solied. So we bring along a copy. 14 basis of your comparison. On 13 July 2005, you 12 13 The CHAIRMAN. Theng seles was. 15 out what the something else was. 16 an original or a copy. But ould be as only or copy, it would be as only or copy, it would please focus in on the 19 But if you ask me whether this plan was adopted at that 17 now, please, at page 202. 11 A. Hank MAIRMAN. Thank you. 18 If Mr Secretary could please focus in on the 21 THE CHAIRMAN. Thank you. 20 14 Normally when 1d of the hull gauging, I would retrieve 14 that was referred to at that time, rather than 23 Q. Thank you. Can you turn to page - 21 "Machardane that we can resume at 2.30 this 14	8		8	
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13 THE CHAIRMAN: No. We're trying to find out what was the basis of your comparison. On 13 July 2005, you 13 very dirty at the shipyard and if we used the original 14 basis of your comparison. On 13 July 2005, you 14 copy, it would be soiled. So we bring along a copy. 16 comparing it with something else. We're trying to find 14 copy, it would be soiled. So we bring along a copy. 17 out what the something else. We're trying to find 16 an original or a copy. But can we have a look at a copy 19 But if you ask me whether this plan was adopted at that 19 now, please, at page 202. 16 20 particular time, I am unable to answer. But according 10 16 an original or a copy. But can we have a look at a copy 21 to ur usual practice, this is the case. 20 18 Hat the stamp you're referring to? 23 MR MOK: I'm sorry, instead of the word "adopted". I think 20 Chaoy uc. Can you turn to page 24 THE CHAIRMAN: Thank you. Page 70 Page 72 14 sing that. Yes, Well, I took that as being the meaning. 14 3 Thank you for that. 3 Is that the size document that you were given? 4 A. Thank you.				
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18 A. It should be the Shelf Expansion plan with our stamp on. 18 If Mr Secretary could please focus in on the 19 But if you ask me whether this plan was adopted at that 19 "approved" stamp. 20 nat the stamp you're referring to? 21 to our usual practice, this is the case. 21 A. Normally when I do the hull gauging, I would retrieve 23 MR MCK: I'm sorry, instead of the word "adopted", I think 20 Thank you. Can you turn to page - 24 what he meant was that whether it was the actual plan 25 Checy Lee version, which appears to be what he says he 16 "adopted". 1 was provided with. That's one that was copied 2 THE CHAIRMAN: Yes. Well, I took that as being the meaning. 18 that was rovided to me. 3 Thank you for that. 18 that was provided to me. 19 4 Since it's 1 o'clock, well now take our lunch 5 version that was provided to me. 6 6 to come back so that we can resume at 2.30 this 18 HERESFORD: Can we turn to page 206, please. This is the 9 (100 pm) 10 a change to 0.19 of an inch, or 4.83 mm plating in place 11 (2.30 pm) 12				
19 But if you ask me whether this plan was adopted at that 20 particular time, I am unable to answer. But according 21 to our usual practice, this is the case. 22 THE CHAIRMAN: Thank you. 23 MR MOK: I'm sorry, instead of the word "adopted", I think 24 what he meant was that whether it was the actual plan 25 that was areferred to at that time, rather than 26 THE CHAIRMAN: Yer, well, I took that as being the meaning. 3 Thank you for that. 4 Since it's l o'clock, we'll now take our lunch 5 break, Mr Louk. I'll ask you if you'll be kind enough 6 to come back so that we can resume at 2.30 this 7 afternoon, Thank you. 7 Yes, Mr BERESFORD: Can we turn to page 206, please. This is the 9 (100 pm) 11 (23 pm) 12 THE CHAIRMAN: Good afternoon, Mr Louk, May I remind you 13 that you continue to testify according to your original 14 oth. 15 A. Yes. 16 MR BERESFORD: Mr Louk, before the break we were looking at that you continue to testify according to your original athat you continue to testify according to		-		
20 particular time, I am unable to answer. But according 20 Is that the stamp you're referring to? 21 THE CHAIRMAN: Thank you. 21 A. Normally when I do the hull gauging, I would retrieve 23 MR MOK: I'm sorry, instead of the word "adopted", I think 22 this kind of plan. 24 what he meant was that whether it was the actual plan 23 Q. Thank you. Can you turn to page 24 what he meant was that whether it was the actual plan 24 THE CHAIRMAN: Perhaps we could show him the copy of the 25 The CHAIRMAN: Yes. Well, I took that as being the meaning. 74 Since it's 1 o'clock, we'll now take our lunch 74 3 Thank you for that. 74 Since it's 1 o'clock, we'll now take our lunch 74 4 Since it's 1 o'clock, we'll now take our lunch 74 74 A. It may not come in full size. It might be a smaller 5 break, Mr Louk. I'll ask you if you'll be kind enough 6 6 14 A. It may not come in full size. It might be a smaller 6 (1.00 pm) 74 8 RERESFORD. Can we turn to page 206, please. This is the 1 (2.30 pm) 14 24 Have a look at this letter. I think somebody is				
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	Page 73		Page 75
1	Q. I just want to ask you about the 10 per cent rule you	1	handwriting, is it, Mr Louk?
2	mentioned earlier. You told us that your measurements	2	A. Yes.
3	of 4.5 mm, and in one place 4.4 mm, were within the	3	Q. You've told us that it says "Owner request to raise the
4	tolerance of the 10 per cent variation that you allowed.	4	aft ballast about 10 inches height of original position,
5	Is it not correct that that 10 per cent rule relates to	5	it should be checked the stability condition and
6	steel, which is a material that corrodes, and not to	6	confirmed by MD."
7	aluminium?	7	A. Yes.
8	A. Normally we abide by the 10 per cent standard, but	8	Q. And "MD" is Marine Department, presumably?
9	sometimes if we find that the corrosion of the steel has	9	A. Yes.
10	exceeded 10 per cent, and also in the case of aluminium,	10	Q. It appears that you were told during the inspection that
11	sometimes it is more or less than 10 per cent, whenever	11	the owner wanted to raise the lead ballast in the
12	we have doubt, we would consult our senior or supervisor	12	steering gear compartment and the tank room by
13	to find out whether we need to re-examine, or whether to	13	10 inches, and that you informed them that the stability
14	approve them.	14	calculations should be redone and they should be
15	Q. Do you recall consulting your superior or supervisor in	15	confirmed at Mardep, but you had no further involvement;
16	the present case?	16	is that right?
17	A. I don't remember.	17	A. After 13 July, I have checked the position of the
18	Q. Thank you. Now, Mr Louk, I wonder if you could be	18	ballast after it has been tested, because I was told by
19	THE CHAIRMAN: Before you move on, so that I understand your		the owner on 16 June 2005 that they would like to lift
20	evidence, what was being suggested to you was that there	20	the ballast. After that, on 13 July, I checked whether
21	are different characteristics between steel and	21	the lead was stable or not. After that, I was no
22	aluminium when it comes to corrosion, or loss of the	22	more I had no more involvement in the test.
23	mass. Deal with that issue first of all. Is that right	23	MR BERESFORD: Yes. Okay, thank you, Mr Louk. Please wait
24	as a premise, that steel loses mass by way of corrosion,	24	there.
25	more than aluminium does?	25	
	Page 74		Page 76
1	-	1	-
1	A. According to my experience, if the steel vessel is not	1	MR GROSSMAN: I have no application, thank you.
2	A. According to my experience, if the steel vessel is not maintained properly, it loses its mass more than the	2	MR GROSSMAN: I have no application, thank you. MR SUSSEX: Mr Chairman, I have no questions for Mr Louk.
2 3	A. According to my experience, if the steel vessel is not maintained properly, it loses its mass more than the aluminium one.	2 3	MR GROSSMAN: I have no application, thank you. MR SUSSEX: Mr Chairman, I have no questions for Mr Louk. MR PAO: Mr Chairman, I do have a few questions in the area
2 3 4	A. According to my experience, if the steel vessel is not maintained properly, it loses its mass more than the aluminium one.THE CHAIRMAN: And is that reflected in any way in the	2 3 4	MR GROSSMAN: I have no application, thank you. MR SUSSEX: Mr Chairman, I have no questions for Mr Louk. MR PAO: Mr Chairman, I do have a few questions in the area of the actual gauging exercise of the plates that
2 3 4 5	A. According to my experience, if the steel vessel is not maintained properly, it loses its mass more than the aluminium one.THE CHAIRMAN: And is that reflected in any way in the tolerance as to accuracy with the plan when vessels are	2 3 4 5	MR GROSSMAN: I have no application, thank you. MR SUSSEX: Mr Chairman, I have no questions for Mr Louk. MR PAO: Mr Chairman, I do have a few questions in the area of the actual gauging exercise of the plates that I would like to ask this witness. May I have leave?
2 3 4 5 6	A. According to my experience, if the steel vessel is not maintained properly, it loses its mass more than the aluminium one.THE CHAIRMAN: And is that reflected in any way in the tolerance as to accuracy with the plan when vessels are measured?	2 3 4 5 6	MR GROSSMAN: I have no application, thank you. MR SUSSEX: Mr Chairman, I have no questions for Mr Louk. MR PAO: Mr Chairman, I do have a few questions in the area of the actual gauging exercise of the plates that I would like to ask this witness. May I have leave? THE CHAIRMAN: Yes, please do.
