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<p>1 Tuesday, 5 February 2013</p> <p>2 (10.00 am)</p> <p>3 THE CHAIRMAN: Yes, Mr Grossman.</p> <p>4 MR GROSSMAN: Mr Chairman and Mr Tang, good morning. We</p> <p>5 were asked yesterday to provide, by my count, seven</p> <p>6 different items this morning. And I want to go through</p> <p>7 them quickly.</p> <p>8 First of all, we were asked to provide photographs,</p> <p>9 I think if I remember correctly, by the Commission, of</p> <p>10 the crew room. That we have obtained, and in fact we</p> <p>11 have far more photographs than were asked for, because</p> <p>12 we think they may be of use.</p> <p>13 THE CHAIRMAN: Yes. Well, we have nothing that helps us</p> <p>14 with this area at the moment. Thank you.</p> <p>15 MR GROSSMAN: We've got photographs of files, et cetera.</p> <p>16 THE CHAIRMAN: Thank you.</p> <p>17 MR GROSSMAN: That's the first point.</p> <p>18 The second one, we were asked about the plans -- if</p> <p>19 you recall, we had the original plan and we showed it to</p> <p>20 you yesterday, with one copy.</p> <p>21 THE CHAIRMAN: That's the as-fitted plan; correct?</p> <p>22 MR GROSSMAN: Yes. That physically takes time, but we're</p> <p>23 doing that.</p> <p>24 THE CHAIRMAN: Thank you.</p> <p>25 MR GROSSMAN: We were asked to provide emergency and drill</p>	<p>1 attendance records.</p> <p>2 THE CHAIRMAN: Yes.</p> <p>3 MR GROSSMAN: That is being obtained.</p> <p>4 THE CHAIRMAN: Thank you.</p> <p>5 MR GROSSMAN: Can I just say this, Mr Chairman. We</p> <p>6 understand many things come up during the course of the</p> <p>7 day in which records suddenly become relevant, and of</p> <p>8 course we will do our best, as we have done all along,</p> <p>9 to be as co-operative as we can. But it is, with great</p> <p>10 respect, not helpful at 4.30 for my learned friends to</p> <p>11 stand up and say, "In order to examine tomorrow we need</p> <p>12 the following documents", when many of those documents</p> <p>13 could have been sought from us a long time ago. It's</p> <p>14 putting enormous strain on our resources. We do it as</p> <p>15 best we can. But I really would ask my learned friends,</p> <p>16 not the Commission, because I understand the Commission</p> <p>17 asks only when something arises, but to stand up at 4.30</p> <p>18 or 4.45 as yesterday and say, "Can we have the following</p> <p>19 documents", which were known not to be immediately</p> <p>20 available, is really not helpful and is putting enormous</p> <p>21 strain on the staff.</p> <p>22 THE CHAIRMAN: Yes. Thank you.</p> <p>23 Mr Pao, can I come to you, trepidatious in view of</p> <p>24 Mr Grossman's observations, to ask you for some</p> <p>25 information. I hope we don't strain your resources.</p>
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<p>1 records. That I think we provided or sent yesterday</p> <p>2 afternoon.</p> <p>3 THE CHAIRMAN: That was certainly received by me at 2.30.</p> <p>4 MR GROSSMAN: Yes. That was done yesterday.</p> <p>5 We were asked to obtain ferry instructions No. 5.</p> <p>6 You will recall that.</p> <p>7 THE CHAIRMAN: I do, yes.</p> <p>8 MR GROSSMAN: The answer to that is it doesn't exist, as far</p> <p>9 as we know. It's something that's simply been recorded</p> <p>10 year after year and it hasn't been taken off. We can't</p> <p>11 find anybody who knows what it means.</p> <p>12 We were asked about internal seat maintenance</p> <p>13 records. That's being obtained. That takes time.</p> <p>14 THE CHAIRMAN: Thank you. I think there were two aspects</p> <p>15 there, were there not? One was the -- perhaps you're</p> <p>16 coming to it. But it was the maintenance of the vessel</p> <p>17 prior to 2003, in Cheoy Lee.</p> <p>18 MR GROSSMAN: I was coming to that. I'll deal with that</p> <p>19 now. As far as we can recall, but we're still looking,</p> <p>20 it was just the one company that was mentioned by</p> <p>21 Mr Tang: Hing Kee, I think.</p> <p>22 THE CHAIRMAN: That's Mr Tang's memory as well.</p> <p>23 MR GROSSMAN: That's being looked into. That was the next</p> <p>24 matter.</p> <p>25 The last one was the "fourth member of the crew"</p>	<p>1 What we'd like Cheoy Lee to provide us with is the</p> <p>2 personal particulars of Mr Cheung Fook-chor, who is the</p> <p>3 gentleman identified as the naval architect that Mr Lo</p> <p>4 accused of mistakenly assuming that frame 1/2 was</p> <p>5 required to be watertight. We'd like such records that</p> <p>6 Cheoy Lee have of him that assist us to identify and</p> <p>7 locate him. That's the purpose of the request.</p> <p>8 MR PAO: Yes.</p> <p>9 THE CHAIRMAN: We appreciate that the records go back a long</p> <p>10 way, but if you could help us, we'd be grateful.</p> <p>11 MR PAO: Yes, we will certainly try our best.</p> <p>12 THE CHAIRMAN: Thank you. Before you resume your</p> <p>13 questioning, there's another matter that has come to the</p> <p>14 Commission's attention and it concerns Sea Smooth and</p> <p>15 its release. The Commission is in no way involved in</p> <p>16 the detention of the vessel, and it's a matter for</p> <p>17 others. The Commission has no view as to when and how</p> <p>18 it is released.</p> <p>19 MR SUSSEX: I see. Thank you.</p> <p>20 MR TANG WAN-ON (on former affirmation)</p> <p>21 (All answers via interpreter unless otherwise indicated)</p> <p>22 THE CHAIRMAN: So, Mr Tang. Back to you. Good morning.</p> <p>23 May I remind you that you continue to give your</p> <p>24 testimony according to your original affirmation.</p> <p>25 A. That's clear.</p>

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<p>1 THE CHAIRMAN: Mr Pao. 2 MR PAO: Thank you, Mr Chairman. 3 Examination by MR PAO (continued) 4 MR PAO: Mr Tang, you remember that we were talking about 5 the servicing records of the Lamma IV prior to 2003, 6 yesterday? 7 A. Yes, I do. 8 Q. And I understand that you are in the process of 9 collecting or collating these records for the 10 Commission? 11 A. Yes. Correct. 12 MR GROSSMAN: I'm sorry, if I can just make it clear. When 13 matters have been asked for, we've specifically asked 14 Mr Tang some time ago not to involve himself while he's 15 being examined. The matters that are being collected 16 and collated are done by the staff of Hongkong Electric. 17 THE CHAIRMAN: Yes. Very well. 18 Perhaps you'll just touch on that subject matter 19 again; I was distracted trying to locate some of my 20 files. 21 MR PAO: Mr Chairman would like me to ask you that question 22 again. The question I put to you was that you and/or 23 your staff are in the process of collecting and 24 collating the records of the servicing of Lamma IV prior 25 to 2003; is that correct?</p>	<p>1 THE CHAIRMAN: Thank you. 2 Yes, Mr Pao. 3 MR PAO: Thank you, Mr Chairman. 4 Mr Tang, yesterday you gave an answer to a question 5 to the effect that during the warranty period, meaning 6 1996 and 1997, there were things being done to the 7 passenger seats. Do you remember that? 8 A. According to the records that we kept, for some seats, 9 Cheoy Lee company had to do something about some seats. 10 Q. Can you tell me exactly what was done to which seats? 11 The reason I ask is that we do not have any record of 12 anything being done to passenger seats during the 13 warranty period. Now, you have to be very specific 14 about this. What was done to which seat on which deck, 15 and the nature of the so-called servicing or maintenance 16 work that was contained in your job order to Cheoy Lee? 17 A. A dozen years have gone by already, so I can only go 18 according to the records of the company, that some 19 seats, that some work has been done to some seats. 20 However, the details were not recorded. 21 Q. Mr Tang, do you still have that job order for Cheoy Lee, 22 or a copy of that job order? 23 A. As I said, it's about 10 years ago, more than 10 years 24 ago. We have some internal records to that effect in 25 the company, that some work has been done, but I do not</p>
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<p>1 A. Correct. 2 Q. Before we have sight of those records, to the best of 3 your recollection, how many times was the hull of 4 Lamma IV stripped down of its old paint and then 5 repainted again during that period of time, between, 6 say, 1997 and 2003? 7 A. According to what I can recollect, from 1997 to 2003, 8 for the first year, when the ship was under maintenance, 9 in fact we gave the work to Hing Kee ship company. When 10 the paint of the bottom of the boat was stripped, it was 11 stripped by a sort of high-pressure equipment -- 12 A. (In English) High-pressure jet. 13 A. -- high-pressure jet, and not really stripped by 14 scraping or that sort of process. 15 It was not entirely stripped, the hull, and it was 16 not entirely repainted. 17 THE CHAIRMAN: Are you there describing the removal of 18 anti-foul paint, beneath-the-waterline paint? 19 A. Correct. 20 THE CHAIRMAN: And what of the paint above the waterline on 21 the hull? Was that removed or not, on that occasion? 22 A. No. From what I recollect, that was not removed. 23 THE CHAIRMAN: And the high-pressure system, you call it, is 24 that a high-pressure waterjet? 25 A. Correct.</p>	<p>1 think that we still have the job order or its copy. 2 THE CHAIRMAN: Have you sighted these records recently? 3 A. Yes. According to the internal records of the company, 4 yes, we did sight them. 5 THE CHAIRMAN: I'm asking you if you've seen them recently. 6 A. We saw what was inside the computer of the company. 7 THE CHAIRMAN: Thank you. 8 MR PAO: Can you briefly tell us what is recorded in the 9 computer about, specifically, this item of passenger 10 seats, something being done to them? 11 A. According to the records, many seats had defects, and 12 Cheoy Lee did some work to them. 13 Q. So what you are telling us is that it's the seats 14 themselves that had defects, and not the anchoring point 15 of those seats that had defects; is that correct? 16 A. No such details were given. It was just on the whole 17 there were defects. 18 Q. Right. Thank you. 19 Mr Tang, I'm moving on to another subject; that is, 20 when Lamma IV was delivered to Hongkong Electric. You 21 were one of the persons who inspected the vessel; is 22 that right? 23 A. Correct. 24 Q. You also understood that Lamma IV was supposed to have 25 five watertight bulkheads. That was your understanding,</p>

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<p>1 wasn't it?</p> <p>2 THE INTERPRETER: (Chinese spoken).</p> <p>3 MR PAO: "Bulkhead" is "(Chinese spoken)".</p> <p>4 A. For the acceptance of the vessel, we rely on the</p> <p>5 drawings as approved by the Marine Department, as well</p> <p>6 as the reputation of the Cheoy Lee company. We have</p> <p>7 confidence in both parties, and in fact there's no need</p> <p>8 for detailed inspection on our part.</p> <p>9 Q. Mr Tang, what exactly did you do for inspection of the</p> <p>10 vessel Lamma IV?</p> <p>11 A. I go by the specifications that we furnished to the</p> <p>12 Cheoy Lee company, and we inspected, item by item, the</p> <p>13 specifications.</p> <p>14 Q. So would it be correct to say that you had actually</p> <p>15 entered the hull and inspected the various compartments</p> <p>16 within the vessel?</p> <p>17 A. Correct.</p> <p>18 Q. Did you notice there was an access opening on the</p> <p>19 bulkhead that separates the tank room and the steering</p> <p>20 gear compartment?</p> <p>21 A. Yes, I did notice there was an access opening on the</p> <p>22 bulkhead between the steering gear compartment and the</p> <p>23 tank room, because I have always been walking to and fro</p> <p>24 there.</p> <p>25 Q. What was your reaction on seeing that big hole in the</p>	<p>1 should stay afloat.</p> <p>2 Q. Mr Tang, that was not my question to you. Perhaps I can</p> <p>3 put it a different way.</p> <p>4 It was your understanding that, broadly speaking,</p> <p>5 the launch should stay afloat if one watertight</p> <p>6 compartment is damaged. Upon seeing that great big hole</p> <p>7 in the bulkhead that separates the tank room and the</p> <p>8 steering gear compartment, it never occurred to you that</p> <p>9 there should have been a door that makes it secure so</p> <p>10 that the damage to the steering gear compartment would</p> <p>11 not affect the tank room; is that correct?</p> <p>12 A. I would agree that if water goes into one of the</p> <p>13 compartments, the launch should not sink. However,</p> <p>14 I don't have the relevant data and I don't do the</p> <p>15 calculations. Basically, in my position, I would rely</p> <p>16 on the calculations of Cheoy Lee and the seal of</p> <p>17 approval from the Marine Department.</p> <p>18 Q. Mr Tang, that has nothing to do with calculations. My</p> <p>19 question is simply, even if you inspected the vessel</p> <p>20 from an operator's perspective, when seeing something</p> <p>21 like that, had it ever occurred to you to ask one</p> <p>22 question: "Where is the door to make that bulkhead</p> <p>23 watertight?"</p> <p>24 A. From the position of the operator, the launch was built</p> <p>25 by a shipyard and approved by the Marine Department.</p>
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<p>1 bulkhead that separates the two compartments?</p> <p>2 A. My reaction was if the Marine Department approved the</p> <p>3 drawings and if Cheoy Lee undertook the building, I had</p> <p>4 absolutely no reason to have misgivings.</p> <p>5 Q. Mr Tang, you just said that it was your understanding</p> <p>6 that Lamma IV was to have five watertight bulkheads. Is</p> <p>7 that correct? That was your understanding? You've just</p> <p>8 said that.</p> <p>9 A. Correct.</p> <p>10 Q. Had it ever occurred to you, seeing that hole in the</p> <p>11 bulkhead that separates the tank room and the steering</p> <p>12 gear compartment, to ask a question like "Where is the</p> <p>13 door that makes it watertight"?</p> <p>14 A. Cheoy Lee is a very reputable firm, and there must be</p> <p>15 rationality between such a design. So I did not really</p> <p>16 have that sort of consideration.</p> <p>17 Q. But, Mr Tang, you said in paragraph 5 of your</p> <p>18 supplemental statement:</p> <p>19 "I only know that broadly speaking a launch should</p> <p>20 stay afloat if one of the watertight compartments is</p> <p>21 damaged ..."</p> <p>22 That is your broad understanding. Is that correct?</p> <p>23 A. According to the calculations presented, calculations of</p> <p>24 water leakage, of the Cheoy Lee company, according to</p> <p>25 the calculations, I would see that it should have -- it</p>	<p>1 It's just like a car approved by the Traffic Department.</p> <p>2 I have no reason to suspect that it wouldn't conform to</p> <p>3 norms.</p> <p>4 Q. Mr Tang, I think we better move on to another subject.</p> <p>5 THE CHAIRMAN: Yes. You've asked the question three times</p> <p>6 and the answer is becoming like a mantra.</p> <p>7 MR PAO: Yes.</p> <p>8 Mr Tang, you have produced the tender specifications</p> <p>9 and contracts for the construction of Lamma IV under</p> <p>10 appendix 1 of your supplemental statement.</p> <p>11 A. Correct.</p> <p>12 MR PAO: May we have page 774-49 on the screen, please.</p> <p>13 This is the "Addendum to Form of Tender".</p> <p>14 Mr Tang, could you look at the first paragraph. The</p> <p>15 first paragraph says:</p> <p>16 "To: Construct one twin screw double-deck composite</p> <p>17 aluminium/GRP passenger launch having approximately</p> <p>18 dimensions of 28.00 m ... to be built closely in</p> <p>19 accordance with the attached Specification and General</p> <p>20 Arrangement Drawing ..."</p> <p>21 Do you see that?</p> <p>22 A. Yes, I see.</p> <p>23 Q. Does that indicate to you that there would be changes to</p> <p>24 the proposed design of the vessel because of the use of</p> <p>25 the words "closely in accordance with the attached</p>

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1 Specification and ... Drawing"? 2 A. From the user's point of view, I believe that the 3 shipbuilder, Cheoy Lee, will give appropriate 4 reflections as to the design and changes thereof. 5 Q. Thank you, Mr Tang. 6 May I then have the document in W&G bundle, page 47, 7 on the screen, please. 8 THE CHAIRMAN: What are we going to look at? 9 MR PAO: It's a letter from Cheoy Lee to Hongkong Electric, 10 providing them with certain drawings. 11 THE CHAIRMAN: Thank you. 12 MR PAO: Mr Tang, you see that this letter was dated 25 July 13 1995. It's from Cheoy Lee to Hongkong Electric Company, 14 to the attention of Mr FY Hung. Can you tell the 15 Commission who this Mr FY Hung is? 16 A. FY Hung was the marine officer at the time. 17 Q. And you at the time were the marine supervisor? 18 A. Correct. 19 Q. Further down, you see the letter says: 20 "Further to your recent requests, I hereby enclose 21 one copy each of the following drawings ..." 22 Do you see that? 23 A. Yes, I see. 24 Q. Mr Tang, when you ask someone to provide you with 25 certain drawings, would it be fair to expect that this	1 the Engineer for approval within the times named in the 2 Specifications such drawings, samples, patterns and 3 models as may be called for therein ..." 4 Do you see that? 5 A. Yes, I do. 6 Q. May I then have page 774-18 on the screen, please. This 7 is the "Definitions" section. 8 It's 1.6. "Engineer" is defined as: 9 "... the Managing Director or Group Commercial 10 Manager or Chief Engineer (Generation) of the Hongkong 11 Electric Company Ltd or [some other designated 12 person] ..." 13 Do you see that? 14 A. Yes, I do. 15 Q. Do you have any record of communications between the 16 managing director or the group commercial manager or the 17 chief engineer of Hongkong Electric with Cheoy Lee in 18 respect of the Lamma IV? 19 A. (Chinese spoken). 20 Q. It's the communication between these parties. 21 Madam Interpreter, can you emphasise -- 22 THE CHAIRMAN: Wait for the interpretation first, Mr Pao. 23 A. Over 10 years have passed since then. 24 We do our best to look for records, but I wouldn't 25 say that we have all the records.
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1 Mr Hung would at least look at these drawings after 2 receipt of the drawings? 3 A. I am not Mr Hung and I cannot answer for him. 4 Q. And you were not given the opportunity to look at these 5 drawings? 6 A. No, I didn't have the opportunity at that time. 7 Q. Just assuming for a moment, had Mr Hung actually looked 8 at these drawings, would it be fair to expect him to ask 9 questions if there were anything that he did not 10 understand or there was anything that was unclear on the 11 drawings? I mean, would he put questions to Cheoy Lee 12 for clarification? 13 A. I am not the person involved, so I cannot answer this 14 question. 15 Q. That's fair enough, Mr Tang. But you were not able to 16 find in your records any such questions being put to 17 Cheoy Lee, were you? 18 A. According to our own records, it seems that there's no 19 appearance of such questions. 20 Q. Mr Tang, I'm now going to refer you to the general 21 conditions of contract in appendix 1. May I have 22 page 774-20 on the screen, please. 23 It's paragraph 5.1 that I would like you to look at. 24 Paragraph 5.1 says: 25 "The Contractor [meaning Cheoy Lee] shall submit to	1 THE CHAIRMAN: No, you're being asked if you have any 2 records of communication. 3 MR PAO: I think the word "communication" hasn't come 4 through in the translation. 5 THE CHAIRMAN: Very well. Try another word. 6 MR PAO: Yes. 7 Do you have any records of letters, emails, faxes 8 exchanging between these parties? 9 A. (Chinese spoken). 10 Q. I don't want you to look for any more records. It's 11 just that -- 12 THE CHAIRMAN: Please allow the interpreter to do her job as 13 well, Mr Pao. 14 A. Well, we can look for them but I was not in that 15 position at that time. So it didn't go through my 16 hands. But we'll try our best to look for them. 17 MR GROSSMAN: Mr Chairman, perhaps they could be provided by 18 Cheoy Lee if they exist. 19 THE CHAIRMAN: No doubt they can be, yes. Mr Pao is 20 exploring whether or not they exist with Hongkong 21 Electric. 22 MR PAO: And we don't have any record, Mr Chairman. 23 Can we just move on. I'm going to take you to the 24 specification of that appendix 1. The part I want you 25 to look at is page 774-47. It's the last paragraph,

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<p>1 titled "Approval". It says: 2 "Details of design, construction, equipment, 3 accommodation layout machinery installation etc, not 4 enumerated here shall be at least of comparable standard 5 to existing HEC ferries. Work is not to begin until 6 plans for particular part has been approved by HEC." 7 Do you see that? 8 A. Yes, I do. 9 Q. Having seen that provision in the contract, would you 10 have expected that approval of the plans had been given 11 to Cheoy Lee in some way? 12 THE CHAIRMAN: Are you there referring to the drawings that 13 were enclosed with the letter of 25 July 1995? 14 MR PAO: Yes, Mr Chairman. 15 THE CHAIRMAN: Perhaps you could add that to the question. 16 MR PAO: Yes. 17 You've seen those drawings listed in the letter that 18 you have seen earlier, from Cheoy Lee to Hongkong 19 Electric, the letter dated 25 July 1995. 20 Having seen this provision, would you have expected 21 approval to the plans had been given to Cheoy Lee in 22 some way? 23 A. (Chinese spoken). 24 THE INTERPRETER: I'm sorry, you have to repeat it. 25 A. The letter is a notice served for the drawings, part of</p>	<p>1 else will have a look at it. Is that the position? 2 MR GROSSMAN: Completely unfair, Mr Chairman. It's 3 a statement, anyway. 4 THE CHAIRMAN: I think Mr Tang -- just a moment, please. 5 MR PAO: I'll withdraw the question, Mr Chairman. 6 THE CHAIRMAN: Mr Tang has established that he wasn't 7 dealing with this. 8 MR PAO: I'll withdraw the question, Mr Chairman. 9 Can we move on to paragraph 7 of your supplemental 10 statement. It's page 774-4, please. You said in this 11 paragraph 7: 12 "Frankly, if the change were brought to HKEC's 13 attention, I would have expected that the change had to 14 be rejected ..." 15 Do you see that? For just no reason. 16 A. Yes, I do. 17 Q. Mr Tang, this assertion, it's not based on anything that 18 is within your personal knowledge, is it? 19 A. I wouldn't say that this is a statement that I would 20 identify with. 21 MR SHIEH: There should have been a pause after "I wouldn't 22 say that", otherwise the sentence is that "I wouldn't 23 say that this is". Otherwise, the meaning is exactly 24 the opposite. 25 MR PAO: Mr Tang, that was not my question. My question was</p>
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<p>1 which have already been approved by the Marine 2 Department. 3 THE CHAIRMAN: I think the question is, would you expect 4 Hongkong Electric, perhaps in those circumstances, to 5 communicate approval to Cheoy Lee? 6 A. In my understanding, basically the drawings had been 7 approved by the Marine Department and this letter serves 8 to notify us that such approval has been made. 9 MR PAO: Mr Tang, that wasn't the case, was it? It was upon 10 your request, your marine section's request, that these 11 drawings were provided to you. It's stated clearly in 12 the letter. 13 A. Correct. The drawings are approved, and there is this 14 notification given to us. In fact there's no 15 difference -- how would we dare to oppose drawings 16 approved by the Marine Department? 17 Q. I'm not saying that you were to oppose the Marine 18 Department's approval. It's just that when you look at 19 these drawings and you have questions, you would have 20 put those questions to Cheoy Lee, wouldn't you? 21 A. At that time, I was not the one in charge of looking at 22 these drawings. And now I'm reading the letter and 23 trying to answer you questions now, as from the letter. 24 Q. Thank you, Mr Tang. So these drawings basically will 25 stay in the file, put in a locker, hoping that someone</p>	<p>1 that this statement you made in this paragraph was not 2 based on anything that is within your personal 3 knowledge. Because all the evidence you've given today 4 is that "I was not the person responsible at that time 5 and I couldn't give you an answer and there is no record 6 of this". So my question is, how could this statement 7 be based on anything that is within your personal 8 knowledge? 9 A. I myself am a navigator. If someone had said to me that 10 some bulkheads were missing, would you think that 11 I would agree to that? If such safety problem were 12 pointed out to me, I would at least have caution, 13 prudence, or even object to it. 14 Q. Mr Tang, I think it was your evidence that you walked 15 through that access opening many times when you took 16 delivery of the Lamma IV; is that correct? 17 A. Correct. 18 MR PAO: No further questions, Mr Chairman. 19 THE CHAIRMAN: Thank you, Mr Pao. 20 Mr Mok, do you have any application? 21 MR MOK: I do, Mr Chairman. I would like to follow up on my 22 learned friend Mr Pao's questioning on the delivery of 23 the vessel. 24 THE CHAIRMAN: Yes. 25 MR MOK: I would also like to ask Mr Tang some questions</p>

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<p>1 concerning the annual surveys, life jackets, manning 2 requirements and so on. 3 THE CHAIRMAN: Very well. Ask your questions. 4 Examination by MR MOK 5 MR MOK: Mr Tang, good morning. 6 A. Good morning. 7 Q. Mr Tang, you have worked for the Hongkong Electric 8 Company for around 32 years? 9 A. Correct. 10 Q. And you have been a marine officer for about 16 years? 11 A. Correct. 12 Q. You have been -- would you consider yourself -- a very 13 conscientious marine officer in the past 16 years? 14 A. I would not like to do a self-evaluation. 15 Q. Put another way, you would not consider yourself not to 16 be a conscientious officer? 17 THE CHAIRMAN: If you don't wish to answer that and you want 18 others to judge you from your own actions, so be it, 19 Mr Tang. 20 A. I choose not to answer. 21 MR MOK: As a marine officer, you would familiarise 22 yourself, for example, with all the laws or regulations 23 that are relevant to the marine operations in your 24 company? 25 A. Correct.</p>	<p>1 A. I will follow it for my inspection. 2 Q. In the second paragraph of this clause, it says in the 3 second line: 4 "To be subdivided by five watertight bulkheads into 5 six compartments comprising fore peak/chain locker, void 6 space, crew accommodation, engine room, store room and 7 aft peak/steering flat." 8 That's six compartments. Am I correct to say that 9 you went through each of these compartments when you 10 took delivery of the vessel? 11 A. Yes, there were all six compartments. 12 Q. When you went through all these compartments, you were 13 aware of this particular paragraph because otherwise you 14 wouldn't know how many compartments you should be 15 looking at; correct? 16 A. Correct. 17 Q. And you also found, did you not, that there were five 18 bulkheads separating these six compartments? 19 THE CHAIRMAN: Is that bulkheads or watertight bulkheads 20 that you -- 21 MR MOK: "Bulkhead". I deliberately said that. 22 A. Yes. 23 Q. You understand what a bulkhead is, right? 24 A. Yes, I understand that a bulkhead is what separates the 25 two compartments.</p>
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<p>1 Q. I now go to the time when you said you were involved in 2 the taking of delivery of Lamma IV. You said in your 3 answer to Mr Pao's questions: 4 "I go by the specifications that we furnished to the 5 Cheoy Lee company, and we inspected, item by item, the 6 specifications." 7 Do you remember that? 8 A. Yes, I do. 9 Q. Can I invite you to look at some of those 10 specifications, which are attached to your second 11 statement. This is page 774-57. 12 Do you agree that this document, which is headed 13 "Specification of 28 m Aluminium/GRP Passenger Launch", 14 is part of those specifications referred to by you in 15 the earlier answer I just reminded you of? 16 A. Yes, I do. 17 Q. So when you went through specifications item by item, 18 would it be right to say that you had this document with 19 you? 20 A. Correct. 21 Q. Can I invite you, please, to turn to page 774-62. In 22 clause 17 -- this deals with "Hull &amp; Superstructure". 23 Correct? 24 A. Correct. 25 Q. You understand what the clause says, do you?</p>	<p>1 Q. And you also understand what a watertight compartment 2 is, because you refer to it in paragraph 5 of your 3 second statement; correct? 4 A. Correct. 5 Q. And when you walked through the vessel at the time of 6 delivery, you discovered that there were only four 7 watertight bulkheads instead of five; correct? 8 A. (Chinese spoken). 9 Q. I'm sorry to interrupt, but can you just answer "yes" or 10 "no" first and then elaborate. 11 A. Correct. 12 THE CHAIRMAN: And then, if you wish, you can now elaborate. 13 A. Because for the bulkhead separating the void and the 14 crew space, I considered it to be watertight. 15 MR MOK: Thank you. So you discovered, did you not, that 16 one of those bulkheads, one of the five, was not 17 watertight, namely the one between the tank room and the 18 steering gear compartment; correct? 19 A. Correct. 20 Q. So you therefore realised there was a discrepancy 21 between the vessel as delivered to you and this 22 particular clause 17. 23 MR GROSSMAN: Mr Chairman, I'm sorry to interrupt again, but 24 this is completely repetitive of what my learned friend 25 Mr Pao was asking.</p>