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6 80 per cent of their readings, except those that you 7 find on the same sheet of plating where the readings are 6 THE CHAIRMAN: Very well. Then don't speculate. 7 find on the same sheet of plating where the readings are 7 MR PAO: That's fine. 7 9 A. Yes. 9 that my learned friend Mr Beresford was asking you 10 10 Q. When you say that what sort of preparation work did 10 about, based on what regulations or guidelines or 11 they have to do? You said that the paint was removed at 11 internal directives do you say it was 10 per cent or 12 various spots of the plate. 12 even more for a steel-hulled ship? 13 A. Yes. 13 A. I know that the 10 per cent rule was stipulated in the 14 Q. I remember you using the expression "sanding off the 14 International Classification Society. 15 MR PAO: Thank you, Mr Louk. 16 THE CHAIRMAN: Wr well. 10 per cent rule as also the information given to him by Cheoy Lee at the 19 paint be done manually or mechanically? 17 17 MR MOK: Sust wo matters, about the 10 per cent rule as also the information given to him by Cheoy Lee at the 19 13 A. In the case of Cheoy Lee	
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2 A. (In English) Yes. 2 Q. Thank you. When you undertook the inspection of the	80
3 THE CHAIRMAN: The attempt is to get the paint off, not to 3 hull at Cheoy Lee Shipyard, you said you would be	
4make a hole in the hull, isn't it?4provided with a plan with the Marine Department's chop5AYes5on it. Do you remember that?	
6MR PAO: If this exercise is repeated, then that6A. I remember saying that I can't recall what I was given,70.0-something would accumulate, the reduction of the7but as a normal practice, we would certainly require	
8 thickness? 8 that we would be provided with something to compare with	
 9 A. In the case of Lamma IV, this was the first time the 9 the figures. 	
10 exercise was carried out. 10 Q. So would it follow from your answer just now that you	
11 Q. I understand. Turning to another subject 11 also do not recall whether or not Cheoy Lee informed you	
12 THE CHAIRMAN: Before you do that, whilst we've got this 12 that there had been a variation in the thickness of the	1
13 document on the screen, page 654. 13 hull?	
14Can you help us. Do you see we have a Cheoy Lee14A. I can't recall.	
15 chop on the document, and we have two names, and a date, 15 MR MOK: Thank you.	
16 the date before I think the date that you inspected, 16 THE CHAIRMAN: Yes, Mr Beresford?	
17 on the 16th. We've got the 15th. And the two names, 17 MR BERESFORD: No further questions, Mr Chairman.	
18 CS Lau and KT Yip. Do you know who they are? 18 THE CHAIRMAN: Are you able to assist us with the witness' 10 1 1 1 1	
19 A. I know who KT Yip is, but not CS Lau. 19 reference to a stipulation in the International 20 THE CHAIDMANN And who is KT Vin2 20 Classification Society rules as to 10 per cent? Do we	3
20THE CHAIRMAN: And who is KT Yip?20Classification Society rules as to 10 per cent? Do we21A. As far as I know, he is one of the staff, one of the21have any of those rules?	3
21A. As far as I know, he is one of the staff, one of the colleagues in the maintenance section of Cheoy Lee.21have any of those rules?22MR BERESFORD: I'm not able to assist you on my feet,	3
22 coneagues in the maintenance section of Cheory Lee. 22 with BERESFORD. This hot able to assist you on my feet, 23 THE CHAIRMAN: Thank you. 23 Mr Chairman, but I'll make enquiries.	3
24 Yes, Mr Pao. 24 THE CHAIRMAN: In ank you. 24 Yes, Mr Pao. 24 THE CHAIRMAN: Do we have any of those rules in our bund	5
25 MR PAO: Mr Louk, in your experience, a vessel with 25 MR BERESFORD: I don't believe we do, Mr Chairman.	

	Page 81		Page 83
1	THE CHAIRMAN: Not even for China Classification Society?	1	filed a supplemental witness statement to deal with
2	MR BERESFORD: I haven't seen them.	2	that. I believe it's paragraphs 6 and 7. In the light
3	THE CHAIRMAN: Then would you take steps to obtain those	3	of that, I don't think I need to ask further questions
4	rules, certainly China Classification Society rules.	4	from Mr Choi.
5	MR BERESFORD: Yes, we will indeed, Mr Chairman.	5	THE CHAIRMAN: Thank you.
6	Questions by THE COMMISSION	6	Is Mr Choi still in the hearing room?
7	THE CHAIRMAN: You've been able to identify KT Yip as	7	Did you hear what Mr Mok said? He doesn't need to
8	someone who worked at Cheoy Lee. Do you recall whether	8	ask you any questions. May we thank you for remaining
9	or not he was a person doing the tests that you were	9	here just in case, but obviously you're free to go now,
10	watching that day, or not? That's the thickness test.	10	or you can stay if you wish.
11	A. If you ask me whether I can recall, I will tell you that	11	MR CHOI CHI-CHUEN: Thank you very much.
12	I'm not able to recall. But normally, since KT Yip was	12	MR LO NGOK-YANG (affirmed)
13	a staff of the maintenance section, he should go with us	13	Examination by MR BERESFORD
14	to do the tests.	14	MR BERESFORD: Good afternoon, Mr Lo. Thank you very much
15	THE CHAIRMAN: Thank you.	15	for coming along to assist this Commission with its
16	MR BERESFORD: Mr Chairman, I have got something in the next	16	Inquiry. Thank you also we understand that you have
17	witness's statement who says that it's customary	17	made adjustments to your arrangements to facilitate
18	practice accepted by all leading marine classification	18	this.
19	societies to accept tolerance for plate thickness, and	19	A. My pleasure.
20	in this particular size of aluminium plate, 0.2 mm is	20	Q. Mr Lo, I have some questions to ask you on behalf of the
21	the acceptable limit. He refers to an attachment which	21	Commission. Before I do, I understand that you have
22	I won't take you to now.	22	prepared a previous statement which we may find in what
23	THE CHAIRMAN: The next witness will deal with this issue?	23	we call the W&G bundle 1 at item 1, pages 1 to 40; and
24	MR BERESFORD: That's Mr Lo from Cheoy Lee. And	24	you have also prepared a supplemental statement which is
25	Dr Armstrong agrees with Mr Lo's reference to the	25	dated today. Do you have those statements before you?
	Page 82		Page 84
1	tolerance of aluminium plate of 0.2 mm. So in those	1	A. Yes, I have.
2	circumstances, I just wonder if you want to see the	2	Q. Have you had an opportunity to remind yourself of the
3	classification society rules in addition.	3	contents of the first statement?
4	THE CHAIRMAN: Yes.	4	A. Yes, I have.
5	MR BERESFORD: You do?	5	Q. And you recognise your signatures on those statements,
6	THE CHAIRMAN: Specifically China Classification Society's	6	do you?
7	rules.	7	A. Yes.
8	MR BERESFORD: Yes. We will obtain them.	8	Q. Do you have any amendment you wish to make?
9	THE CHAIRMAN: Thank you.	9	A. Not anymore.
10	Thank you very much, Mr Louk, for coming to assist	10	Q. Are the contents of those statements true?
11	us by your evidence. Your evidence is now complete and	11	A. Yes.
12	you are free to go. But of course, you are equally free	12	Q. Thank you. Mr Lo, your English name is Ken; is that
13	to stay and listen to the evidence that follows, if you	13	right?
14	wish.	14	A. That's correct.
15	A. (In English) Thank you, Mr Chairman.	15	Q. You're a director of Cheoy Lee Shipyards Ltd and have
16	(The witness withdrew)	16	been since 1974?
17	THE CHAIRMAN: Yes, Mr Beresford.	17	A. Correct.
18	MR BERESFORD: Mr Chairman, the next witness is Mr Lo	18	Q. You've been awarded a degree of Bachelor of Science and
19	Ngok-yang.	19	Engineering from University of Michigan in 1973 majoring
20	MR MOK: Before Mr Lo comes to give evidence, shall we deal	20	in Naval Architecture and Marine Engineering?
21	with the outstanding matters concerning Mr Choi? You	21	A. Yes.
22	remember that Mr Choi was asked to remain because	22	Q. You've listed out seven professional qualifications in
23	THE CHAIRMAN: Ah, yes.	23	your statement: fellow of the Hong Kong Institution of
24	MR MOK: I might have to ask him some questions relating	24	Engineers; fellow of the Royal Institute of Naval
25	to the calculation. But I understand that now Mr Lo has	25	Architects in the UK; fellow of the Institute of Marine

	Page 85		Page 87
1	Engineering, Science and Technology in the UK; member of	1	bulkhead between its tank room and aft peak and the
2	the Society of Naval Architects and Marine Engineers in	2	inadequate attachment of the passenger seats on its
3	the USA; a registered professional engineer in Hong	3	upper deck have all been answered [by those]
4	Kong; chartered engineer in the UK; authorised surveyor	4	statements referred to in [the previous] paragraph"
5	of the Hong Kong Marine Department?	5	A. Yes.
6	A. Yes.	6	Q. Anyhow, you're going to deal with them yourself today?
7	Q. You tell us:	7	A. Right.
8	"Cheoy Lee was established in Hong Kong in 1936 and	8	Q. You say:
9	since then, the company has constructed over 5,000 ships	9	"In 1994, Cheoy Lee tendered for the construction
10	and boats of all sizes and types including luxury	10	contract of [the Lamma IV] to be commissioned by the
11	yachts, tug boats, offshore support vessels, patrol	11	Hongkong Electric Company."
12	boats, ferries, launches, pilot boats and many other	12	I believe we have a copy of that tender document,
13	types of work boats."	13	tender specification, behind tab 28 in marine bundle 10,
14	A. Correct.	14	starting at page 3297.
15	Q. And you point out, as we are all well aware:	15	Mr Lo, if you can be provided with the hard copy.
16	"Cheoy Lee is well respected in the marine industry	16	The bundle is fine; you'll probably find it easier to
17	world-wide and that most of the launches, ferries and	17	follow than on the screen.
18	work boats operating in Hong Kong today were built by	18	A. Yes, I've been given a copy.
19	the company"	19	Q. Thank you. So we see at page 3297 an addendum to the
20	In fact I believe Cheoy Lee not only built Lamma IV	20	form of tender, or a front page for that addendum.
21	but also, in joint venture, it built the Sea Smooth?	21	A. Yes.
22	A. That's correct. I wouldn't say in joint venture; we	22	Q. The addendum appears at page 3298. The prices have been
23	built the Sea Smooth.	23	redacted; we're not interested in those. And then the
24	Q. Well, somebody has put a plate on it claiming to have	24	main tender specification starts
25	had a part in a joint venture.	25	THE CHAIRMAN: 15 years after the event, it's necessary to
	Page 86		Page 88
1	A. That's the operating company, not building the ship.	1	redact them?
2	A. That's the operating company, not building the ship.Q. The China Shipyard?	2	redact them? MR BERESFORD: Well, I don't know who's done it,
	A. That's the operating company, not building the ship.Q. The China Shipyard?A. That is not correct.		redact them? MR BERESFORD: Well, I don't know who's done it, Mr Chairman.
2 3 4	A. That's the operating company, not building the ship.Q. The China Shipyard?A. That is not correct.Q. Okay.	2 3 4	redact them? MR BERESFORD: Well, I don't know who's done it, Mr Chairman. THE CHAIRMAN: You can take redacting to absurd levels.
2 3 4 5	A. That's the operating company, not building the ship.Q. The China Shipyard?A. That is not correct.Q. Okay.A. The shipyard belongs to Cheoy Lee.	2 3	redact them? MR BERESFORD: Well, I don't know who's done it, Mr Chairman. THE CHAIRMAN: You can take redacting to absurd levels. Yes?
2 3 4	A. That's the operating company, not building the ship.Q. The China Shipyard?A. That is not correct.Q. Okay.A. The shipyard belongs to Cheoy Lee.Q. Cheoy Lee built the Sea Smooth?	2 3 4 5 6	redact them? MR BERESFORD: Well, I don't know who's done it, Mr Chairman. THE CHAIRMAN: You can take redacting to absurd levels. Yes? MR BERESFORD: The main tender specification dated August
2 3 4 5 6 7	 A. That's the operating company, not building the ship. Q. The China Shipyard? A. That is not correct. Q. Okay. A. The shipyard belongs to Cheoy Lee. Q. Cheoy Lee built the Sea Smooth? A. 100 per cent, yes. 	2 3 4 5 6 7	redact them? MR BERESFORD: Well, I don't know who's done it, Mr Chairman. THE CHAIRMAN: You can take redacting to absurd levels. Yes? MR BERESFORD: The main tender specification dated August 1994 commences at page 3304.
2 3 4 5 6 7 8	 A. That's the operating company, not building the ship. Q. The China Shipyard? A. That is not correct. Q. Okay. A. The shipyard belongs to Cheoy Lee. Q. Cheoy Lee built the Sea Smooth? A. 100 per cent, yes. Q. Very well. You say that you've had about 40 years of 	2 3 4 5 6 7 8	redact them? MR BERESFORD: Well, I don't know who's done it, Mr Chairman. THE CHAIRMAN: You can take redacting to absurd levels. Yes? MR BERESFORD: The main tender specification dated August 1994 commences at page 3304. A. Yes.
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	Page 89		Page 91
1	more slowly. You may be familiar with this,	1	Q. In the contract at clause 5.1, we have a clause headed
2	Mr Beresford, but we are not.	2	"Drawings":
3	MR BERESFORD: Mr Chairman, I must confess that I don't	3	"The contractor shall submit to the engineer for
4	claim any familiarity with it. It's only recently been	4	approval within the times named in the specifications
5	handed to me.	5	such drawings, samples, patterns and models as may be
6	THE CHAIRMAN: Very well.	6	called for therein or as the engineer may reasonably
7	MR BERESFORD: So I'm very happy to be directed as to when	7	require, provided that the contractor shall not be under
8	you would wish me to take it slowly.	8	any obligation to supply copies of shop drawings."
9	THE CHAIRMAN: Let's deal with it more slowly. If it's	9	At clause 5.2:
10	worth touching on something, it's worth touching on it	10	"Drawings signed as above described shall not be
11	so that we understand it. So the inclining experiment	11	departed from except as provided in clause Variations
12	requires a vessel "to have sufficient metacentric height	12	and Omissions."
13	under the worst conditions". Yes?	13	The clause "Variations and Omissions" is contained
14	MR BERESFORD: And it requires the vessel "to undergo	14	at clause 12.
15	an inclining experiment in as near light condition as	15	Correct me if I'm wrong, Mr Lo, that basically
16	possible", and it's "to be carried out in the presence	16	requires any variation to be in writing, does it not?
17	and to the satisfaction of the Marine Department's	17	A. Can you repeat the question, please?
18	surveyor", with copies to be supplied.	18	Q. That basically requires any variation to be in writing,
19	Then at clause 17, "Hull & Superstructure", it	19	does it not?
20	specifies:	20	A. According to the clause, yes.
21	"The hull shell, bulkheads and main deck plating and	21	Q. We can put that down for a moment now.
22	extrusions for frames and beams to be of marine quality	22	Then you tell us:
23	aluminium	23	"Upon being awarded the contract on 10 November 1994
24	The hull to be robustly built and of hard chine hull	24	Cheoy Lee applied to the Marine Department on 24
25	form with transom stern."	25	November 1994 seeking approval for the construction of
	Page 90		Page 92
1	I highlight this because you mention this in your	1	the vessel referred to by its shipyard number 4625,
2	statement. It is required:	2	which was later named Lamma IV"
3	"To be subdivided by five watertight bulkheads into	3	We can see that application at page 172. In fact,
4	six compartments comprising fore peak/chain locker, void	4	the application, I think, is on the previous page, 171.
5	space, crew accommodation, engine room, store room and		We see the number there, "4625", in the subject
6	aft peak/steering flat."	6	heading of the letter. It's also mentioned on the plan,
7	I'm not going to read the whole specification, but	7	the General Arrangement drawing on the next page, bottom
8	at clause 25, under the heading "Hatchways, Ladders and	8	right-hand corner just above the drawing number. It
9	Doors":	9	says "Hull No. 4625". Is that right, Mr Lo?
10	"The doors, ladders and access hatches leading to	10	A. Yes.
11	watertight compartments, including ER escape hatch	11	Q. You then confirm your own understanding that the
12	[I assume that's engine room escape hatch] to be	12	relevant instructions that would have been applicable
13	situated in the most suitable positions."	13	would have been those commonly referred to as the Blue
14	I just note on page 16, page 3320 of the bundle,	14	Book?
15	item D includes a navigation horn, "Air horn provided	15	A. Correct.
16	with 24-volt electrically driven compressor", as part of	16	Q. You tell us that in December 1994, the contract for the
17	the specification.	17	design of the hull was awarded to a Singapore design
18	At clause 47:	18	firm, Naval-Consult Pte Ltd.
19	"The navigation lights to be international standard	19	A. Yes.
20	lanterns."	20	Q. "At about the same time, the contract for the GRP
21	Then, following that document, we have the contract.	21	superstructure design was contracted to a New Zealand
22	The contents are set out at pages 3325 to 3326. The	22	firm, High Modulus (NZ) Ltd."
23	principal terms of agreement are at page 3328.	23	A. Yes.