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<p>1 MR MOK: Is it? 2 MR GROSSMAN: Yes, it is. 3 It's completely repetitive of it, and we're now 4 dealing with why the vessel was accepted, and you'll 5 recall that Mr Pao asked the same question three times 6 and eventually you stopped him from doing it. So 7 I really wonder, with respect, whether this is not just 8 taking up unnecessary time. 9 THE CHAIRMAN: Thank you, Mr Grossman, but we permit the 10 line of questioning. 11 MR MOK: Thank you. 12 Do you remember the question? 13 THE CHAIRMAN: The question is, so, as a result, you 14 realised there was a discrepancy: there were only four 15 watertight bulkheads, not five. 16 MR MOK: And the discrepancy is with this particular 17 paragraph that I just drew to your attention. 18 A. I would like to clarify. The fore peak -- the first 19 watertight compartment is the fore peak. The second one 20 is the void. The third one is the crew space. And the 21 fourth one is the engine room. There is also 22 a watertight bulkhead between the engine room and the 23 tank room. 24 Q. Can you answer my question. Did you realise there was 25 a discrepancy between the vessel as delivered to you and</p>	<p>1 Q. That's number three. 2 Moving further to the left, another one between the 3 tank room and the engine room. That too is a watertight 4 bulkhead? 5 A. Correct. 6 Q. That's number four. 7 Then moving further to the left, there's another 8 bulkhead between the steering gear compartment and the 9 tank room. That also is a bulkhead, right? 10 A. Correct. 11 Q. That is not a watertight bulkhead? 12 A. Correct. 13 Q. So there are four watertight bulkheads and one 14 non-watertight bulkhead; is that correct? 15 A. Correct. 16 Q. And that is a discrepancy with the second paragraph of 17 clause 17, which we just looked at, because that says 18 "five watertight bulkheads". Do you agree? 19 A. I agree. 20 Q. And you noticed this discrepancy? 21 A. (Chinese spoken). 22 Q. Please. I hesitate to interrupt you, but please answer 23 the question first and then elaborate. 24 The question was, you noticed this discrepancy when 25 you were going through the vessel when it was delivered</p>
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<p>1 paragraph 2 of clause 17 on this page? 2 A. I didn't feel that there was a discrepancy at that time. 3 Q. You just said there were only four watertight bulkheads; 4 isn't that true? 5 A. Since I feel that the bulkhead beside the crew space is 6 also a watertight bulkhead, that's why I don't believe 7 that there are four watertight bulkheads. 8 Q. Can I ask you to look at the General Arrangement so we 9 are not confused. Page 172 of bundle 2, please. Can we 10 look at the bottom, the underdeck plan. 11 On this plan, Mr Tang, there appear five bulkheads. 12 Each of them is represented by a vertical line inside 13 this drawing. The first one from the right is between 14 the fore peak and the void. Do you see that? 15 A. Yes, I do. 16 Q. That is a watertight bulkhead; correct? 17 A. Correct. 18 Q. That's one. The second one, moving to the left-hand 19 side, is the one between the crew space and the void. 20 That also is a watertight bulkhead; correct? 21 A. Correct. 22 Q. That's two. The third one, moving to the left, is the 23 one between the engine room and the crew space. That 24 too is a watertight bulkhead; correct? 25 A. Correct.</p>	<p>1 to you? 2 A. I did notice. However, in our view, the drawings were 3 provided by Cheoy Lee for approval by the Marine 4 Department, and in order not to have arguments, we 5 didn't raise the question. 6 Q. Sorry, Mr Tang, I was not referring to the drawings. 7 I was referring to a discrepancy between the vessel as 8 you saw it and a clause in the contract, in the 9 specification. Were you concerned when you were taking 10 delivery of a vessel that there was a major discrepancy 11 between the vessel as built and the contract 12 specification? Were you concerned? 13 A. (Chinese spoken). 14 Q. Again, Mr Tang, I'm sorry -- 15 THE CHAIRMAN: Let's have that interpreted first. 16 MR MOK: Of course. 17 A. From the viewpoint of a user, acceptance of the ship 18 really hangs on whether the licence can be issued or 19 not. 20 THE CHAIRMAN: So to answer the question, were you concerned 21 or not? 22 A. No, I was not too much concerned with this discrepancy 23 at that time. 24 MR MOK: Can I invite you to go back to paragraph 5 of your 25 second statement, please, at page 774-4. Four lines</p>

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<p>1 from the bottom, you said: 2 "I only know that broadly speaking a launch should 3 stay afloat if one of the watertight compartments is 4 damaged but the situation will be very dangerous if more 5 than one watertight compartment is violated." 6 You knew that? 7 A. Correct. 8 Q. So, Mr Tang, according to this understanding, the 9 absence of a watertight compartment between the tank 10 room and steering gear would be very dangerous, would it 11 not, if one of those compartments were damaged? 12 A. According to my understanding, according to the 13 calculations made, if water goes into one compartment, 14 the launch will still stay afloat. I do not have the 15 details thereof, but since the calculations were done 16 and the Marine Department approved, I have absolute 17 confidence. 18 Q. When you took delivery of the vessel and when you were 19 going through these compartments, were you accompanied 20 by any representative of Cheoy Lee? 21 A. It's been over 10 years since then. I can't really 22 recall whether there was any accompanying representative 23 of Cheoy Lee. 24 Q. Perhaps you can remember this. Did you or your company 25 object to Cheoy Lee concerning this discrepancy which</p>	<p>1 an officer of the Licensing Section of the Marine 2 Department. The purpose of that telephone conversation, 3 according to you, was to ask for an explanation. Do you 4 remember? 5 A. I do. 6 Q. Would it be correct to say that in your mind, to seek 7 an explanation would in no way adversely affect your 8 good relationship with the Marine Department? 9 A. Correct. 10 Q. And would it be fair to say that even after that 11 telephone conversation, you still did not know what the 12 explanation was? 13 A. There were no very specific reasons given. 14 Q. In other words, what the officer told you was 15 unsatisfactory, in your mind? 16 A. Yes. 17 Q. And the natural thing to do in those circumstances would 18 be to ask for a better explanation, either by phone or 19 by letter? 20 A. Subsequently I did discuss it with my superiors, and we 21 decided not to have any follow-up. 22 Q. Would it be correct to say that to seek an explanation 23 by way of a letter just seeking information would in no 24 way adversely affect your good relationship with the 25 Marine Department, because seeking information is</p>
<p>Page 30</p> <p>1 you had noticed? Object to the vessel because of this 2 discrepancy, or raise a complaint. 3 A. No, we did not complain because we based ourselves on 4 the reputation of the shipyard and on the approval of 5 the drawings made by the Marine Department. So no 6 complaint nor objections were lodged. 7 Q. One final question on this topic. Would it be true, 8 then, that your company accepted this vessel 9 notwithstanding that there was a discrepancy as we 10 discussed? 11 A. Correct. When the Marine Department has given its 12 approval of the drawings, we accepted delivery. 13 MR MOK: Mr Chairman, I notice I've passed the time. 14 THE CHAIRMAN: Yes. We'll take our morning break now, 15 Mr Tang. We'll take a break for 20 minutes. 16 (11.36 am) 17 (A short break) 18 (11.54 am) 19 THE CHAIRMAN: Yes, Mr Mok. 20 MR MOK: Mr Chairman. 21 Mr Tang, I would like to move on to the topic of 22 manning requirement. In your second witness statement, 23 I think you told us that in 2008, after you discovered 24 that the manning requirement was increased from two to 25 four, then you had a telephone conversation with</p>	<p>Page 32</p> <p>1 a neutral thing? 2 A. I myself would think that Lamma II and Lamma IV are 3 similar vessels, and I couldn't think of any reason that 4 the manning would be two and four. And at that time, 5 I felt that even if I asked for an explanation, it would 6 have been similar to that of what I had received 7 already. 8 Q. Sorry, that's not the question. The question was, 9 simply to write a letter to ask for an explanation would 10 in no way affect your good relationship with the Marine 11 Department, because it is a neutral thing to seek 12 information; correct? 13 A. I felt that an oral consultation already made did not 14 bring any good reasons, and if I were to write a letter 15 and ask for a black-and-white answer, it wouldn't be 16 a neutral thing. 17 Q. According to your evidence, subsequently you approached 18 a responsible officer and raised this matter again; 19 correct? 20 A. Correct. It was the following year during the final 21 survey of the Marine Department the matter was raised. 22 Q. On that occasion, you asked him whether or not the 23 manning requirement could be reduced to two. 24 A. At that time what I was asking for was a reduction in 25 manning, and in my mind three, personally speaking, I</p>

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<p>1 would have accepted. 2 Q. So in your mind, asking for a reduction would in no way 3 adversely affect your good relationship with the Marine 4 Department; correct? 5 A. Correct, because the officer for delivery has the right 6 to change that. 7 Q. Mr Tang, to be fair -- 8 THE INTERPRETER: Or "the authority to change that". 9 THE CHAIRMAN: Sorry, I don't follow that. Is that 10 a translation issue? The officer for delivery, or the 11 officer for survey? 12 MR MOK: Survey, I think it should be. 13 THE CHAIRMAN: Thank you. 14 MR MOK: Mr Tang, to be fair, wouldn't it be correct to say 15 that when your company decided not to write a letter to 16 seek an explanation, one of the relevant considerations 17 was that you did not want to prompt the Marine 18 Department to review the manning requirement for 19 Lamma II and to raise the requirement for that vessel? 20 A. Yes, there was such a consideration or concern. 21 Q. That was the main concern, wasn't it? 22 A. Correct. 23 Q. And the true reason for not writing in or to object was 24 really this concern, rather than the concern of 25 adversely affecting your good relationship with the</p>	<p>1 general responsibility of maintaining order and safety 2 of the passengers? 3 A. Correct, because we believed that three members of the 4 crew can basically operate the vessel. 5 Q. Including, according to you, three members would be 6 sufficient to handle, say, a fire-fighting operation? 7 A. Correct. 8 Q. And the fourth person would be there just to keep the 9 passengers generally in order and in safety? 10 A. Correct. 11 Q. And it follows, does it not, that this fourth person, 12 because his identity varies, did not receive any 13 specific training to be a member of the crew -- 14 MR GROSSMAN: Sorry, I must object to this. I'm sorry to 15 keep doing this. But the evidence has been from the 16 marine officer, "I don't know why we needed a fourth 17 person". The witness has said, "We were never told what 18 this fourth person should do". So when asked 19 rhetorically, what kind of training are we talking 20 about? 21 THE CHAIRMAN: Training so that the vessel can be sailed 22 safely. Surely that's the issue. 23 MR GROSSMAN: Well, in what way? 24 THE CHAIRMAN: Mr Mok is exploring that. 25 MR GROSSMAN: As long as Mr Mok doesn't say he should have</p>
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<p>1 Marine Department? 2 A. This was one of the considerations. 3 Q. And not having made any objection to the increase of the 4 manning requirement, wouldn't you agree that your 5 company had implicitly accepted that is a requirement 6 that you had to comply with in the future? 7 A. Our company will comply with what is required in the 8 licence. 9 Q. On the question of compliance, my understanding is that 10 you have a fourth person but this was not a designated 11 person; that person, the identity of that person, would 12 vary according to who happened to be on board on 13 a particular voyage? 14 A. Correct. For the staffing, the fourth person will make 15 arrangements. 16 Q. I'm not sure that the translation reflects the answer. 17 Can you answer that question again? Can you confirm 18 that -- well, can you answer the question again, please. 19 A. The company will arrange one staff to be on board to be 20 the fourth sailor, to comply with the requirements of 21 the licence. 22 MR MOK: I'm not sure that he used the word "sailor". 23 THE INTERPRETER: "Crew", sorry. 24 MR MOK: It's correct, isn't it, that this fourth person 25 doesn't have any specific duties; he only had the</p>	<p>1 been doing this or he should have been doing that, 2 because there's no evidence of anyone telling Hongkong 3 Electric that the fourth member's duties were so and so. 4 THE CHAIRMAN: We're aware of that, Mr Grossman. 5 MR GROSSMAN: I'm not sure -- this line of questioning 6 doesn't seem to be following -- 7 THE CHAIRMAN: It's entirely permissible. 8 Please carry on, Mr Mok. 9 MR MOK: It won't be long. 10 Do you remember the question? 11 A. No, I don't remember. Please repeat. 12 Q. Is it the case that this fourth person, because his 13 identity varies on every voyage, was not required to 14 receive any specific training to be a member of the crew 15 of Lamma IV? 16 A. According to the discussions we had with the superiors, 17 who also checked the laws and regulations, since the 18 fourth member of the crew, there were no specific 19 requirements, and we believed that such an arrangement 20 can already comply with the licence requirements. 21 Q. So is your answer to my question, yes, they did not 22 receive any specific training, those people? 23 A. I cannot answer yes, because the majority of our staff 24 have all undergone training. 25 Q. I understand that some of them may have received</p>

Page 37	1 training. But my question was, they did not receive 2 training specifically as a member of the crew of 3 Lamma IV? 4 A. You could say that. 5 THE CHAIRMAN: Do you say that? Do you agree with that 6 proposition? 7 A. I agree. 8 THE CHAIRMAN: Thank you. 9 MR MOK: Can I now draw your attention to a number of lists 10 that were produced yesterday, attached to a letter from 11 your solicitors dated 4 February this year. Page 1327. 12 I think that's in the Reed Smith Richards Butler bundle. 13 We see from this page onwards there is a number of 14 these lists having been produced by your company. You 15 are familiar with these? 16 A. Yes, I do. 17 Q. As a marine officer, are you in charge of the safety of 18 these vessels? 19 A. Yes. 20 Q. Are you in charge also of the task to see that all the 21 laws and regulations, and the licensing conditions, are 22 satisfied? 23 A. Correct. 24 Q. Let's take the first one, on page 1327. This is a list 25 dated 7 January 2012. The first item under "Section A"	Page 39	1 MR MOK: Rectifies? 2 Can you give that answer again, please? What does 3 the marine supervisor do? 4 A. The marine supervisor ensures that the work is done 5 properly. He checks that the work is done properly. 6 THE CHAIRMAN: How does he check? 7 A. The marine supervisors would go and watch if it's being 8 done properly. 9 THE CHAIRMAN: Thank you. And you, for your part, what do 10 you do? 11 A. Myself, I do it randomly. For instance, I would go 12 every several months to do that. 13 THE CHAIRMAN: So you do a random check every few months? 14 A. Correct. 15 THE CHAIRMAN: How do you come to sign this weekly form, 16 because we see you sign the next one as well? 17 A. Because I would like that all would know that we are 18 very much concerned with such safety checks. 19 THE CHAIRMAN: So you sign it without knowing in fact 20 personally whether or not the check has been done 21 properly; is that it? 22 A. I trust the marine supervisor. 23 THE CHAIRMAN: And that's the basis of your signing? 24 A. Correct. 25 THE CHAIRMAN: Trust?
Page 38	1 refers to "Life-saving appliance". Number 1 is "Life 2 jacket". Under the column "Condition", the box, 3 "Satisfactory" -- I think that's what it means -- is 4 ticked. 5 Can you tell the Commission, what checking did you 6 do of this particular item -- that is, life jacket -- 7 before you or some other person put a tick in that box? 8 THE CHAIRMAN: Could we first establish who did the checks? 9 MR MOK: Yes, of course. Thank you. 10 Mr Tang, could you look at the bottom. There are 11 three signatures. I believe it's the coxswain, the 12 engineer and someone called the marine supervisor. I'm 13 sorry, under marine supervisor in fact there are two 14 signatures; correct? 15 A. Correct. 16 Q. The second one, on the right-hand side, is yours? 17 A. Correct. 18 Q. And who is the person on the left of your signature? 19 A. It's marine supervisor Mr Chan Chun-shing. 20 THE CHAIRMAN: Johnson Chan? 21 A. Correct. 22 MR MOK: Does it mean that all four of these persons would 23 be involved in the checking of these items on this list? 24 A. In fact the coxswain and the engineer went through the 25 checks, and the marine supervisor rectifies.	Page 40	1 A. Correct. 2 THE CHAIRMAN: Thank you. 3 Yes, Mr Mok. 4 MR MOK: But I think, Mr Tang, from one of your earlier 5 answers, even the marine supervisor, Mr Chan, was not 6 involved in each of these checking exercises; is that 7 correct? 8 THE CHAIRMAN: He told us in answer to my question that the 9 marine supervisor watches as the check is being done. 10 MR MOK: Yes. I think in the translation, it doesn't come 11 through. I think the word that he used, as 12 I understand, is "sometimes". 13 So may I -- 14 THE CHAIRMAN: Please clarify that. 15 MR MOK: -- clarify this with you. Would it be correct to 16 say that the marine supervisor, Mr Chan, sometimes would 17 watch the checking but not all the time? 18 A. Correct. 19 Q. So sometimes in relation to some of these checking 20 exercises, only the coxswain and the engineer would be 21 doing the checking themselves? 22 A. Correct. 23 Q. But even on such occasions, you and Mr Chan would sign 24 as the marine supervisor? 25 A. Correct.

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<p>1 Q. And you did that, according to you, to show to your 2 staff that you were serious about safety matters? 3 A. Correct. 4 Q. Can I now focus on the question of the life jackets on 5 this list. What checking of the life jackets has to be 6 done on each occasion? 7 A. The times that I went to watch, I saw staff checking the 8 number of life jackets and checking whether there are 9 damages or not. 10 Q. By "checking the number", do you mean counting them? 11 A. Correct. 12 Q. But how would either yourself or the coxswain or 13 engineer know whether or not there was a sufficient 14 number? What reference did you have to ensure that the 15 number was correct? Is there a document that you 16 referred to to know what the correct number is? 17 A. In every wheelhouse of the vessel, there is 18 a certificate of survey where the number of jackets is 19 listed. Very often the number that we checked would 20 exceed that of the certificate. 21 Q. Let us look at, for example, the certificate that is 22 relevant in the year 2012. Is it the one referred to 23 under the item E1, "certificate of survey"? Is that the 24 relevant certificate for the year 2012? 25 A. Correct.</p>	<p>1 right-hand side under item 4. The total number was 232. 2 Do you see that? 3 A. Yes, I do. 4 Q. Does that not mean that there should be 232 life jackets 5 for adults on this vessel? 6 A. Correct. 7 Q. So when you did the weekly checking or your staff did 8 the weekly checking in 2012, they counted the number of 9 life jackets on board on each occasion and were 10 satisfied that there were 232 life jackets for adults 11 before they would tick the box "satisfactory"? 12 A. Correct. 13 Q. May I now direct your attention to the item "child life 14 jacket(s)" on the same page, underneath "adult life 15 jacket(s)". There also is an asterisk there. The 16 asterisk means "one life jacket for each person on 17 board". Do you see that? 18 A. Yes, I do. 19 Q. You also know that under the regulations, under the 20 laws, there is a requirement that there should be 5 per 21 cent of child life jackets on board. You know that, 22 right? 23 A. I only knew subsequent to the event. 24 THE CHAIRMAN: 5 per cent of what, Mr Mok? 25 MR MOK: Yes. May I direct the witness's attention to the</p>
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<p>1 Q. So what you are saying is that those checking the 2 numbers had to look at the certificate, see what number 3 the minimum requirement was, and then count the jackets 4 to make sure the numbers complied with the numbers on 5 the certificate? 6 A. The number of jackets listed on the certificate is only 7 a minimum number. In fact the number of our jackets on 8 board is very often 100 more than the number on the 9 certificate. 10 Q. Can I invite you to look at that certificate which is in 11 bundle 4 of the marine bundle on page 805. Can you look 12 at the bottom. The certificate is issued on 8 July 2011 13 and shall be valid until 7 July 2012. That is the 14 certificate referred to, is it not, in section E1 of the 15 checklist? 16 A. Correct. 17 Q. Can I direct your attention to "life jacket(s)" under 18 item 2. Do you see that there is an asterisk next to 19 the words "adult life jacket(s)"? 20 Do you see that? 21 A. Yes, I do. 22 Q. If you look down a little bit, the asterisk means "one 23 life jacket for each person on board". Do you see that? 24 A. Yes, I do. 25 Q. And the number of persons on board you can see on the</p>	<p>1 section itself or the regulation. 2 THE CHAIRMAN: Yes, please do. 3 MR MOK: This is in our regulation bundle 3, tab 14A, the 4 Merchant Shipping (Local Vessels) general regulation. 5 First of all, may I ask you, please, to look at 6 section 32. Section 32 says: 7 "All life-saving ..." 8 THE CHAIRMAN: Just give us a moment, please. 9 MR MOK: It's tab 14A, section 32. It's internal page 14 of 10 this tab. 11 THE CHAIRMAN: My section 32 is headed -- yes. Sorry, 12 section 33 you want us to go to, is it? 13 MR MOK: I see. I think we have the wrong reference on the 14 screen. 15 THE CHAIRMAN: I'm looking at the same one that's on the 16 screen now. 17 MR MOK: I'm sorry. It should be Cap 548G. Yes, that's the 18 right one. 19 THE CHAIRMAN: So it's tab 15. 20 MR MOK: Okay. I'm sorry. My mistake. 21 THE CHAIRMAN: And section 32? 22 MR MOK: 32. 23 THE CHAIRMAN: "Provision of life-saving appliances on board 24 the local vessels"? 25 MR MOK: Yes.</p>

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<p>1 And subsection (1) says: 2 "All life-saving appliances provided on board 3 a local vessel shall be ..." 4 And then a number of requirements are set out. 5 THE CHAIRMAN: Yes. 6 MR MOK: Can this be translated first. 7 Look at section 32(1). It says: 8 "All life-saving appliances provided on board 9 a local vessel shall be ..." 10 And then a number of requirements are set out. 11 If it helps, Madam Interpreter, there is a Chinese 12 version. 13 THE CHAIRMAN: Do we have a bilingual version? 14 MR MOK: There is a Chinese version. I don't think we have 15 a bilingual version. If one scrolls to page 14 of the 16 Chinese version, which is just after this English 17 version, you can see section 32(1) there, page 14 as 18 well. 19 Do you see that, section 32(1)? 20 A. Yes, I do. 21 Q. And section 32(2) says: 22 "Without limiting the generality of 23 subsection (1) ..." 24 Then if we go to (b): 25 "every local vessel belonging to any class ...</p>	<p>1 survey, which is the relevant one so far as these 2 checking exercises are concerned. Going back to the 3 item "child life jacket(s)". Do I understand correctly 4 that this document was posted up in the wheelhouse? 5 A. Correct. 6 Q. And in undertaking the weekly checking, your staff, 7 yourself or Mr Johnson Chan would have a look at this 8 particular document to see what the requirements were? 9 A. Correct. 10 Q. And where it comes to child life jackets, you and 11 Mr Johnson Chan, the engineer and coxswain, would be 12 able to see the requirements there, that there was 13 a requirement for life jackets for each person on board, 14 in relation to child life jackets. 15 May I ask you this question first. Did you notice 16 that there was a requirement for child life jackets, 17 according to this document? 18 A. Yes, I did. 19 Q. And according to the minimum requirement under the 20 regulation that I just drew to your attention, applying 21 the 5 per cent rule, that means you should have at least 22 11.5 or 11.6 child jackets on board this vessel -- 23 or 12, rather, to round it off? Correct? 24 A. The number is correct. 25 Q. So does it mean that before the "Condition:</p>
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<p>1 specified in any table in part 2 of schedule 3 shall 2 comply with the specific requirements as regards the 3 provision of life-saving appliances set out in that 4 table." 5 Do you see that? 6 A. Yes, I do. 7 Q. Part 2 of schedule 3 -- well, first of all, schedule 3 8 starts on page 31, the English version; the Chinese 9 version is at page 32. 10 Can I direct your attention to table 1 of part 2. 11 A class I vessel -- I believe Lamma IV is a class I 12 vessel; correct? 13 A. Correct. 14 Q. You see in the table under "Life jacket", on the 15 right-hand side column, "Anywhere within waters of 16 Hong Kong", the requirement is "100 per cent adult life 17 jacket plus 5 per cent children life jacket". 18 So, for example, if the vessel is a class IV vessel 19 with no more than 60 passengers, then there should be 20 60 adult life jackets and then three, I think, 21 children's life jackets. Do you see that? 22 A. Yes, I do. 23 Q. Do you understand the requirement? 24 A. Now I understand. 25 Q. Can I take you back, please, to the certificate of</p>	<p>1 satisfactory" box was ticked each time, there would be 2 a counting of the life jackets, including that there 3 should be at least around 12 child life jackets, before 4 the box was ticked? 5 A. I must clarify one point. Every time the Marine 6 Department conducted a survey, the number of jackets is 7 the same as the number we had when the event happened. 8 So there was no notification about the child life 9 jacket. I'm afraid that for that, we have neglected. 10 THE CHAIRMAN: By that, do you mean that on none of the 11 occasions when the Marine Department checked the life 12 jackets at a survey was there a single child life jacket 13 on board; is that what your evidence comes to? 14 A. Correct, in that the survey officer had never asked us 15 about child life jackets. 16 MR MOK: Before dealing with this point, can I ask you to 17 answer my question first. My question was, on each 18 weekly counting, before the box "satisfactory" was 19 ticked, did you or your staff count the jackets to 20 ensure that there were child jackets, or the right 21 number of child jackets, before the box was ticked? 22 Can you just answer "yes" or "no", whether that took 23 place. 24 A. If we count the number of life jackets, we base 25 ourselves on the standards given by the Marine</p>

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<p>1 Department during the survey, and we check according to 2 the standards furnished. 3 Q. I'm sorry, Mr Tang, the standard, as we have 4 established, has been set out on the certificate of 5 survey that was posted up in the wheelhouse. Do you not 6 regard that as the standard? 7 A. We based the standard on the final survey by the Marine 8 Department. 9 Q. That certificate of survey was issued after the final 10 survey each year; isn't that correct? 11 A. Correct. 12 Q. And if there was any mistake on the certificate of 13 survey, you as the marine officer would have raised with 14 the Marine Department to correct any error on the 15 certificate; right? 16 A. I trust the officers from the Marine Department. In my 17 mind, there's no reason that they should make mistakes. 18 Q. But after the final survey, and after the issue of this 19 certificate, you had many occasions to look at the 20 contents of this certificate, did you not? 21 A. Yes, we could say that. 22 Q. Did you notice that there was a requirement of child 23 jackets on this certificate? 24 A. I did. 25 Q. And why, according to your evidence, was that</p>	<p>1 case that you or your staff would then post this one up 2 to replace the one that had been superseded in the 3 wheelhouse of the vessel? 4 A. Yes, we will put up the new certificate in the 5 wheelhouse. 6 Q. And when it was being put up in the wheelhouse or after 7 it was put up in the wheelhouse, you had the occasion to 8 look at the contents many times since then; correct? 9 A. Correct. 10 Q. So far as the child jacket requirements are concerned, 11 it was exactly the same as the requirement of the 12 previous year, namely "one life jacket for each person 13 on board", subject, of course, to the minimum 14 requirements of the law; correct? 15 A. Correct. And it is true that on board there is one life 16 jacket to each person. 17 Q. So maybe as the final question before lunch, what is 18 your case as to the number of life jackets on board at 19 the time of the accident? What is your case? 20 THE INTERPRETER: I'm afraid I don't understand what "what 21 is the case" means. 22 MR MOK: Okay. What do you say is the number of life 23 jackets on board Lamma IV at the time of the accident? 24 What do you say now? 25 A. Should be more than 232.</p>
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<p>1 requirement not complied with? 2 A. I myself feel that it's strange to have an asterisk. 3 Had you put the number on it instead of an asterisk, 4 then it would be crystal-clear. 5 THE CHAIRMAN: Are you saying that's why you didn't comply? 6 A. In the evidence I made, I did admit that this is 7 an insufficiency and that has been totally changed for 8 new ships, for new vessels. 9 THE CHAIRMAN: No, Mr Tang. You're being asked why it is 10 you didn't comply at the time, 1 October. Are you 11 saying you chose not to comply because you don't like 12 asterisks? 13 A. No. It was that at the time, we were not very attentive 14 to the number. And that was why we didn't have any 15 child life jackets on board. 16 THE CHAIRMAN: Just give me a moment, please. 17 Thank you. 18 MR MOK: Could I now take you to the next certificate of 19 survey at page 822. 20 You see on this one, if we scroll down to the 21 bottom, it was issued on 8 May 2012, valid until 7 July 22 2013. This was the one that was operative at the time 23 of the accident; correct? 24 A. Correct. 25 Q. And when this certificate was issued, was it not the</p>	<p>1 Q. You mean you do not know the exact number? 2 A. Because I know that I have put spare life jackets on 3 board, but I am not sure about the exact number of 4 spares. 5 Q. Just so that we understand, by "spare", do you mean life 6 jackets in addition to 232? 7 A. Correct. 8 Q. And why was it necessary to provide spare life jackets? 9 Because the maximum number of persons was only 232. 10 A. Because if damage is discovered during the checking, the 11 spare life jackets will be able to replace those damaged 12 ones. And this is a safety consideration. 13 Q. What checking are you referring to, the annual checking 14 or your weekly checking or what checking? 15 A. Any time. Checking any time. 16 Q. So may I summarise your evidence in this way, that at 17 the time of the accident, you knew that there were at 18 least 232 life jackets, but you are not sure what the 19 exact number was? 20 A. Correct. 21 MR MOK: Mr Chairman, is that convenient? 22 THE CHAIRMAN: Yes, we'll take the luncheon adjournment now. 23 Mr Tang, we're going to take our luncheon 24 adjournment. We'll resume at 2.30 this afternoon. Be 25 kind enough to be back here in time so that we can</p>