24	That was signed by you, Mr Lo, was it, page 3328?	24	Q. "'Profile and deck' drawing and 'Sections and
25	A. Yes.	25	Bulkheads' drawing (sheet 1 of 2) were prepared

1 by NavaLConsult Pie Lid on 20 December 1994 and 1 A. It's because when we look for design of the vessel, we 2 22 December 1994 respectively So since NavaLConsult we are existing design and not or create one. 3 We can see thuse in ther final form. The Profile So since NavaLConsult to see and the sinp. 4 and Deck is at page 204 of the marine bundle. So since NavaLConsult for seal to ship. 6 THE CHAIRMAN: It is it is and that the huld design as 7 A. Yes. 6 7 A. Free Huld Nava. Free CHAIRMAN: Near His is an aval architecture firm with whone 10 you have worked for many years? N. We do a lot of business in Singapore. 11 A. Infe this was the first sees let wavarded to them. 12 THE CHAIRMAN: Near eason core? 10 14 Hile CHAIRMAN: Nany reason for that? 11 15 A. Since then, we have an onsore? 10 14 Hile CHAIRMAN: Nany reason for that? 11 15 THE CHAIRMAN: Nany reason for that? 12 16 THE CHAIRMAN: Nany reason for that? 13 17 That secoreasen during marking wave and t		Page 93		Page 95
2 2 2 prefer to have an existing design and not to create one. 3 We can see those in their final form. The Profile 3 5 5 4 and Deck is at page 204 of the marine bundle. 5 5 5 5 as avarded to the Singapore design firm Naval-Consult 4 Hongkong Fleetrie is looking for, that's why we used 7 A. Yes. 7 A. Yes. 7 6 14 6 al loof buistices in Singapore. 10 9 THE CHAIRMAN. Is we worked for many evers? 10 11 14	1	by Naval-Consult Pte Ltd on 20 December 1994 and	1	A. It's because when we look for design of the vessel, we
3 We can see thoses in their final form. The Profile 4 So since Naval-Consult have excety that 4 and Deck is at page 204 of the marine bundle. 5 5 THE CHAIRMAN: When it is said that the hull design was 6 6 awarde botheo yee, was it? 6 7 A. Yee. 7 8 A. Yee. 8 9 THE CHAIRMAN: Is this a naval architecture firm with whom 1 10 you have worked for many years? 8 11 A. In fact this was the first yeasel we awarded to them. 11 12 THE CHAIRMAN: And since then? 12 13 A. Since then, we have no more. 13 14 THE CHAIRMAN: Any reason for that? 14 15 A. Not particularly. In those periods, we don't build that 16 THE CHAIRMAN: Thank you. 13 17 A. Not particularly. In those periods, we don't build that 18 amarie bundle 2 at page 205. In relation to boh of 20 these drawing, and the General Arrangemend frawing. 21 amarie bundle 2 at page 205. In relation to boh of <td>2</td> <td></td> <td>2</td> <td></td>	2		2	
4 and Deck is at page 204 of the marine bundle. 4 HongLong Electric is looking for, hairs why we used 5 THE CHARMAN: When it is said that the hull design was 6 Narket-Consult design the ship. 7 was an award by Cheoy Lee, was it? 8 Yes 1 9 THE CHARMAN: Is this a naval architecture firm with whom 9 1 8 Yes do a lot of business in Singapore, and Naval-Consult 10 you have worked for many years? 10 THE CHARMAN: Na they are avarded to them. 11 11 A. In fact this was the first vessel we awarded to them. 12 A. Twis correct. 10 13 A. Since then, we have no more. 13 THE CHARMAN: Not more? Only one vessel? 14 THE CHARMAN: Not more? Only one vessel? 14 THE CHARMAN: Mare sogn for that? 7 A. That's correct. 15 5 statement is that the words "and built by CLS" should be 16 16 16 16 11 CHARMAN: Thank you. 18 Q. That's correct. 19 14 THE CHARMAN: Was the first you have the profile ad 18 Q. That's correct. 19 14 17 A. That's correct. 19 10 10 110 10	3		3	
5 THE CHAIRMAN: When it is suid that the hull design was an award by Chevy Lees was it? 5 Naval-Consult to design the sitp. 6 awarded to the Singapore design firm Naval-Consult, that was an award by Chevy Lees. 6 THE CHAIRMAN: How did you come to know that Naval-Consult 7 had designed a similar ship earlier? 8 A. We do a lot of business in Singapore. 10 10 you have worked for many years? 11 10 11 11 11 12 A. In fart this was the first vessel we awarded to them. 12 11	4	and Deck is at page 204 of the marine bundle.	4	-
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25 relevant to that issue? 25 opening [to be] placed at the bulkhead between the tank	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 which we can refer to, if necessary. A. Our full plans, yes. Q and for which I thank you. You tell us that the hull design of the Lamma IV followed very closely the design of another vessel called the MV Eastern District No. 1, which was designed by the same firm, Naval-Consult Pte Ltd, and built by Cheoy Lee. A. That's correct. That's actually the answer to the Chairman. That's the reason we picked Naval-Consult to be the designer, because they have the same ship that HKE wants in the tender. MR PAO: Mr Chairman, there's a correction in the supplemental statement of Mr Lo saying that that ship was actually not built by Cheoy Lee. The MV Eastern THE CHAIRMAN: Yes, I saw that. MR PAO: So when it says that it was built by Cheoy Lee, it's not correct. THE CHAIRMAN: Let's come back to you. You were answering, you said, with further information, my question, your contact with Naval-Consult, why you awarded the contract to them A. That's correct. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 THE CHAIRMAN: Have we seen that in the earlier documents we went to? The tender for contract? Is there anything there that relates to that? A. No. MR BERESFORD: No, I don't believe there is, Mr Chairman, and Mr Lo seems to confirm that. We've been told by various ship surveyors and inspectors of the Marine Department that this was their practice insofar as they regulated local vessels before the 2007 regulations came into effect. A. In actual fact, we have been building ships with Marine Department approval for a long, long time. Even up to today, this one-compartment flooding is still in use and in existence Q. Yes, but A for Hong Kong water vessels. Q. Before 2007, Hong Kong water vessels were not regulated by statute, were they? A. No. Q. If you don't know, just say you don't know. A. No, I don't know. Q. All right. Then I'll move on. Now, you then go on to say:

	Page 97		Page 99
1	room and the aft peak as they are considered together as	1	the side shell profile, which is the top one
2	forming a single compartment due to length of the aft	2	A. Yes.
3	peak being less than 10 per cent of the length of the	3	Q we can see at frame $1/2$ the same abbreviation, for
4	entire vessel"	4	"watertight bulkhead"?
5 A	A. Correct.	5	A. Yes.
6 Q	2. You say and you emphasise that that's a statutory	6	Q. In the centreline profile, we can see at frame 1/2 the
7	requirement, but there's no such statute that was in	7	term "corrugated watertight bulkhead"?
8	force at the time, is there?	8	A. Yes.
	A. Then I may be wrong on that exact word of "statutory".	9	Q. In the bottom plan, at frame $1/2$, we also see
). At least so far the witnesses that we've heard, Mr Lo,	10	"watertight bulkhead" marked?
11	would agree with you that it was certainly the practice?	11	A. Yes.
	A. It is in practice.	12	Q. On the Shell Expansion, which is page 202 in the bundle,
). You then go on to refer to some correspondence with	13	in the top half we can see at frame 1/2 again the
14	Mr John Lim of Naval-Consult. You asked him why the	14	expression or the abbreviation for "watertight
	HE CHAIRMAN: Before we deal with him, I understand from	15	bulkhead"?
16	some information that I was given just before we came	16	A. Correct.
17	into the hearing room that Mr Lim is prepared to make	17	Q. Thank you. While we've got the plans out, if we can
18	himself available, and we'll have evidence from him.	18	look at the General Arrangement, perhaps starting with
	IR BERESFORD: Okay. Then I'll pass over this.	19	the underdeck plan. We can see there, can we not, five
	THE CHAIRMAN: We'll do that, if all is well, by videolink	20	watertight bulkheads separating six watertight
21	next week.	21	compartments?
22 N 23	IR BERESFORD: But you go on to say, Mr Lo, that the wording "WT BHD" in the section B-B diagram of the Sections and	22 23	A. On the underdeck plan, there are five partitions, five
23 24	Bulkheads drawing, Profile and Deck drawing and Shell	23 24	bulkheads. It does not say "watertight". Q. All right. Well, we can come back and look at those if
25	Expansion drawing, were mistakes in your view?	24	necessary. But does that not appear to correspond to
	Page 98		Page 100
1 A	A. Yes.	1	what we saw in the specification?
	THE CHAIRMAN: We're dealing with which paragraph?	2	A. You can say that. There are five bulkheads, yes.
	MR BERESFORD: Paragraph 22.	3	Q. You say you compiled a table at attachment 1 showing
	THE CHAIRMAN: Thank you.	4	which of the approved drawings or drawings approved
	MR BERESFORD: Perhaps we can just identify where those	5	by Mardep, I think that is contain the words "WT BHD"
6	wordings appear. Taking them in the order that you	6	shown at frame 1/2?
7	mention, the Sections and Bulkheads, which is at	7	A. Yes.
8	page 205 in the marine bundle	8	Q. And you believe that items 7, 19, 25, 26 and 27 were
	A. Do you mind if I see the original drawing?	9	wrongly marked by the draftsman when he or she adapted
	MR BERESFORD: No. Please do.	10	the design from the previous MV Eastern District No. 1?