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<p>1 resume then. 2 A. (In English) Okay. 3 THE CHAIRMAN: Thank you. 2.30. 4 (1.04 pm) 5 (The luncheon adjournment) 6 (2.30 pm) 7 THE CHAIRMAN: Mr Tang, may I remind you that you continue 8 to testify according to your original affirmation. 9 A. Yes, I understand. 10 MR MOK: Mr Tang, I wish now to come to the annual survey. 11 You said that you were present at the annual surveys of 12 Lamma IV. 13 A. Yes. Ever since 2008, I've always been there. 14 Q. Yes. Can you tell us what your role was at the annual 15 survey? 16 A. I represent the company. 17 Q. And what did you do there? Did you watch every part of 18 the survey, or did you stay at a particular place so 19 people could consult you if necessary? 20 A. Both. 21 Q. All right. Let us talk about the time of the survey in 22 2012. Were you there on that occasion? 23 A. Yes, I was there. 24 Q. Okay. Can I invite you to please look at a document at 25 marine bundle 4, page 864. This is a final inspection</p>	<p>1 Lee do to assist in this particular survey? 2 A. As far as I know, Cheoy Lee applied to the Marine 3 Department for this annual survey, and made arrangements 4 for the surveyors to conduct the survey. 5 Q. And what did they do at the time of the survey? 6 A. At the time of survey, we furnished all documents to 7 Cheoy Lee to enable them to make arrangements with the 8 surveyors to conduct the survey. 9 Q. What would those documents be? 10 A. We give them the application document for the extension 11 of the licence; a copy of our commercial registration; 12 insurance papers; as well as other relevant papers. 13 Q. Would the relevant papers include the certificate of 14 survey which was then still valid? 15 A. Since the certificate of survey was hung up on the 16 wheelhouse, so when the vessel went into the dock for 17 survey, it should be there. 18 Q. You mean Cheoy Lee and also the other persons involved 19 in the inspection would be able to read the certificate 20 in the wheelhouse? Is that what you meant? 21 A. Right, because it's displayed in the wheelhouse. 22 Q. And would Cheoy Lee be responsible or take part in, say, 23 the fire drill or the preparation of the crew for the 24 fire drill? 25 A. Cheoy Lee would notify us to arrange crew to be there</p>
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<p>1 record. The date of inspection was 8 May 2012. Were 2 you present on that particular occasion? 3 A. Yes, I was there. 4 Q. You will see at the bottom of this document, on the 5 left-hand side, there is a signature on behalf of the 6 owner. Do you know who that person is? 7 A. It should be the representative of Cheoy Lee, who 8 represented us, for this signature. 9 Q. So are you sure that that signature is not that of 10 a person from your company? Are you sure of that? 11 A. I recognise the signatures from my company. It should 12 not be ours. 13 Q. My understanding from Cheoy Lee is that their role in 14 the annual survey was that they allowed the survey to 15 take place in their shipyard. Do you agree that that 16 was the role of Cheoy Lee? 17 A. According to the contract that we have with Cheoy Lee, 18 Cheoy Lee is responsible for making arrangements for the 19 annual survey up till the licence is issued. 20 Q. So in relation to this particular annual survey, what 21 was the role of Cheoy Lee? 22 A. Cheoy Lee's role is to take care of the maintenance and 23 to make arrangements for the annual survey until the 24 licence is issued. 25 Q. When you say "make arrangements", what exactly did Cheoy</p>	<p>1 for survey. 2 Q. So would it be right to say this, that Cheoy Lee made 3 the arrangement, liaised with the Marine Department and 4 your company, but it was your company's staff who were 5 responsible for the different aspects of the inspections 6 and that your company's staff would be involved in 7 those? 8 A. Correct. 9 Q. Now, going back to your own role, what was your role at 10 the time of the inspection? Did you take part in the 11 fire drills or watch the fire drills and the other 12 aspects of the inspection? 13 THE CHAIRMAN: He's told us he was there to be present, to 14 watch and to be consulted. 15 MR MOK: Yes. 16 THE CHAIRMAN: We already know that. 17 MR MOK: Thank you. 18 In preparation for the inspection, did the staff, 19 for example, count the number of life jackets before the 20 inspectors came? 21 THE CHAIRMAN: Whose staff? 22 MR MOK: The staff of your company. 23 THE CHAIRMAN: Thank you. 24 A. Yes, they would. 25 MR MOK: And when they counted the number of life jackets,</p>

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<p>1 they also would make reference to the requirements which 2 were then set out in the certificate of survey? 3 A. Correct. 4 Q. And this was an important step by way of preparation, 5 because if your staff did not do that, there is a chance 6 that the requirements would not be met and therefore the 7 inspections would not be passed. 8 A. Correct. We've been doing this for the last 10 years 9 and more. We've been performing the same tasks for the 10 same surveys. 11 Q. Can I invite you back to the then-current certificate of 12 survey at page 805 of bundle 4. This is the 13 then-current certificate of survey at the time of the 14 final inspection. 15 THE INTERPRETER: (Chinese spoken). 16 MR MOK: "Then-current". Still valid at that time. 17 A. Correct. 18 Q. And when your staff counted those life jackets before 19 the inspector came, they would have to make sure that 20 there was one life jacket for every person on board, as 21 indicated on this document? 22 A. Correct. 23 Q. So that means they would have to make sure that there 24 were at least 232 adult life jackets before the 25 inspector came?</p>	<p>1 A. The life jackets were placed in their original places 2 for the inspectors to inspect. 3 Q. On that occasion -- that is, on the day of the final 4 inspection on 8 May 2012 -- did you watch the inspector 5 inspect the life jackets? 6 A. Yes, I did. 7 Q. You saw him count the number of life jackets? 8 A. We followed the instructions from the inspector. He 9 pointed specially to two places where the life jackets 10 were found, and we got these life jackets out for him to 11 inspect. 12 Q. And then what happened? 13 A. He was satisfied. 14 Q. And then? 15 A. There were no further special instructions, so we 16 conducted further inspections. 17 Q. Did you know that particular inspector on that occasion? 18 A. I did not know him before that. 19 Q. It is the case, is it not, that this inspector on that 20 particular occasion did count the number of life 21 jackets? 22 A. That could be his idea. We were watching, and we gave 23 him what he needed. 24 THE CHAIRMAN: Are you suggesting, Mr Mok, that this was 25 done in a way that it was obvious that he was counting</p>
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<p>1 A. Correct. 2 Q. Because if there was an insufficient number, there was 3 a risk that the inspection would fail? 4 A. Correct. 5 Q. At the same time, because this is stipulated in this 6 document as well, your staff would also have to count 7 the number of the child life jackets to ensure that at 8 least the minimum requirement was satisfied? 9 A. Correct. But in fact there are no child life jackets on 10 board. 11 Q. So are you saying that you were prepared -- 12 THE INTERPRETER: "There were", sorry. "There were no child 13 life jackets on board." 14 MR MOK: So are you saying on that occasion you were 15 prepared to take the risk that because there were no 16 child life jackets on board, you were prepared to take 17 the risk that that inspection might fail? 18 A. Because at that time we were not aware of the issue of 19 child life jackets, and that is why preparations were 20 not made to that effect. 21 Q. When the inspector came, what would your staff do with 22 the life jackets? Would they lay them all out for him 23 to count, or would the life jackets be put where they 24 were for him to go and look at each one of them? What 25 was the practice?</p>	<p>1 each and every life jacket? 2 MR MOK: Yes. I think he was saying something more, which 3 was to be translated. 4 Can you translate that part? 5 A. I wouldn't know whether he did count the life jacket 6 number or not, but we followed his instructions. 7 Q. Maybe I can put it this way. Would you be surprised 8 that he did count the number of life jackets? 9 A. No. 10 THE CHAIRMAN: I think the context is this. From what you 11 saw him doing, would it surprise you that he'd actually 12 counted them, perhaps to himself? In other words, he 13 walked up and down each row of each of the decks, 14 counting life jackets? 15 A. No, I wouldn't be surprised because what happened in the 16 past was there could be many times when they would walk 17 up and down and really counted as he went down and up. 18 THE CHAIRMAN: And on this occasion? 19 A. Well, I saw him walking up and down but whether he 20 counted it in his mind, that, I wouldn't know. 21 THE CHAIRMAN: Thank you. 22 MR MOK: And on that occasion, he was also shown life 23 jackets for children; is that right? 24 A. Let me repeat. When the survey was conducted, we had 25 absolutely no child life jackets on board.</p>

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<p>1 Q. This, I suggest to you, is reflected in the eventual 2 certificate of survey that was issued on this occasion. 3 You will see that on page 822. Can you have a look at 4 the certificate on page 822, please. 5 On page 822, against "child life jacket(s)" there is 6 also an asterisk. This was signed, I think -- you have 7 the name of the person Wong Kam-ching at the bottom. 8 There's a chop there. 9 He was the person who conducted the inspection. He 10 was also the person who filled in this particular form, 11 this document. I suggest to you that on that particular 12 occasion, Mr Wong was in fact shown child life jackets, 13 and that was why he filled in -- 14 THE CHAIRMAN: Before you go any further, are you in 15 a position to suggest to the witness who it was who 16 showed him children's life jackets? 17 MR MOK: I'm not. 18 THE CHAIRMAN: Are you in a position to put it by way of 19 a category? We know that there were crew from Hongkong 20 Electric, apparently representatives from Cheoy Lee, and 21 Mr Tang. Are you able to be particular in that way? 22 MR MOK: No. I don't know the specific person or the 23 particular people who showed him. But he was -- 24 THE CHAIRMAN: Well, can I ask you, Mr Tang, to deal with 25 this specifically. The first time it was put to you,</p>	<p>1 stern or on the bow. 2 Q. Isn't it true that sometimes it's also in the engine 3 room? 4 A. From my experience, a fire drill would involve waterjets 5 and that would be normally on the stern or on the bow. 6 And for the inspector, when we presumed that the fire 7 was in the engine room and could not be put out, then we 8 would take it as being held there. 9 Q. So on that occasion in 2012, did they conduct a fire 10 drill in the engine room? 11 A. As far as I can remember, for that occasion, there was 12 no waterjet played out in the engine room. 13 Q. Are you having an accurate recollection of this, or are 14 you guessing? 15 A. Because for the many surveys conducted, not once has 16 waterjets been played out in the engine room. 17 Q. Did you actually witness the fire drill on that 18 occasion; that is, 8 May 2012? 19 A. Correct. 20 Q. And how many people were taking part on that particular 21 occasion? 22 A. The coxswain, the engineer and sailor. 23 Q. Yes. And on that occasion, what were they doing, each 24 of them? 25 A. The coxswain took full charge in the wheelhouse. The</p>
<p>1 you said something like, "Let me make it absolutely 2 clear: when the survey was conducted, we had absolutely 3 no children's life jackets on board." What's being 4 suggested to you is that during the survey, somebody 5 showed this Inspector Wong children's life jackets. Can 6 you deal with that, "yes" or "no"? 7 A. We did not display any children's life jackets. 8 MR MOK: So that's an issue which will have to be resolved 9 by the Commission. 10 Now, other than life jackets, there was also a fire 11 drill that took place on that occasion; correct? 12 A. Correct. 13 Q. Did you take part in the fire drill? 14 A. I was the one who walked up and down and here and there. 15 I didn't really take part. 16 THE CHAIRMAN: What was your point in doing that, walking up 17 and down, here and there? 18 A. I wanted to check whether the anti-fire equipment was 19 well-placed, whether there was any leakage. I wanted to 20 make sure that the fire-fighting equipment was in good 21 condition. 22 MR MOK: Can I ask you this. Where on the vessel did that 23 fire drill take place on that occasion? 24 A. Well, I can't really recall the exact spot for the fire 25 drill, but normally it would take place either on the</p>	<p>1 engineer would switch on the pump at the engine room. 2 And the sailor would be responsible for connecting the 3 tubes and the pipes and following the inspector around, 4 operating the jet. 5 Q. So do I take it that for this particular drill, it was 6 necessary for the coxswain to be involved, and his 7 involvement was in the wheelhouse? 8 A. Correct. From the many years' experience that I've had, 9 the coxswain had always been in full charge, in the 10 wheelhouse. 11 Q. And it was also necessary for two crew members to 12 operate the pump, as you said; one on the one end and 13 the other one on the other end. 14 THE CHAIRMAN: What he said was the engineer switched on the 15 pump, and the sailor connected the pipes. 16 MR MOK: Yes, and my question is, whether it was necessary 17 for two persons to operate it. 18 A. Yes, I think so. 19 Q. And is that also because on that occasion, it was the 20 manual pump which was used instead of the motorised 21 pump? 22 A. We tested both. 23 Q. But for the manual pump, you need one person to be 24 operating the lever to draw water from the sea? 25 A. Correct.</p>

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<p>1 Q. The other crew member would be holding the hose so he 2 could be directing it to where the fire was supposed to 3 be? 4 A. Correct. 5 Q. So would it be correct to say that on this operation 6 alone -- that is, fire-fighting -- it was necessary for 7 three crew members to be present on board, and that two 8 persons were insufficient? At least three persons. 9 A. I agree. That is why for Lamma II, when only two crew 10 members were required by the Marine Department, we in 11 actual fact put three in. 12 Q. Thank you. I now come to the final topic, which is the 13 Marine Notice. The Chinese version is in miscellaneous 14 bundle, page 63-1; the English is at page 56. 15 Can I ask you to look again at the annex you have 16 been referred to previously. It is the annex, and 17 paragraph 6(b) says: 18 "all children on board are required to don a life 19 jacket at all times." 20 A. Yes, I see that. 21 Q. It is correct, isn't it, that in contrast to the usual 22 trips of Lamma IV, on this particular occasion there 23 were many more children? 24 THE CHAIRMAN: By that you mean in contrast to the normal 25 workday trips?</p>	<p>1 high probability that it could be an issue of contention 2 with the parents and the children themselves, between 3 them and the crew members. So in view of the fact that 4 that could give rise to disputes with the passengers, 5 personally I have reservations. 6 THE CHAIRMAN: And you had those reservations on 7 30 September and 1 October as well, last year? 8 A. At that time, I was not aware of the issue of life 9 jackets for children so that was not in my thinking. 10 Such reservation was not in my thinking. 11 MR MOK: Mr Tang, you said you had reservations. But did 12 you in fact ask the parents or the children whether or 13 not they would object, whether on that occasion or 14 before that occasion, to wearing a life jacket? 15 A. Since we did not have children's life jackets on board, 16 I did not ask such a question. 17 Q. Then you wouldn't know whether or not there would be 18 a strong reaction, as you suspected? 19 A. Anyone would know that if you ask a lively child to be 20 bundled up in this life jacket, you could imagine the 21 result of such a request or such a thing. 22 Q. Even though, as you said, Lamma IV did not have any 23 children's life jackets, but this notice was actually 24 issued on 14 and 19 September. That is quite some time 25 before the actual event. The English version on</p>
<p>Page 66</p> <p>1 MR MOK: Normal workday. Thank you. 2 A. Correct. There were children on board. 3 Q. And do you regard this advice which is set out at 4 paragraph 6(b) to be sensible advice on that occasion? 5 A. Since there were no children's life jackets on board on 6 that occasion, I could not make comments on that. 7 THE CHAIRMAN: No, do you think that for an occasion like 8 this, children on a vessel, not normally there, going to 9 watch fireworks in the harbour, with the traffic 10 conditions that obtain in the harbour, that this was 11 sensible advice from the Marine Department? 12 A. In fact a few days ago our company was invited by the 13 Marine Department to have a meeting on the Chinese New 14 Year firework display occasion. At that meeting, many 15 opinions were voiced by the industries concerned. Well, 16 you can go and see that. You can see the reactions from 17 the industries. 18 THE CHAIRMAN: Mr Tang, be kind enough to concentrate on the 19 question that is being asked of you, because it comes 20 from the Commission itself. 21 Did you regard the advice that the Marine Department 22 gave in this notice at 6(b) as being sensible, in all 23 the circumstances? 24 A. In my personal view, of course life jackets are 25 important for safety. However, there could be -- in</p>	<p>Page 68</p> <p>1 14 September and the Chinese version on 19 September. 2 Is that correct? 3 A. Correct. 4 Q. So there would be ample time to acquire those life 5 jackets for children if you had thought that this is 6 something that should be done; correct? 7 A. Because at that time I thought that it was a form of 8 a notice, and I felt that for the life-saving equipment 9 on board, they have already been provided by the 10 shipyard and the survey was conducted by the Marine 11 Department, and I thought that all requirements were 12 basically met. 13 Q. Perhaps you can answer this question. There would have 14 been no difficulty on the part of your company to 15 acquire the children's jackets had you wanted to do so 16 after the notice was issued? 17 A. Indeed, there should be no problem acquiring children's 18 life jackets. However, at that time we felt that the 19 survey was conducted already, and successfully, and that 20 all the life-saving equipment was considered to be 21 complete. I reckon that, as I said before, we neglected 22 on this aspect and there are insufficiencies in this 23 area to be improved on. 24 Q. In paragraph 25 of your second witness statement, you 25 again mention the Marine Department. Can I direct your</p>

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<p>1 attention to that. Page 774-9. In the third line from 2 the bottom of this paragraph, you said: 3 "Furthermore, in my [opinion], these matters are not 4 strictly enforced by the Marine Department, and other 5 vessels carrying passengers to watch the fireworks 6 display also did not observe them." 7 Do you know that there was spot-checking by the 8 Marine Police, by marine patrol? 9 A. Our company has participated for a long, long time in 10 this watching of the fireworks displays, and our 11 participation is not only limited to one vessel. In all 12 our experience, we have never been spot-checked. 13 Q. That doesn't mean that it was not done, does it? 14 A. You can say that. 15 Q. At the end of the day, whether or not it was enforced or 16 not, it was your company's responsibility to ensure the 17 safety of the passengers on board. 18 THE CHAIRMAN: Do you agree? 19 A. I would basically agree to that. Our company has 20 already fulfilled in full all the requirements for the 21 survey of the vessel. We have some negligence vis-a-vis 22 the children's life jackets, and that is also an area 23 where improvements have to be made. 24 MR MOK: Thank you, Mr Tang. 25 Mr Chairman, I have finished.</p>	<p>1 children's life jackets were produced. 2 MR GROSSMAN: Yes. In other words, we complied with the 3 licence requirements but for some reason we're deciding 4 to lie about it. 5 THE CHAIRMAN: No, I think the suggestion was being made 6 that -- well, I'll leave it as it is. At all events, 7 you want to ask one question out of that, do you? 8 MR GROSSMAN: Well, the other one I want to ask about is 9 whether there's been any complaints over the years by 10 Mardep about the absence of children's life jackets. 11 THE CHAIRMAN: Yes. Very well. 12 MR GROSSMAN: Thank you very much. 13 Further examination by MR GROSSMAN 14 MR GROSSMAN: Mr Tang, the suggestion was put to you, you'll 15 recall, that at the last survey somebody produced 16 children's life jackets in compliance with the licence 17 requirements. Do you remember that question? 18 A. Yes, I do. 19 Q. So that although you did comply with the licence 20 requirements, you have chosen now to tell lies and 21 pretend that you didn't comply. Does that make any 22 sense at all to you? 23 THE CHAIRMAN: I don't think that's how this is to be read, 24 Mr Grossman. 25 MR GROSSMAN: I'm sorry, I can't see any other way.</p>
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<p>1 THE CHAIRMAN: Thank you, Mr Mok. 2 I think I'm right in saying there's no 3 representative present from the China Classification 4 Society. Is that right? I see nobody rising. 5 So, Mr Beresford? 6 MR GROSSMAN: Mr Chairman, if I might ask one question? 7 THE CHAIRMAN: Yes. How does this arise? 8 MR GROSSMAN: It's in relation to the Marine Department 9 inspection vis-a-vis the life jackets, the children's 10 life jackets. 11 THE CHAIRMAN: Yes. 12 MR GROSSMAN: It arises from the suggestion that 13 Lamma IV/Hongkong Electric did in fact have children's 14 life jackets on board but for some reason have decided 15 to lie about it. 16 THE CHAIRMAN: No, what was suggested was that at the time 17 of the survey, the inspector was shown by some 18 unidentified person children's life jackets. That's 19 all. 20 MR GROSSMAN: That's correct. So in other words, we did 21 comply with the licence requirements, but for some 22 reason we're not telling the truth about it. 23 THE CHAIRMAN: Well, the question was as put by Mr Mok. 24 You're putting it the other way round. What he was 25 saying was that for the purposes of the survey,</p>	<p>1 THE CHAIRMAN: Well, then ... 2 MR MOK: Maybe it's a matter for argument, submissions. 3 THE CHAIRMAN: Yes. It's an argumentative question you're 4 asking, anyhow. Is there any reason why you would do 5 that? 6 MR GROSSMAN: Very well. 7 THE CHAIRMAN: The other issue? 8 MR GROSSMAN: The other question is simply this. 9 Over the years, in all the surveys that have been 10 done by the Marine Department, have they ever asked you 11 or raised a complaint about the absence of children's 12 life jackets? 13 A. Absolutely not. They did not ask or raise a complaint 14 about the absence of children's life jackets. 15 MR GROSSMAN: Thank you, Mr Chairman. 16 THE CHAIRMAN: Mr Beresford? 17 MR BERESFORD: Thank you, Mr Chairman. 18 Further examination by MR BERESFORD 19 MR BERESFORD: Mr Tang, just staying on this issue for the 20 moment. You were shown an inspection record dated 8 May 21 2012; that's at page 864 of marine bundle 4. That says 22 "Place of inspection: YMT". Is that Yau Ma Tei? 23 A. Correct. 24 Q. And why was inspection taking place at Yau Ma Tei? 25 A. That was arranged by Cheoy Lee company.</p>

<p style="text-align: right;">Page 73</p> <p>1 Q. What is to be found at Yau Ma Tei? Why not Cheoy Lee 2 Shipyard, for example? 3 A. The arrangements were given to Cheoy Lee to take charge 4 of, so we have no particular opinion on that. 5 Q. Yes, I see. And it was put to you, or you were told 6 that the signatory on this final inspection record was 7 one Wong Kam-ching. I think you said you didn't know 8 him before. 9 A. No, I didn't know him before. 10 Q. But are you able to confirm that it was him carrying out 11 the survey? 12 A. I can't confirm that it was him carrying out the survey. 13 He came with a leather jacket with documents, and I was 14 told by Cheoy Lee that that was the inspector. 15 Q. I see. Thank you. You said in your supplemental 16 statement in paragraph 18 that when you attended with 17 the Marine Department for their inspection, the 18 attending inspectors would carry out such inspections 19 based on a checklist of items. Is this the checklist 20 you're referring to, at page 864? 21 A. The checklist was in the hands of the inspector. We 22 couldn't see it. 23 Q. I see. You also said that such checklist would not be 24 provided to Hongkong Electric? 25 A. Correct.</p>	<p style="text-align: right;">Page 75</p> <p>1 MR MOK: Mr Chairman, I'm sorry to interrupt my learned 2 friend. It's not very clear, but I think on my 3 understanding, "Not required" means "Resurvey not 4 required"; that means it's actually a pass. 5 THE CHAIRMAN: Yes, that's what it appears to be. 6 MR MOK: Yes. 7 THE CHAIRMAN: So you're saying that on every occasion that 8 you were present, life jackets were inspected? 9 A. Yes, correct. For every final survey, the inspector 10 would look at life jackets. 11 MR BERESFORD: And did you put out children's life jackets 12 for him on that occasion? 13 A. There were absolutely no children's life jackets on 14 board. 15 Q. Thank you. And did he complain about the absence of 16 children's life jackets? 17 A. I did not receive any complaint and I did not hear 18 complaint about children's life jackets. 19 Q. Turning to a different issue. At paragraph 15 of your 20 supplemental witness statement, you were talking about 21 the fourth crew meeting the minimum crew requirements; 22 do you remember? You said: 23 "During the normal ferry shuttle services, the extra 24 person would be an engineer or foreman from the 25 materials handling operations section, or other</p>
<p style="text-align: right;">Page 74</p> <p>1 Q. But it says here, on the bottom left of page 864 -- it 2 appears to have been signed on behalf of the owner 3 and/or agent. 4 A. I have not seen this document before. My guess is that 5 the Cheoy Lee company signed on Hongkong Electric's 6 behalf. 7 Q. Can we go back a couple of pages to page 862. This is 8 an inspection record of an inspection on 8 July, which 9 corresponds with the date of the preceding certificate 10 of survey, which we can see at marine bundle 4, 11 page 805. There we have the Marine Department 12 certificate of survey signed by one Lau Wing-tat, dated 13 8 July 2011. 14 Were you present at the inspection for that 15 certificate of survey, Mr Tang? 16 A. Yes, I was. 17 Q. If we can just go back to the inspection, the Marine 18 Department's inspection record at page 862. We see 19 there it's in a slightly different form, but at item 11, 20 survey item 11, it says "Life-saving appliances" and 21 it's been ticked there as "Not required". Do you recall 22 whether life jackets were inspected on that occasion, 23 Mr Tang? 24 A. As far as I can recollect, every time they would look at 25 life jackets.</p>	<p style="text-align: right;">Page 76</p> <p>1 personnel from the marine section ..." 2 My learned friend Mr Grossman asked you about the 3 last sentence of that paragraph, where you said: 4 "This arrangement was discussed at the meetings held 5 with all crew members once or twice a year." 6 Do you remember that? 7 A. I do. 8 Q. At page 273 of this bundle, RSRB, you have named the 9 regular crew members, the four coxswains, the four 10 engineers and the four deckhands. 11 A. Correct. 12 Q. So can we agree for the purposes of my question that we 13 shall call those "the regular crew members"? 14 A. Yes, you can. 15 Q. And then in paragraph 15, you talk about the extra 16 person who would be an engineer or foreman from the 17 materials handling operations section, or other person 18 from the marine section. So can we agree to call them 19 "the irregular crew members"? Just for the purpose of 20 my questions. 21 A. Yes, you can. 22 Q. So when you talk about "the meetings held with all crew 23 members once or twice a year", is that a reference to 24 the regular crew members, or the irregular crew members, 25 or both?</p>