	THE CHAIRMAN: Yes.	11	A. Yes.
	MR BERESFORD: The section B-B that you refer to is in the	12	Q. Why do you say that?
13	top right-hand corner; is that right?	13	THE CHAIRMAN: Could we see attachment 1? Where is that?
	A. Correct.	14	MR BERESFORD: It should be at about page 15.
	Q. We can see there the annotation "WT BHD"?	15	THE CHAIRMAN: Thank you.
16 A	A. Below the word "2".	16	MR BERESFORD: Item 7 that you've referred to is "Rudder and
17 (Q. Yes. And your understanding is that that abbreviation	17	Rudder Stock Details"; item 19 is "Shaft Strut"; item 25
18	means "watertight bulkhead", is it?	18	is "Sections and Bulkheads", sheet 1 of 2), which
	A. Correct.	19	I believe we've just seen; item 26 is "Profile and
	Q. Yes. And that line, "B 2", corresponds, does it not, to	20	Deck"; and item 27 is "Shell Expansion", all of which
21	the line that we see in the bottom left-hand corner	21	we've just seen.
22	drawing of the bulkhead at frame 1/2?	22	Why is it you believe that was a mistake, Mr Lo?
	A. Correct.	23	A. The reason is, when we instructed Mr Lim to design the
	2. Then you refer to the Profile and Deck drawing, which,	24	ship based on the Eastern District No. 1, and told him
25	for those following on the screen, is at page 204. In	25	that this ship is going to be run in Hong Kong waters

	Page 101		Page 103
1	only, and the requirement is for one-compartment	1	Q. Why is it not consistent?
2	flooding, we believe that his designers have taken out	2	A. Because if you change a watertight door from the
3	the watertight door shown on frame $1/2$ from what is	3	original drawing, to an access opening, means that that
4	drawn for Eastern District No. 1, and changed it to	4	is no longer a watertight bulkhead.
5	an access opening. Now, by doing so, that watertight	5	Q. Well, isn't it rather the case that if you have
6	bulkhead is no longer a watertight bulkhead.	6	a drawing with a watertight bulkhead, then it's required
7	Q. Indeed.	7	by the Blue Book to have any access closeable by
8	A. Therefore, when he was doing the other drawings now,	8	a watertight appliance?
9	whether he is the same guy, we don't know then he	9	A. Yes. But if you look at this draftsman, if he
10	should have removed the word "WT" from the other	10	purposely why did he change the drawing from Eastern
11	drawings when that frame is shown. We are assuming that	11	District No. 1, which said "watertight door"? He could
12	they have not been careful in removing that word, "WT",	12	have left it there, right, if he feels that the spec
13	from the other drawings. Some of those drawings are	13	calls for five watertight bulkheads?
14	minor drawings, like a shaft strut and the rudder. When	14	THE CHAIRMAN: Do we have the drawing from this Eastern
15	you draw a rudder drawing and a shaft strut drawing, you	15	District vessel, Mr Beresford?
16	don't look at the other part of the structure because	16	A. I believe we have.
17	that doesn't involve the rudder or the shaft strut. So	17	MR BERESFORD: I don't recall seeing it, Mr Chairman, but
18	it is very easy to miss that deletion.	18	I will
19	Q. But they're on structural drawings, are they?	19	THE CHAIRMAN: Mr Mok?
20	A. They're non-structural drawings.	20	MR BERESFORD: Perhaps Mr Pao can assist.
21	Q. Well, what about	21	MR PAO: It's page 198 of marine bundle 2.
22	A. If you look at	22	MR BERESFORD: Marine 2, page 198, I'm told.
23	THE CHAIRMAN: Not your two examples, but the other ones;	23	So the change that you want to draw our attention
24	I think that's what Mr Beresford is saying.	24	to
25	A. Yes, the other one I understand. Those are structural	25	THE CHAIRMAN: Just give us a moment to digest this, first
	Page 102		Page 104
1	drawings. So we are just assuming he forgot to remove	1	of all.
2	them.	2	How do we know that it is in respect of that vessel,
3	MR BERESFORD: But why would you assume that, given that the	3	page 198? Is the name there of the vessel? I see the
4	contractual requirement is for the vessel to be	4	letter at page 195 refers to enclosing submitted
5	subdivided by five watertight bulkheads into six	5	drawings, CCS-approved, for a sister ship which is
6	compartments, comprising the fore peak/chain locker,	6	unnamed. Why should it be page 198 that is the sister
7	void space, crew accommodation, engine room, store room	7	ship?
8	and aft peak/steering flat? If they hadn't made it	8	MR BERESFORD: Well, in the bundle that's been provided by
9	watertight it wouldn't have been compliant with the	9	the Marine Department, Mr Chairman, it's all under cover
10	contract, would it?	10	of a letter at page 195.
11	A. Yes, but it is not unusual for contract spec or our	11	THE CHAIRMAN: Yes, that's what I've just read out.
12	tender specification to change with the owner's	12	MR BERESFORD: Yes.
13	agreement. After all, the vessel has to be built to	13	THE CHAIRMAN: But it's enclosing drawings for a sister
14	Marine Department class III waters licence. And it is	14	ship. But why should page 198, rather than one of the
15	during the design of the ship that items like this can	15	other drawings, be for a sister ship?
16	change. As long as a ship is safe and ultimately	16	MR BERESFORD: My understanding is that they're all for the
17	surveyed and licensed by the Marine Department.	17	sister ship.
18	Q. But if there was a change	18	THE CHAIRMAN: Ah. Thank you.
19	A. This is not unusual.	19	MR BERESFORD: All up to 200. My learned friend draws
20	Q. If there was a change, that's one thing, and we haven't	20	attention to the reference number "NC-227-3".
21	seen any evidence of a change. But that doesn't imply	21	THE CHAIRMAN: Thank you for that.
22	a mistake on the part of the architect in Singapore,	22	MR BERESFORD: Which I don't believe is mentioned in the
23	does it?	23	letter, but is common to each of the drawings in that
24	A. But if the two drawings are not consistent, one of them	24	tab. THE CHAIRMAN: And the point that you're making, is it,
25	is a mistake.	25	

	Page 105		Page 107
1	Mr Lo, is to be found at page 198 where the doorway in	1	A. Which means that the aft peak bulkhead is no longer
2	the frame $1/2$ has not only "1200 x 600 W/50R at corner	2	an aft peak bulkhead. The aft peak bulkhead, then we
3	(port only)", but has the phrase at the top "WT door"?	3	can only assume the engine room bulkhead the aft
4	A. Exactly.	4	bulkhead of the engine room as the aft peak bulkhead.
5	THE CHAIRMAN: That's your point?	5	THE CHAIRMAN: Yes, and what's the problem that arises from
6	A. Yes.	6	that? If you've got the aft peak bulkhead being formed
7	THE CHAIRMAN: Just help me more generally. Is the evidence that you're giving about that issue now something that	7	by the aft bulkhead of the engine room, what's the
8		8	problem?
9	you have constructed in hindsight by looking at	9	A. There's no problem with that. That complies with the
10	material, rather than something that you thought about	10	rule.
11	at the time?	11	THE CHAIRMAN: Yes. So why not put a door on the access
	A. This drawing of course is supplied to us by	12	hole in the bulkhead to the steering compartment?
13	Naval-Consult to facilitate the approval of the drawing	13	A. Because it's no longer necessary. Unless a flooding
14	by Marine Department.	14	requires it. So Mr Lim's job is to make sure the
15	THE CHAIRMAN: Yes.	15	flooding of that compartment complies with the
16	A. All right? That's why they submitted to the Marine	16	one-compartment flooding requirement. Of course, he can
17	Department when we submitted our drawing.	17	also take the liberty of actually changing the bulkhead
18	THE CHAIRMAN: Yes.	18	structure into not a full-scale bulkhead. But that's
19	A. The reason being that Marine Department, after looking	19	his work. So I guess it's easier just to remove the
20	at this set of drawings, can confirm that the structure	20	words "W door" to an access opening.
21	is the same as the previously built vessel approved by,	21	MR BERESFORD: But the fact is, Mr Lo, that Mr Lim, or
22	in this instance actually it's DNV, the Norway society,	22	whoever actually prepared these drawings, marked this
23	and then CCS, means that the inspector or surveyor who	23	bulkhead as watertight in every drawing in which it
24	approves the drawing will make their life easier to see	24	appears.
25	that it is designed to a certain standard. So they will	25	A. Yes. That's why I say he made a mistake, because if you
	Page 106		Page 108
1	be doing spot-checking and so on, rather than a full	1	look at the Eastern District No. 1 or this set of
2	calculation.	2	drawings called 227, all this
3	THE CHAIRMAN: I follow all of that. But what I'm trying to	3	Q. But it's not necessarily just because it's not
4	understand is this. Did you realise at the time that	4	necessary to comply with the 10 per cent requirement
5	the drawings were	5	doesn't mean to say it's a mistake, does it?