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<p>1 A. For those two regular sessions, they are mostly regular 2 crew members that would attend. 3 Q. You say "mostly"; were there exceptions? 4 A. Because crew members have 24-hour shifts, and it's very 5 difficult to gather everyone there for the meetings. 6 Q. So the meetings would be with some or all of the regular 7 crew members, but not the irregular crew members; is 8 that right? 9 A. Correct. 10 Q. Yesterday you mentioned somebody from the electrical 11 section, electrical staff, who would be present at the 12 survey; do you remember? Mr Bor, I think you said. His 13 nickname was "Bor Gat". Did you find out his identity? 14 A. Since yesterday, the question was not asked as to his 15 identity, so I didn't find out, I have not found out his 16 formal name, his official name. 17 Q. I'm told the transcript will confirm that I did ask you 18 for his identity, but never mind. I'll ask you again 19 now: could you please find out his identity? 20 A. Yes, I can do my best and give you the supplementary 21 information as fast as I can. 22 Q. Yes, please do. You can do it through your company's 23 solicitors and counsel. Thank you. 24 A. Yes, I understand. 25 Q. Thank you. The other matter I asked you about yesterday</p>	<p>1 foreground, we'll call that "1". Then there is what 2 appears to be some kind of cabin used as an office, 3 perhaps, with grey paint all over it. We'll call that 4 "2". Then we have some internal shots of apparently 5 what lies behind one of those doors. 6 The question is this. By reference to these 7 photographs, can you tell us where this crew office is 8 on the jetty? 9 A. It would be as indicated on the first picture. You can 10 see the boat in the foreground. It would be in between 11 the two, slightly on a slope in between the two. That 12 will be where the office on the jetty would be. 13 Slightly on the right. That's where it should be. It's 14 roughly situated there. 15 THE CHAIRMAN: Alongside the bigger of the two vessels on 16 the vessel's starboard; is that it? 17 A. Correct. 18 THE CHAIRMAN: And the second photograph, does that show 19 that little container kind of cabin? Is that the 20 office? 21 A. Yes, this is the office on the jetty. 22 THE CHAIRMAN: Is the open door the entrance into the 23 office? 24 A. Correct. 25 THE CHAIRMAN: And does photograph 3 show the scene within</p>
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<p>1 was the book signed by the fourth member of the crew. 2 I understand that that's in hand with your company's 3 legal advisers, and so I won't pursue that further now. 4 THE CHAIRMAN: Mr Grossman, do we have that yet? 5 MR GROSSMAN: It's true. This morning I was shown, for the 6 last six months, a thick wad like this. I've asked for 7 some of the matters to be taken out to try to make it 8 a bit thinner, but there's an awful lot of paper to be 9 prepared. 10 THE CHAIRMAN: It's not ready yet? 11 MR GROSSMAN: It's not ready. It's on track though. 12 THE CHAIRMAN: Thank you. 13 MR BERESFORD: Thank you, Mr Chairman. I've no further 14 questions. 15 THE CHAIRMAN: Mr Grossman, do we have photographs yet of 16 the crew office at the pier? 17 MR GROSSMAN: Yes, we do. They've been circulated. 18 THE CHAIRMAN: Well, they haven't reached me yet. 19 MR GROSSMAN: Do you want the witness to identify it, or 20 should I do it? 21 THE CHAIRMAN: We can do it through the witness, yes. 22 Questions by THE COMMISSION 23 THE CHAIRMAN: Mr Tang, have you got these photographs yet? 24 A. Yes, I have them. 25 THE CHAIRMAN: Right. The one with the two vessels in the</p>	<p>1 the office? 2 A. Correct. 3 THE CHAIRMAN: And the remaining two photographs show 4 various files arranged within the office itself? 5 A. Correct. 6 THE CHAIRMAN: Thank you. 7 MR GROSSMAN: Mr Chairman, would you like to ask the 8 witness, in the fourth photograph, whether that cupboard 9 is ever locked? You see there's a lock in the middle 10 of it. 11 THE CHAIRMAN: Yes. 12 A. There is a lock, but basically speaking, we do not 13 lock it. 14 THE CHAIRMAN: Right. Thank you. 15 We've received some evidence, I think from 16 Mr Francis Cheng, about discussions that have taken 17 place since the events of 1 October in which your fellow 18 colleagues raised the issue of the kind of life jackets 19 that were on the vessel. That was addressed, and 20 a range of alternatives were offered to them, your 21 colleagues, to be used on Hongkong Electric vessels. Do 22 you know anything about that? 23 A. Yes, I do know. 24 THE CHAIRMAN: How did it come about that the subject was 25 raised? Who raised it?</p>

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<p>1 A. We have representatives from different sections of the 2 company and they meet together in order to improve the 3 service of the company. 4 THE CHAIRMAN: So these are employee representations that 5 are made to the company? 6 A. Yes. These are the consultative representatives of the 7 employees. 8 THE CHAIRMAN: Were these issues addressed in writing by 9 these consultative representatives? 10 A. Well, I did not attend this meeting but I could go back 11 and check if written issues were made. 12 THE CHAIRMAN: How would you describe the meeting, the 13 nature, the title of this meeting? 14 A. In fact we hold regular meetings among these 15 consultative representatives in which we discuss matters 16 that are worthy, that would help improvements. 17 THE CHAIRMAN: Yes. What we're addressing in particular is 18 one in which the issue of the nature of the life jackets 19 that were on Lamma IV was raised. Am I to understand it 20 that there was such a meeting where this topic was 21 raised? 22 A. Correct. 23 THE CHAIRMAN: But you're saying even though you are the 24 marine officer, you didn't attend such a meeting? 25 A. Because at that time, I was not in post. I have only</p>	<p>1 Lamma IV had been used. Are we to understand from the 2 title that this is a schedule of visits by parties, 3 guests, to Lamma Power Station in that two-year period? 4 A. Correct. 5 THE CHAIRMAN: Are we correct in understanding that the 6 vessels would be used to transport the guests to and 7 from the Lamma Power Station piers? 8 A. Correct. 9 THE CHAIRMAN: Next have a look, if you would, at page 771, 10 which is a schedule of January through to May of 2011, 11 if we come down to the bottom of that page. Are we to 12 understand this to mean, that last entry, that about 13 500 children aged 6-11 were transported on those 14 vessels, Lamma II and Lamma IV, to the power station? 15 A. Correct. 16 THE CHAIRMAN: And these, by the look of them, were 17 primary-school-aged children. 18 A. Correct. 19 THE CHAIRMAN: Are we also to understand that there were no 20 child life jackets on either vessels for these voyages? 21 A. Correct. But I've also said before that these are the 22 insufficiencies that improvements have to be made. 23 THE CHAIRMAN: Thank you. One final matter. It's right, is 24 it not, that the bench seats that were arranged on the 25 open aft deck, on the upper deck of Lamma IV, had no</p>
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<p>1 been in post since 21 January. 2 THE CHAIRMAN: Yes, I understand. May we take you up on 3 your offer to see if there are any records. Obviously 4 what would assist us is first of all any representations 5 that were made by these employees, so we know how they 6 formulated their concerns, and what it is that Hongkong 7 Electric Company did by way of response. If you could 8 find us those records. 9 A. Yes, I could. Yes. 10 THE CHAIRMAN: Thank you. Again, liaise through your 11 solicitors, if you would. 12 May I ask you now to come to your statement at 13 page 266, paragraph 28. You detail there what's 14 contained in an appendix, and you describe it in this 15 way: 16 "In addition to the above [and that is the fireworks 17 displays on 1 July and 1 October] Lamma II and Lamma IV 18 have been used for other company-arranged events. 19 Details of such events over the last 2 years are 20 attached at appendix 13." 21 Do you see that? 22 A. Yes, I do. 23 THE CHAIRMAN: Next, can I ask that you be shown 24 appendix 13, page 769, please. This is the schedule 25 showing these various events in which Lamma II and</p>	<p>1 life jackets underneath those seats? Is that right? 2 A. Correct. 3 THE CHAIRMAN: But you've said that the vessel was equipped 4 with at least the maximum -- that's 232 adult life 5 jackets -- on 1 October 2012. 6 A. Correct. 7 THE CHAIRMAN: So where were the life jackets that were to 8 be used, if necessary, by passengers seated on the upper 9 deck open area on Lamma IV? 10 A. The passengers seated on the upper deck, 3 or 4 metres 11 beyond their seats, there are 60 lifebuoys, and 2 and 12 3 metres away, a life raft. So the life-saving 13 appliances are there. 14 THE CHAIRMAN: Where were the life jackets kept for them? 15 A. We placed life jackets for this area in lockers and in 16 crew rooms. 17 A. (In English) Crew cabins. 18 THE CHAIRMAN: And on which deck is the crew cabin? 19 A. On the lower deck, a little below. 20 THE CHAIRMAN: That's beneath the main deck? 21 A. Correct. 22 THE CHAIRMAN: So that's where the crew cabin was. Where 23 were these lockers? 24 A. There are lockers in the wheelhouse and there are also 25 lockers underneath the stairs.</p>

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<p>1 THE CHAIRMAN: And how many life jackets for the use of 2 passengers were in the wheelhouse in a locker? 3 A. There should be a dozen and above numbers of life 4 jackets in the wheelhouse, but I have not counted them 5 myself. 6 THE CHAIRMAN: And beneath the stairs? Which stairs, first 7 of all? 8 A. The staircase leading from the deck below, to the upper 9 deck. 10 THE CHAIRMAN: From the main deck to the upper deck? 11 A. Correct. 12 THE CHAIRMAN: And in that place, was that a cupboard, 13 a room? How would you describe it? 14 A. It's a cupboard with doors on the left and right. 15 THE CHAIRMAN: And how many life jackets were to be found in 16 that place? 17 A. I have not counted them myself, but the coxswain said 18 there were life jackets there. 19 THE CHAIRMAN: Do you know how many? 20 A. No, I don't know the exact number. 21 THE CHAIRMAN: Were there any signs on the upper deck, the 22 open area of the upper deck, advising passengers where 23 these life jackets could be found? 24 A. As far as I can recall, there are no particular signs to 25 that effect.</p>	<p>1 Mr Mok put the question, that when the actual inspection 2 was conducted, somebody actually showed children's life 3 jackets to the Mardep inspector. 4 THE CHAIRMAN: That's a Mr Wong, is it not, the Mardep 5 inspector? Have I got the right one? 6 MR SHIEH: Yes. An unidentified person from Hongkong 7 Electric showed children's life jackets to Mr Wong. 8 THE CHAIRMAN: Yes, I remember that. 9 MR SHIEH: Could I just pause to observe that to the best of 10 my understanding, no evidence from Mardep has yet been 11 put forward to show that this was indeed what happened 12 as the inspection. 13 On a higher level of generality, in respect of the 14 various annual surveys going back year after year, could 15 I just briefly show the Commission the annual surveys to 16 show what they say about life jackets, and perhaps call 17 for explanation and/or evidence. 18 The 2012 one we have seen. 19 THE CHAIRMAN: Which bundle am I to go to? 20 MR SHIEH: They're all in marine bundle 4. 21 Mr Mok has put Mardep's position in respect of the 22 one at page 822, which is the latest one, 2012-2013. 23 But if we were to look at the previous year, for 24 2011-2012 -- 25 THE CHAIRMAN: Just give me a moment to make a note.</p>
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<p>1 THE CHAIRMAN: Thank you very much, Mr Tang, for helping us 2 with your testimony. If you'll liaise with your 3 solicitors about the matters that we've asked you to try 4 and locate to assist us further, that would be most 5 helpful. But now your evidence is complete, and you're 6 free to go. Of course, you may remain in the hearing 7 room and listen to the other testimony. 8 A. (In English) Thank you. 9 (The witness withdrew) 10 THE CHAIRMAN: Mr Shieh? 11 MR SHIEH: Mr Chairman, the next witness is Mr Ng Siu-yuen 12 of Hong Kong &amp; Kowloon Ferry. But before that, and 13 while memory is fresh, could I raise one point of 14 enquiry in perhaps calling for information and/or 15 evidence, and that arises out of a line of questions put 16 by Mr Mok on behalf of Mardep. 17 Mr Chairman, you will remember the questions put in 18 relation to the annual surveys and in particular the 19 question of Mardep's ticking off or signing off on the 20 annual surveys in respect of life jackets, children's 21 life jackets in particular. 22 THE CHAIRMAN: Yes. 23 MR SHIEH: The previous witness was shown the latest, 24 current certificate at marine bundle 4, page 822. That 25 is the certificate in respect of which my learned friend</p>	<p>1 Yes. Where do we find that? 2 MR SHIEH: Page 822 is the one that Mr Mok had put the 3 question. 4 The previous year is page 805, which Mr Beresford 5 took Mr Tang to in his re-examination. Page 805, the 6 same bundle. This one follows a similar format. This 7 one has the asterisk. Mr Chairman, you'll remember the 8 asterisk saying -- 9 THE CHAIRMAN: I do. 10 MR SHIEH: -- "one jacket for each person on board". This 11 one follows a similar format as the one for 2012-2013. 12 Mr Mok has not put an equivalent question in respect 13 of Mardep's signing off of this survey. 14 THE CHAIRMAN: Just give me a moment. Yes. 15 MR SHIEH: Page 805 is in similar format as page 822, but 16 Mr Mok has not put an equivalent question in relation to 17 page 805. In other words, it has not been put that for 18 the survey which led to the 2011-2012 survey, something 19 similar happened. 20 THE CHAIRMAN: Yes. 21 MR SHIEH: But when we look further back for one year, 22 page 799, that is in respect of 2010-2011, the format 23 here is slightly different. Mr Chairman, you can see 24 this one expressly says 92 adult life jackets, and 25 children's, nil.</p>