6	A. I'm coming to that. Okay.	6	A. No, no.
7	THE CHAIRMAN: Can we deal with that first and get to the	7	Q. I don't follow how that follows.
8	rest of the story later?	8	A. When you ask me why I feel it's a mistake; it is
9	A. Sure. Okay.	9	a mistake. It is left over. If you run through all the
10	As I said in my statement, I was then dealing with	10	drawings, they are the same.
11	Mr Lim on designing the ship. When this was discussed,	11	
12	we talked about one-compartment flooding and 0.1 length	12	that this is something you realised was a mistake at the
13	requirement. That's why when we have decided to change	13	time?
14	this door to an opening, to make it workable for the	14	A. No, no. The "WT" word
15	Hong Kong ship.	15	THE CHAIRMAN: That was my question.
16	THE CHAIRMAN: What's unworkable about putting a door to	16	A. Sorry?
17	a hole in a bulkhead?	17	THE CHAIRMAN: Is this done in hindsight or did you know
18	A. Well, which means that we are breaching the 0.1 length	18	this at the time?
19	requirement, and if we take it off, then in any case, of	19	A. You mean why I say the "WT" word is a mistake?
20	course, the door can be left there but it is no longer	20	THE CHAIRMAN: Yes.
21	necessary.	21	A. No.
22	THE CHAIRMAN: That's a separate issue.		THE CHAIRMAN: It's done in hindsight?
	A. Yes.	23	A. I'm sorry. If my answer is wrong, then after now we
23	THE CHAIRMAN: But why do you say you're breaching	24	look at the drawing, all right, then we realise that it
24 25	a 0.1 length	24	was a mistake, now, after the accident. Let's put it
1 / 5		- 2.0	was a huisiake now after the accident. Let's DULT

	Page 109		Page 111
1	this way. It was never noticed during construction.	1	expect that to be so.
2	THE CHAIRMAN: Thank you.	2	Q. You would expect that to be done?
3	A. Not by us and not by the surveyors.	3	A. Yes.
4	MR BERESFORD: So if you'd noticed it, you could have called	4	Q. You then go on to tell us that the hull and main deck of
5	for the drawings to be amended?	5	the Lamma IV was constructed by the Wuzhou shipyard in
6	A. Yes.	6	Guangxi province, and Mardep was informed by a letter
7	THE CHAIRMAN: And you would have done that, presumably?	7	dated 4 April 1995, and you give the reference.
8	A. Yes.	8	You point out that the aft bulkhead was constructed
9	MR BERESFORD: But the drawings that were produced were the	9	according to drawings designed by Naval-Consult and
10	drawings that were approved by the Marine Department?	10	approved by Mardep, with an access opening.
11	A. Exactly. And because nobody spotted these mistakes,	11	Of course, Mr Lo, you're familiar with
12	then	12	paragraph 12(v) of the Blue Book
13	THE CHAIRMAN: That's not a matter for you to testify on.	13	A. Yes.
14	A. Sure.	14	Q which provides:
15	THE CHAIRMAN: But it's only in hindsight, when looking back	15	"When any access opening is fitted with a watertight
16	after this accident, poring over the documents, that you	16	bulkhead, it is to have an efficient closing appliance."
17	have come to form the view that it was a mistake not to	17	A. I understand.
18	mark the door as not being a watertight door, or no need	18	Q. Yes. Are you also familiar with paragraph 12(v), which
19	for a door?	19	provides that in all launches over 70 feet, or about
20	A. No, no, no, no. What I mean is that the word "WT"	20	21 metres long, peak bulkheads will be required at both
21	should have been erased or should not have been there.	21	ends?
22	THE CHAIRMAN: Thank you. The "Watertight bulkhead" words		A. Yes.
23	should have been removed?	23	Q. Not in the middle?
24	A. Yes, the word "WT", the letters "WT".	24	A. No.
25	MR BERESFORD: So it follows that you should also have	25	THE CHAIRMAN: Just bear in mind, if you would,
	Page 110		Page 112
1	negotiated a variation to the specification?	1	Mr Beresford, that this is being translated.
2	A. Could have verbally or	2	MR BERESFORD: Yes, thank you, Mr Chairman.
3	Q. No	3	THE CHAIRMAN: So the thrust and parry may be a bit too much
4	A. There's nothing in writing, I can assure you.	4	for the interpreter, particularly on a Friday afternoon
5	Q. So you would have had to have got the agreement of	5	at this time.
6	Hongkong Electric as well; do you agree?	6	MR BERESFORD: Not long to go.
7	A. Since I was not dealing with the day-to-day construction	7	You take issue with Mr Wong Chi-kin that there was
8	and dealing with the person in charge from Hongkong	8	a departure from the approved plans for not having
9	Electric, I would assume that this has if they	9	a watertight bulkhead at frame 1/2.
10	spotted it, it would have been discussed. Ultimately,	10	A. Yes.
11	of course, Hongkong Electric has accepted the ship	11	Q. But in fact it was a watertight bulkhead, wasn't it?
12	without any comments. There is no record in the file.	12	A. No. As I explained before already, that's an access
13	No written record of any discrepancy or any comments on		hole in there.
14	this issue of not having five watertight bulkheads.	14	Q. It certainly had an access hole in it. But as we've
15	Q. But you don't normally ask your naval architects just to	15	seen from paragraph 12(v), that doesn't mean that it
16	design something that they can get away with and slip	16	wasn't a watertight bulkhead.
17	under the radar, so to speak, you know, hoping that the	17	A. 12(v), the peak is the end of the bulkhead
18	owner doesn't see it and accepts the vessel without	18	Q. No, paragraph 12(v) of the Blue Book
19	making a complaint?	19	A. 12(v) is if it's a watertight bulkhead, needs a water
20	A. No, that is not the	20	closing appliance.
21	Q. As a well respected company, you would	21	Q. May I remind you:
22	A. Of course.	22	"When any access opening is fitted with a watertight
23	Q normally raise it with the owner, and you would make	23	bulkhead"
24	it open and express, wouldn't you, if you	24	THE CHAIRMAN: If you'd like to see those provisions
25	A. I don't know whether my staff would have, but I would	25	A. I know that.

	Page 113		Page 115
1	THE CHAIRMAN: we can put them on the screen.	1	Q. I'm sorry, what do you mean?
2	A. I understand that.	2	A. When we built the ship, that hole is meant to be
3	MR BERESFORD: It's page 1769. It might make it easier if		an access hole without a door. If we think a door is
4	we can all see it. Marine bundle 8, page 1769.	4	necessary when we constructed the aluminium structure in
	A. Yes. I've seen it.	4 5	•
5			Wuzhou, we would have ordered the shipyard to install
6	MR BERESFORD: No, marine bundle 8, page 1769. I think		a door and prepare the plate accordingly.
7	we're looking in the wrong place.	7	If I can refer to Dr Armstrong's report, it is
8	There we are. If we can scroll down to	8	not
9	subparagraphs (iv) and (v), please. So obviously we're	9	Q. Well, I'm asking you about what you did at the time, and
10	not concerned with double-ended launches here, but in	10	Dr Armstrong's report
11	all launches over 70 feet long you'd agree that's	11	A. All right. Never mind. That's why
12	about 21 metres	12	THE CHAIRMAN: I think Mr Lo is answering the question.
13	A. Yes.	13	If you thought it was to be provided with a door,
14	Q peak bulkheads will be required at both ends?	14	you'd have told the Wuzhou shipyard
15	A. Yes.	15	A. Exactly.
16	Q. And (v):	16	THE CHAIRMAN: "Make a door and prepare a plate to
17	"When any access opening is fitted with a watertight	17	receive a door"?
18	bulkhead, it is to have an efficient closing appliance."	18	A. Exactly. And if you see the finish of that access hole,
19	A. Yes.	19	it is finished probably with flat bars meant for a hole
20	Q. So it's clear, is it not, that you can have a watertight	20	and not a door. And if you fit a door, as Dr Armstrong
21	bulkhead with an access opening?	21	said, he looks at it or looks at the thing the
22	A. Yes.	22	congregated area is already at the flat bar. There is
23	Q. And the fact of an access opening does not by itself	23	no way to fit a door in that structure as built.
24	imply that the bulkhead is not watertight?	24	THE CHAIRMAN: As provided for in the plans? The place
25	A. Because that bulkhead is not a watertight bulkhead.	25	where it was to be?
	Page 114		Page 116
1	Q. But it can be fitted with a watertight appliance?	1	A. Yes. So it was never meant to have a door on it from
2	A. Any bulkhead can be fitted with any fitting. If you	2	day one, as far as our construction is concerned.
3	call it a watertight bulkhead.	3	THE CHAIRMAN: By that do you mean that there wasn't room
4	Q. Yes. So you can have a door?	4	for the necessary fittings to be attached to or around
5	A. (Witness nods).	5	the access hole for the door to be secured?
6	Q. And it becomes watertight?	6	A. Yes, Mr Chairman. If you need to fit a door onto
7	A. Yes, if it's necessary.	7	a structure, you have to prepare the plate next to it to
	2	_	
8	Q. Well, I'd suggest to you that it is necessary, according	8 9	have sufficient space to bolt the door onto the plate. And the fact that the congregated areas are so close to
9	to the drawings as approved.		0 0
10	A. According to the drawings as approved, it's an access	10	the end means that there is no flat area to bolt any
11	opening.	11	door on it. And in fact, that structure was finished in
12	Q. In a watertight	12	the shipyard.
13	A. It's stated very clearly.	13	MR BERESFORD: Thank you, Mr Lo.
14	Q. In a bulkhead that's described as watertight?	14	A. You're welcome.
15	A. Yes.	15	Q. You go on to recognise, as we've already noticed:
16	THE CHAIRMAN: So on it's face there's an obvious	16	"Although the tender specification requirements
17	contradiction in terms, isn't there?	17	stipulate that the hull of the Lamma IV should be
18	A. As I mentioned earlier, I mean, that bulkhead, the word	18	subdivided by 5 watertight bulkheads into 6 individual
19	"WT" is a misprint or is a mistake, and that's why we	19	compartments, the actual construction varied from the
20	took it that that bulkhead is not a watertight bulkhead.	20	tender specification requirements.
21	MR BERESFORD: So are you saying at the time you didn't		Due to the lapse of time, I cannot now recall
22	treat it as a watertight bulkhead?	22	why"
23	A. No. You want me to explain?	23	A. No.
24	Q. Well, I just want to focus on what you did at the time.	24	Q. And since the cost would be minimal, you say, it
25	A. Definitely not.	25	couldn't have been a question of costs?

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1	A. Exactly.	1	A. On the General Arrangement drawing.
2	Q. You then come on to deal with the issue of passenger	2	Now, of course that drawing is not 100 per cent
3	seats. You say:	3	perfect. The most important thing is, if you look at
4	"The passenger seats of the Lamma IV were supplied	4	the rule book, there is at the very end the instructions
5	and installed by Cheoy Lee in accordance with the	5	of how to space out seats
6	contract with Hongkong Electric. The method of	6	THE CHAIRMAN: Yes.
7	installation and the fastening used were and still are	7	A according to the leg room, the accesses and all these
8	common in the industry for local waters passenger	8	things. So the work team will then mark the seats onto
9	launches. The seats were fastened by stainless steel	9	the deck. When it's all checked to be correct, then
10	self-tapping screws onto the aluminium deck on the main	10	they will start installing them.
11	deck and onto the GRP deck on the upper deck."	11	THE CHAIRMAN: With any instructions as to how they are to
12	A. Yes.	12	be affixed to the different decks, one aluminium and one
13	THE CHAIRMAN: Where was the attachment of the seats done?	13	fibreglass?
14	A. In Hong Kong.	14	A. No, because if we use self-tapping screws, the same
15	THE CHAIRMAN: So it was the aluminium hull that was	15	screws are used on aluminium as well as fibreglass.
16	delivered from the Wuzhou shipyard?	16	THE CHAIRMAN: Thank you.
17	A. Yes.	17	MR BERESFORD: Just before we go on with that, can I just
18	THE CHAIRMAN: Was the superstructure put on in Hong Kong?		I'm sorry to chop and change
19	A. Yes.	19	A. It's all right.
20	THE CHAIRMAN: Then after that, was the seating put on?	20	Q but I want to go back to the issue of the watertight
20	A. Well, there's a lot of process before then because	20	door.
22	before the seating is to go on, the ship is almost	22	
23	finished.	23	Although costs may not have been a major issue,
23	THE CHAIRMAN: Yes.	24	I suggest to you that in fact the reason why a door was not fitted is not because it cannot be fitted, but
24		24	because it would cost a bit more in terms of money and
25	A. And the actual deck there's a vinyl decking that has Page 118	23	Page 120
			-
1	to be put on before the seat is installed. That is the	1	time to fit a door to a corrugated structure.
2	final process to finish a ship.	2	A. No, no, no, no. A corrugated structure has nothing to
3	THE CHAIRMAN: But we're dealing with two different decks	3	do with fitting a door. If you need to fit the door,
4	here, aren't we. The main deck was aluminium.	4	the corrugation will end a lot earlier. Then you leave
5	A. Yes.	5	a flat space for the door to be bolted on. So it's not
6	THE CHAIRMAN: The upper deck was fibreglass.	6	a matter of cost. Cost, as I say, to buy the door
7	A. Yes. But the decks are not bare when they're finished.	7	Q. No, I understood your evidence about that. But it is
8	THE CHAIRMAN: No, I follow that. All I'm trying to get	8	possible to fit a door to a corrugated surface?
9	an idea of is the sequence in which events happened.	9	A. Of course, of course. Yes.
10	A. (Witness nods).	10	Q. But it will cost a bit more?
11	THE CHAIRMAN: So the hull is delivered from the shipyard?	11	A. It will cost money, yes. Whether a bit more or less
12	A. Yes.	12	yes, of course it will.
13	THE CHAIRMAN: The superstructure is then attached to the	13	Q. It will cost money?
14	vessel, and at some later stage, perhaps towards the	14	A. You need labour and cost, yes.
15	final stages, the seating is put in place?	15	Q. Labour and money?
16	A. Correct.	16	A. Of course.
17	THE CHAIRMAN: By your workmen in your shipyard?	17	Q. Or money and time?
18	A. Our workmen.	18	A. Yes. But compared with the total cost of the ship, this
19	THE CHAIRMAN: Were you provided with any plans to affix the		is negligible.
20	seats to the deck?	20	Q. It's not huge, but
21	A. No, because installing seats is a very common procedure	21	A. No, no, no. In the year 1995, probably a few thousand
22	by our team of people. The seats will be pre-made, of	22	dollars out of a contract of a substantial amount.
23	course, and then, according to the drawing, will be	23	Q. Yes. Now, you say that the seats were fastened by
24	marked on the deck. THE CHAIRMAN: According to what drawing?	24	self-tapping screws and this is normal or common?
25		25	A. Yes.

	Page 121		Page 123
1	Q. But you've seen Dr Armstrong's report about the	1	A. Well, I'm sure there are a lot methods that can be used.
2	inadequacy of, in his opinion, the use of self-tapping	2	As I mentioned earlier, before the ship is finished,
3	screws on a fibreglass deck?	3	it's very hard to allocate where the seats will go. So
4	A. Yes, that is Dr Armstrong's opinion.	4	it would be very hard to pre-insert a piece of wood into
	Q. Yes. Well, do you agree with it?	5	the structure to accept this type of fastening. It is
5 6	A. No.	6	not practical.
7	Q. So you think the seats were adequately secured? A. Yes.	8	MR BERESFORD: But you could, could you not, have used
8			a through bolt with a washer to spread the load
9	Q. How is that, given that it seems only one thread of the	9	underneath, instead of a self-tapping screw?
10	screw was embedded in anything solid at all, and most of	10	A. Yes. That very much depends on what the structure is
11	it was just tapped into foam?	11	down below. But this is not the usual practice.
12	A. Well, it has lasted that many years and has been in use,	12	
13	and I can assure you this is the same practice we do on	13	have done that, could you not?
14	a lot of boats and it's still in use.	14	A. If requested, then certain places can be done, yes.
15	Q. Dr Armstrong also says that the photographs suggest that	15	Q. We're talking specifically about the GRP upper deck.
16	the seats have come out and been reattached from time to	16	A. I know, but depending on what's down below. You may be
17	time, and one of the crew members gives evidence to the	17	hitting something that you cannot get through, so
18	effect that the seats were wobbly.	18	there's a lot of risk. Because underneath the deck
19	A. Yes. This is a regular maintenance item, depending on	19	theres' wiring, there is piping, there are a lot of
20	your seats. If you rock your seat all the time, the	20	things underneath. So you cannot just drill a hole and
21	seat, whatever seat you do, even at your house, will	21	assume that nothing is down below; that is at the very
22	crack or fall apart. So, depending on the guy sitting	22	final stage of construction.
23	on it.	23	Q. No, Mr Lo. One might be tempted to suggest that that is
24	Q. Well, of course the seats at our house are not attached	24	commonly done in Hong Kong, but
25	to the ground because we're not thrown about by	25	A. I can assure you that that is not commonly done in
	D 100		
	Page 122		Page 124
1	Page 122 1.2-metre waves in our house.	1	Page 124 Hong Kong, because as I said, we build most of the
1 2		1 2	
	1.2-metre waves in our house.		Hong Kong, because as I said, we build most of the
2	1.2-metre waves in our house.A. Yes, but it's proven that the seats are still being used	2	Hong Kong, because as I said, we build most of the boats.
2 3	1.2-metre waves in our house.A. Yes, but it's proven that the seats are still being used and useable after 16 years.	2 3	Hong Kong, because as I said, we build most of the boats.Q. I'm not suggesting that's how you'd do it in your yard.