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<p>1 THE CHAIRMAN: Yes.</p> <p>2 MR SHIEH: And it was signed off. And that, notwithstanding</p> <p>3 the 5 per cent rule that Mr Mok put to the witness.</p> <p>4 THE CHAIRMAN: Yes.</p> <p>5 MR SHIEH: Mr Chairman remembers the 5 per cent rule. But</p> <p>6 here it says no life jackets for children; still passed.</p> <p>7 Then for the previous year, we turn to page 796.</p> <p>8 It's 2009-2010. Again, the format is such that express</p> <p>9 quantification of adult life jackets is mentioned.</p> <p>10 Mr Chairman can see page 796?</p> <p>11 THE CHAIRMAN: Yes, I have it.</p> <p>12 MR SHIEH: 92 adult life jackets; children's life jackets,</p> <p>13 zero. Again, Mardep passed it. Actually Mr Tam</p> <p>14 Yun-sing passed it, one of the witnesses, the witness</p> <p>15 who was responsible for increasing the crew number.</p> <p>16 THE CHAIRMAN: Yes.</p> <p>17 MR SHIEH: Then further back one year, at page 775, for the</p> <p>18 year 2008-2009. 92 adult life jackets; zero, or</p> <p>19 nothing, in respect of child life jackets.</p> <p>20 THE CHAIRMAN: Yes.</p> <p>21 MR SHIEH: Page 760 -- that's I think the furthest back we</p> <p>22 could find in the bundle. Page 760 is the year</p> <p>23 2007-2008. Again, expressly mentioning 92 adult life</p> <p>24 jackets; nothing for child life jackets.</p> <p>25 THE CHAIRMAN: Yes.</p>	<p>1 deal with a particular survey that was --</p> <p>2 THE CHAIRMAN: Wong Kam-ching is the one who dealt with</p> <p>3 the --</p> <p>4 MR MOK: 8 May 2012.</p> <p>5 THE CHAIRMAN: In which you suggested to Mr Tang he had been</p> <p>6 shown children's life jackets?</p> <p>7 MR MOK: Yes.</p> <p>8 THE CHAIRMAN: Yes. But you're not in a position to make --</p> <p>9 or are you in a position to make that suggestion to</p> <p>10 others?</p> <p>11 MR MOK: Well, I just made that suggestion because that was</p> <p>12 the relevant one.</p> <p>13 THE CHAIRMAN: Yes.</p> <p>14 MR MOK: I can also -- well, I suppose I could have made</p> <p>15 that suggestion in relation to the 2011 one as well.</p> <p>16 THE CHAIRMAN: Only if you have instructions to that effect,</p> <p>17 obviously.</p> <p>18 MR MOK: Yes. I do.</p> <p>19 THE CHAIRMAN: You do?</p> <p>20 MR MOK: Yes.</p> <p>21 MR SHIEH: Mr Chairman, can I just make it absolutely clear.</p> <p>22 Obviously we are not trying to hide anything, but the</p> <p>23 implication for Mardep signing off life jackets, when in</p> <p>24 fact -- if in fact they knew or had seen no children's</p> <p>25 life jackets, the implications are obvious for Mardep.</p>
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<p>1 MR SHIEH: But the reason why I rise to perhaps call for</p> <p>2 evidence while the matter is fresh is, first of all,</p> <p>3 I've made my observation that the suggestion that the</p> <p>4 inspector for the 2012 survey saw actual children's life</p> <p>5 jackets on that occasion is not the subject of positive</p> <p>6 evidence from Mardep so far.</p> <p>7 THE CHAIRMAN: No. Why don't we deal with that point</p> <p>8 straightaway.</p> <p>9 MR SHIEH: Yes.</p> <p>10 THE CHAIRMAN: Mr Mok, what is your position as far as</p> <p>11 that's concerned? Do you intend inviting the Commission</p> <p>12 to receive evidence to substantiate that position?</p> <p>13 MR MOK: Yes, we do.</p> <p>14 THE CHAIRMAN: Are you in possession of a witness statement</p> <p>15 from that person?</p> <p>16 MR MOK: I'm not sure whether it has been signed yet.</p> <p>17 I will look into that.</p> <p>18 THE CHAIRMAN: It's Mr Wong, is it?</p> <p>19 MR MOK: Wong Kam-ching, if I remember correctly.</p> <p>20 THE CHAIRMAN: Very well. What about the issue of earlier</p> <p>21 years?</p> <p>22 MR MOK: I think what we have done or propose to do is to</p> <p>23 have a general statement to explain the general</p> <p>24 situation, and to perhaps tender or also prepare</p> <p>25 a witness statement on the part of Wong Kam-ching to</p>	<p>1 THE CHAIRMAN: Yes.</p> <p>2 MR SHIEH: So there is an issue of credibility, obviously,</p> <p>3 whether or not the suggestion coming from Mardep now,</p> <p>4 that, oh, on that occasion they have seen children's</p> <p>5 life jackets, is something which is worthy of anxious</p> <p>6 scrutiny, especially placed against the background that</p> <p>7 for preceding years, it looked as though they've been</p> <p>8 signing off certificates, different format, with zero</p> <p>9 children's life jackets.</p> <p>10 So, therefore, I don't mince my words. Is it a case</p> <p>11 where Mardep goes in, in the Chinese colloquial phrase,</p> <p>12 one eye open, one eye closed, "I know full well what you</p> <p>13 are doing but I'll just sign off"? Is it that sort of</p> <p>14 scenario, that sort of culture? Or is it a case where</p> <p>15 previously --</p> <p>16 THE CHAIRMAN: Nelson was a great admiral and he too</p> <p>17 suffered from that eyesight affliction.</p> <p>18 MR SHIEH: Yes, but applied in the Hong Kong context, in</p> <p>19 respect of no children's life jackets, the consequences</p> <p>20 are fatal.</p> <p>21 THE CHAIRMAN: Yes, I follow that. I understand, obviously,</p> <p>22 what you're saying about the seriousness of the issue.</p> <p>23 How do you suggest we approach this?</p> <p>24 MR SHIEH: I simply put down a marker that if Mardep is</p> <p>25 actually going to produce statements, they don't simply</p>

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<p>1 do it in an omnibus way. 2 THE CHAIRMAN: No, witness by witness is what we want. 3 MR SHIEH: Witness by witness. It's not an answer for 4 Mr Mok to say, "We are only concerned with the 2012 5 survey because that is the one immediately preceding", 6 because it goes to the entire culture. It goes to 7 credibility. 8 THE CHAIRMAN: It's certainly intimately involved with terms 9 of reference 2 and 3. 10 MR SHIEH: Yes. If they were happily signing off on things 11 when they know full well that there aren't children's 12 life jackets, notwithstanding the 5 per cent rule -- 13 THE CHAIRMAN: We're with you that this is a serious issue, 14 and I don't suspect Mr Mok suggests otherwise, and 15 therefore it has to be addressed. How it is addressed 16 is a separate issue. 17 MR SHIEH: As I say, I lay down a marker. 18 THE CHAIRMAN: Yes. 19 Now, do I understand you, Mr Mok, to say that you 20 had instructions that you could have put to Mr Tang 21 about the previous year? 22 MR MOK: Yes. 23 THE CHAIRMAN: Then Mr Tang should come back and receive 24 that allegation. 25 MR MOK: Yes, we can do that.</p>	<p>1 MR TANG WAN-ON (recalled) 2 (All answers via interpreter unless otherwise indicated) 3 THE CHAIRMAN: Mr Tang, thank you for coming back at short 4 notice. You've been brought back because Mr Mok has 5 some other suggestions that he wants or needs to put to 6 you, and that's the purpose of your being recalled. 7 Mr Mok. 8 Further examination by MR MOK 9 MR MOK: Mr Tang, there's just one matter that we need to 10 deal with now. This appears in marine bundle 4, 11 page 805. This is a certificate of survey that was 12 issued on 8 July 2011. We see that an inspection took 13 place on that day. You can see that on page 862. 14 Can I ask you whether or not you were present, or 15 whether you remember you were present on that occasion? 16 A. As far as I can recall, ever since 2008, for every 17 annual survey, I went and attended. 18 Q. On that occasion, there was also a checking of the 19 life-saving appliances, including the life jackets? 20 A. Correct. 21 Q. You will see, for example, on this page, whilst we are 22 on it, 862, item 11, the life-saving appliances were 23 checked and it was ticked as indicating that resurvey 24 was not required. 25 In other words, it was passed. Do you understand</p>
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<p>1 THE CHAIRMAN: Is Mr Tang here? 2 MR GROSSMAN: I see signals that he's gone upstairs, but he 3 may be in the building. 4 THE CHAIRMAN: Right. If he's still around, we can probably 5 inconvenience him less if we can find him now. 6 MR GROSSMAN: Someone is going up to get him. 7 THE CHAIRMAN: Yes. 8 You can deal with this matter now, can you, Mr Mok? 9 MR MOK: Yes. 10 MR GROSSMAN: There is one other matter. The identity of 11 the person called "Bor Gat", his name is Lam Ping-fai. 12 THE CHAIRMAN: Thank you. 13 MR GROSSMAN: I'm told he's actually left, but somebody is 14 running after him, trying to find him. 15 THE CHAIRMAN: Right. 16 MR GROSSMAN: He's been phoned. We think he's on the way 17 back. 18 THE CHAIRMAN: Very well. We'll stand down for 5 minutes 19 and then we'll come back in. If he arrives before 20 5 minutes, then please pass the message through and 21 we'll come back in then. 22 MR GROSSMAN: Indeed. Thank you very much. 23 (4.26 pm) 24 (A short break) 25 (4.33 pm)</p>	<p>1 that? 2 A. This form was in the hands of the inspector and so 3 I didn't know the work that's being done, according to 4 this form. 5 Q. Can I draw your attention to the note at the bottom. It 6 says: 7 "To be made out in triplicate. Original to be 8 handed to owner of the vessel or his representative." 9 Is it correct that a copy of this form was handed to 10 you to keep? 11 A. This form seems rather unfamiliar to me. I have to go 12 back and check to see if the company did give a copy to 13 us. 14 THE CHAIRMAN: If it did, it would be in Hongkong Electric's 15 records, presumably? 16 A. Correct. I will go back and check the records, and if 17 there be one, then it would be there. 18 THE CHAIRMAN: Thank you. 19 MR MOK: On this occasion, it was a different inspector, and 20 I believe his name was -- we can see the printed name on 21 page 805 -- Mr Lau Wing-tat. 22 You can see his name at the bottom of page 805. Do 23 you know Mr Lau? 24 A. No, I don't really quite know him. 25 Q. But do you recall one Mr Lau was the inspector who</p>

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<p>1 participated in this particular survey? 2 A. No, I don't really recollect that. 3 Q. When it came to the checking of the life jackets, did he 4 also walk up and down the aisles to check them, or were 5 the life jackets stacked up for him to inspect, or do 6 you not remember? 7 A. As far as I can remember, the majority of life jackets 8 were placed beneath the seats. For the others, we piled 9 them up for inspection. 10 Q. Are you talking about the general practice, or are you 11 talking about something that you remember happened on 12 that occasion? 13 A. It's a general practice. 14 Q. Do you remember exactly what happened on that occasion; 15 that is, 8 July 2011? 16 A. I can't really recall clearly all the details, but I do 17 remember that every time for every survey, life jackets 18 are inspected. 19 Q. I understand, but Mr Lau, if he had counted, let's say 20 for the time being, the number of adult life jackets, 21 you would not be surprised that he did that? 22 A. Of course he has the absolute right to do so, and of 23 course I am not surprised. 24 Q. But you don't remember now whether or not he did or did 25 not count them on that occasion?</p>	<p>1 said you would discharge the duties according to the 2 survey, and the survey says that there should be child 3 life jackets. So my question is, did you try to comply 4 with that particular matter? 5 A. As I stated in my evidence given before, this is 6 a negligence on our part where we have to make 7 improvements. If I had known about this issue, there 8 would be no problem for the company to acquire 9 children's life jackets. We wouldn't be stingy on that. 10 Q. So, Mr Tang, I ask you again. You said that there were 11 no children's life jackets at the time of the 12 inspection, and yet the result of the survey was that 13 there were child life jackets. Were you not surprised 14 when you saw that indication being shown on the 15 certificate? 16 MR BERESFORD: I'm sorry, Mr Chairman, the question has not 17 got any foundation, as far as I can see. 18 THE CHAIRMAN: Keep your voice up. 19 MR BERESFORD: My learned friend Mr Mok refers to the result 20 of the survey showing a requirement, but I didn't quite 21 get where that was established. 22 MR MOK: What I'm referring to is the asterisk against the 23 child jacket reference on page 805. That is what is 24 stated on the certificate of survey, and Mr Tang was 25 saying that there were no child life jackets, so I'm</p>
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<p>1 A. I can't now remember whether he specifically made some 2 gestures for counting. 3 Q. I'd like to suggest to you, Mr Tang, that Mr Lau did 4 count the number of adult life jackets and the 5 children's life jackets on that occasion. 6 A. This question indeed surprises me immensely, for I have 7 always maintained that we have no children's life 8 jackets on board. 9 THE CHAIRMAN: And that was the case in 2011, was it? 10 A. On each and every time, that is so. 11 MR MOK: If that is the case, Mr Tang, can I ask you this. 12 When you received a copy of this certificate of survey, 13 were you surprised? 14 A. Our duty is to fulfil the requirements of the survey and 15 to have the licence issued. We are pleased with the 16 issuance of licence. Why should we be surprised? 17 Q. You said your duty was to fulfil the requirement of the 18 survey, and yet one of the requirements, it seems, on 19 this page, was that there should be child life jackets. 20 Did you try to fulfil that requirement? 21 A. Our company is a big company, and we do not engage in 22 fakes and frauds to pass a survey. When we say there 23 are no children's life jackets, there are none. And we 24 wouldn't pretend otherwise. 25 Q. Mr Tang, that was not my question. My question is you</p>	<p>1 asking him whether he was surprised to see this item. 2 THE CHAIRMAN: Yes. What you have in mind is at item (2) -- 3 first of all, "This is to certify", item (2), "This 4 vessel is provided with the following life-saving 5 appliances", and there is an asterisk against "child 6 life jacket(s)", and that then leads on to the 7 explanation for the asterisk as being "one life jacket 8 for each person on board". 9 MR MOK: Yes, and my question is whether the witness was 10 surprised when he saw that, when there was no such 11 jacket. 12 THE CHAIRMAN: Yes. Would you put the question to Mr Tang, 13 Since the certificate says the vessel is provided 14 with children's life jackets, yet there were none on 15 board, were you surprised to get the certificate? 16 THE INTERPRETER: (Chinese spoken). 17 MR MOK: Before the witness answers, can I specifically ask 18 the witness to comment, were you surprised in seeing 19 this item, which indicates -- 20 THE CHAIRMAN: Let's just deal with the first question. It 21 becomes my question now. 22 Given that you knew there were no children's life 23 jackets on board at the time of the survey, as you 24 understood it, that you knew there was a requirement for 25 children's life jackets in the requirements, were you</p>

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<p>1 surprised therefore to get this certificate?                  2 A. As an operator who has received this certificate, and                  3 whereas we have indeed placed so many appliances on                  4 board, which obtained satisfaction from the survey, we                  5 felt it was okay.                  6 MR MOK: So you were not --                  7 THE CHAIRMAN: If you have other questions I'm going to call                  8 it a day now.                  9 MR MOK: Thank you.                  10 THE CHAIRMAN: Mr Tang, we tried to deal with you but it's                  11 clear that we cannot. I have other duties elsewhere,                  12 and so I'm going to have to ask you to come back                  13 tomorrow so we can finish your evidence then. Please be                  14 kind enough to return to resume your testimony at                  15 10 o'clock tomorrow.                  16 A. (In English) Okay.                  17 THE CHAIRMAN: Thank you.                  18 Before we rise, let me indicate this. I'm sitting                  19 in the Court of Appeal tomorrow. I have an application,                  20 or we have an application, for a certificate for leave                  21 to appeal to the Court of Final Appeal. I've asked that                  22 that be listed at 9.15 in the hope that I can be here                  23 for 10 o'clock, but I'm going to adjourn these                  24 proceedings on the basis of not before 10 o'clock, which                  25 counsel will understand. So we'll adjourn on that</p>	<p style="text-align: center;">I N D E X</p> <p>1                  2 MR TANG WAN-ON (on former affirmation) .....4                  3 Examination by MR PAO (continued) .....5                  4 Examination by MR MOK .....21                  5 Further examination by MR GROSSMAN .....71                  6 Further examination by MR BERESFORD .....72                  7 Questions by THE COMMISSION .....78                  8 (The witness withdrew) .....86                  9 MR TANG WAN-ON (recalled) .....95                  10 Further examination by MR MOK .....95                  11                  12                  13                  14                  15                  16                  17                  18                  19                  20                  21                  22                  23                  24                  25</p>
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<p>1 basis.                  2 (4.53 pm)                  3 (The hearing adjourned until not before 10 am                  4 on the following day)                  5                  6                  7                  8                  9                  10                  11                  12                  13                  14                  15                  16                  17                  18                  19                  20                  21                  22                  23                  24                  25</p>	