2 3 4	1.2-metre waves in our house.A. Yes, but it's proven that the seats are still being used and useable after 16 years.Q. But isn't it foreseeable that in the event of	2 3 4	Hong Kong, because as I said, we build most of the boats.Q. I'm not suggesting that's how you'd do it in your yard. I'm sure you'd have somebody underneath looking. But it
2 3 4 5	1.2-metre waves in our house.A. Yes, but it's proven that the seats are still being used and useable after 16 years.Q. But isn't it foreseeable that in the event of a collision, the seats are liable to come loose and	2 3 4 5	Hong Kong, because as I said, we build most of the boats.Q. I'm not suggesting that's how you'd do it in your yard.I'm sure you'd have somebody underneath looking. But it could have been done, could it not? It's not that
2 3 4 5 6	1.2-metre waves in our house.A. Yes, but it's proven that the seats are still being used and useable after 16 years.Q. But isn't it foreseeable that in the event of a collision, the seats are liable to come loose and injure people?A. Well, for this type of vessel, I don't think anybody	2 3 4 5	Hong Kong, because as I said, we build most of the boats.Q. I'm not suggesting that's how you'd do it in your yard. I'm sure you'd have somebody underneath looking. But it could have been done, could it not? It's not that difficult.
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2 3 4 5 6 7 8 9 10 11	 1.2-metre waves in our house. A. Yes, but it's proven that the seats are still being used and useable after 16 years. Q. But isn't it foreseeable that in the event of a collision, the seats are liable to come loose and injure people? A. Well, for this type of vessel, I don't think anybody would have assumed that to be the case. This is not a rule requirement. Q. No, but I'm asking you about the adequacy of the fastenings. It is a requirement that the seats are 	2 3 4 5 6 7 8 9 10 11	 Hong Kong, because as I said, we build most of the boats. Q. I'm not suggesting that's how you'd do it in your yard. I'm sure you'd have somebody underneath looking. But it could have been done, could it not? It's not that difficult. A. In certain areas, yes, I told you that. Not 100 per cent. THE CHAIRMAN: Well, what about requiring as the witness told us, an alternative was to thicken the fibreglass in the places where you were going to attach seats, or
2 3 4 5 6 7 8 9 10 11 12	 1.2-metre waves in our house. A. Yes, but it's proven that the seats are still being used and useable after 16 years. Q. But isn't it foreseeable that in the event of a collision, the seats are liable to come loose and injure people? A. Well, for this type of vessel, I don't think anybody would have assumed that to be the case. This is not a rule requirement. Q. No, but I'm asking you about the adequacy of the fastenings. It is a requirement that the seats are securely fastened in position. 	2 3 4 5 6 7 8 9 10 11 12	 Hong Kong, because as I said, we build most of the boats. Q. I'm not suggesting that's how you'd do it in your yard. I'm sure you'd have somebody underneath looking. But it could have been done, could it not? It's not that difficult. A. In certain areas, yes, I told you that. Not 100 per cent. THE CHAIRMAN: Well, what about requiring as the witness told us, an alternative was to thicken the fibreglass in the places where you were going to attach seats, or perhaps some of them? Anchor points. Thicker
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	Page 125		Page 127
1	don't build ships that way. So when you drill holes	1	MR BERESFORD: I would estimate about an hour, possibly two.
2	into anything and fasten it, whether it's steel,	2	Maybe up to the break.
3	aluminium or wood, you must have bedding compound to	3	THE CHAIRMAN: Yes, very well. As I mentioned earlier, the
4	make sure that the structure, the water doesn't go	4	information we'd received is that Mr Lim is willing to
5	through, because:	5	and will make himself available to testify by videolink.
6	THE CHAIRMAN: It's something you insert into the hole	6	I think it would make sense that those arrangements
7	before you put the screw in?	7	should be in place, if possible to have him testify
8	A. Yes, yes. That's the compound. Likewise, you don't	8	before Dr Armstrong gives evidence. So perhaps that
9	want water to be trapped there, especially as this is	9	could be addressed.
10	salt water and will rust the screws.	10	MR BERESFORD: We'll see if we can arrange that. Thank you,
	MR BERESFORD: Indeed. So your evidence is that this would		Mr Chairman.
12	have been done on the Lamma IV	12	THE CHAIRMAN: Very well.
13	A. Oh, yes. Of course, of course.	13	MR SUSSEX: Mr Chairman, I wonder if I might raise a point.
14	Q and that the upper-deck seats would have been	14	THE CHAIRMAN: Yes.
15	A. Yes, of course. This is a necessary procedure.	15	MR SUSSEX: You will remember that during the evidence of
16	Q attached by screws using a bedding compound?	16	Mr Cheng of Hongkong Electric I was anxious to obtain
17	A. Yes.	17	details of the fog light at the end of the breakwater.
18	Q. Then I think you point out in relation to the seats:	18	THE CHAIRMAN: I hadn't forgotten, yes.
19	"The Lamma IV was not serviced or maintained by	19	MR SUSSEX: So far requests from Hongkong Electric have
20	Cheoy Lee after its completion and delivery in 1996."	20	elicited the information that it was all seized by the
21	Although you say that according to the certificates	21	Department of Justice pursuant to a search warrant.
22	of survey, the seats were all found to be properly	22	THE CHAIRMAN: That is the actual lamp itself?
23	secured in position in subsequent years.	23	MR SUSSEX: No, not the lamp itself. Documents relating to
24	A. Yes.	24	the lamp. There's quite a lot of documentary evidence,
25	Q. You also make the point that you agree with Mr Wong	25	I understand.
	Page 126		Page 128
1	Chi-kin that although the seats were securely fastened,		
1	Clin-kin that although the seats were securely fastened,	1	THE CHAIRMAN: Do we need to go back beyond what was there
1 2	they were not intended to withstand abnormal pulling-out	1 2	THE CHAIRMAN: Do we need to go back beyond what was there on 1 October?
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	Page 129		Page 131
1	a copy and we have to await disclosure by Lo & Lo. We'd	1	THE CHAIRMAN: Would you be kind enough to be here so that
2	rather not, if I mean, we'd say that things are	2	we can resume at 10 o'clock on Monday.
3	getting frankly silly and we'd rather not lose the	3	A. Yes, Mr Chairman.
4	benefit of the weekend, if we possibly can, because we	4	(4.32 pm)
5	are trying to produce information for the Commission,	5	(The hearing adjourned until 10 am
6	and we'd like to see those documents as soon as	6	on Monday, 21 January 2013)
7	possible, and before the weekend.	7	
8	THE CHAIRMAN: Presumably it was the police that seized the	8	
9	documents?	9	
10	MR SUSSEX: So I understand.	10	
11	THE CHAIRMAN: Mr Mok represents the police.	11	
12	MR SUSSEX: He does indeed.	12	
13	THE CHAIRMAN: Mr Mok, can you assist?	13	
14	MR MOK: Yes. As my learned friend said, from what he	14	
15	said I heard for the first time it will be	15	
16	released tonight. I think it is the practice to release	16	
17	the documents to the Commission and not to the parties	17	
18	directly, unless of course the Chairman so directs.	18	
19	THE CHAIRMAN: No, I understand the practice, but no doubt	19	
20	a phone call from you will result in them arriving here	20	
21	quite soon.	21	
22	MR MOK: I'll do my best.	22	
23	MR BERESFORD: I understand that they have been provided to	23	
24	the Commission's solicitors, so the issue is whether	24	
25	Mr Mok can provide them directly to	25	
	Page 130		Page 132
1	THE CHAIRMAN: If they've been provided to the Commission's	1	
2	solicitors, are they here?	2	MR CHOI CHI-CHUEN (affirmed in Punti)9
3	MR BERESFORD: We've just received them, I understand.		Examination by MR BERESFORD9
4	I don't know whether they're in the hearing room.	3	(The witness withdrew)
5	THE CHAIRMAN: If not, where are they?	4	
6	MR BERESFORD: They haven't been copied yet.	5	MR LIU CHIU-FAI, BARRY (affirmed in Punti)
7	THE CHAIRMAN: I appreciate that, but we have copying	6	Examination by MR BERESFORD30
8	machines outside.		(The witness withdrew)55
9	Just bear with me, Mr Sussex. We'll try to solve	7	MR LOUK HON-YING (sworn in Punti)55
10	this conundrum now.	8	Examination by MR BERESFORD
11	MR SUSSEX: I'm very grateful, Mr Chairman.	9	
12	THE CHAIRMAN: I think we can provide you with a copy,	10	Examination by MR PAO76
13	Mr Sussex, within 10 minutes.		Examination by MR MOK79
14	MR SUSSEX: I'm extremely grateful.	11	Questions by THE COMMISSION81
15	THE CHAIRMAN: Other parties can have it when it's made	12	(The witness withdrew)
16	available. Apparently only one copy is made available.	13	
17	When multiple copies have to be made, it takes time.	14	MR LO NGOK-YANG (affirmed)83
18	But I've asked that one be made for you now.		Examination by MR BERESFORD83
19	MR SUSSEX: Thank you very much.	15 16	
20	THE CHAIRMAN: Are there any other matters?	17 18	
21	MR BERESFORD: Not from me, Mr Chairman.	19	
22	THE CHAIRMAN: In which case, Mr Lo, I'm going to have to	20 21	
23	ask you to come back on Monday to continue your	22	
24	testimony.	23 24	
25	A. Yes.	25	

33 (Pages 129 to 132)