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<p>1 Monday, 18 February 2013 2 (10.00 am) 3 MR NG SIU-YUEN (on former affirmation in Punti) 4 (All answers via interpreter unless otherwise indicated) 5 THE CHAIRMAN: Good morning, Mr Ng. May I remind you that 6 you continue to testify according to your original 7 affirmation. 8 A. I understand, Mr Chairman. 9 THE CHAIRMAN: Thank you. 10 Mr McGowan. 11 MR McGOWAN: Yes. Good morning, Mr Chairman. Good morning 12 Mr Commissioner. I've taken your comments at the end of 13 Friday to heart. I just have three topics and I'll be 14 brief. 15 THE CHAIRMAN: Very well. 16 Examination by MR McGOWAN (continued) 17 MR McGOWAN: As I indicated, some questions on the contract 18 for the supply of crew, and that's in RB bundle 2 at 19 page 1058. 20 This is the contract or the documents leading to the 21 contract between yourselves and Hongkong Electric, 22 Mr Ng, and the basic contract was to provide a night 23 crew for one of their ferries. Do you agree? 24 A. Agree. 25 Q. And Hongkong Electric produced a technical specification</p>	<p>1 set out. 2 A. I can see it. 3 Q. That was a 12-hour working period, from 20:00 to 08:00 4 the next morning. 5 A. Correct. 6 Q. At page 1069, we can see the price schedule, although 7 the actual figures have been redacted. 8 A. I can see it. 9 Q. Mr Ng, that crew was to operate Lamma II on the night 10 shift; are you aware of that? 11 A. I am aware of that. 12 Q. That was a three-man crew for Lamma II? 13 A. Correct. 14 Q. Then that contract was renewed after the first year and 15 was operating again at the time of the collision on 16 1 October 2012? 17 A. Correct. 18 Q. Mr Ng, I'm going to ask you now about what appears at 19 page 1087, please. This is a variation to the contract. 20 A. According to my recollection, yes. 21 Q. Yes. I'll take you to it, Mr Ng. Below the title 22 "Contract No. 10/7102", it has: 23 "Variation Order No. 3 -- Provision of an extra 24 deckhand at night time for a period from 21 November 25 2011 to 21 December 2011."</p>
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<p>1 setting out the terms they wished for the contract. 2 A. I understand. 3 Q. And that formed the basis for the agreement between 4 yourselves and Hongkong Electric for the provision of 5 that service. 6 A. Agree. 7 Q. At page 1060, we can see the scope of the work required 8 supply of one coxswain, one engineer and one deckhand. 9 A. Yes. 10 Q. At page 1061, the requirements of the specific members 11 of the crew were set out at clause 2.6. 12 A. I can see it. 13 Q. And at page 1062, there is the deckhand requirement. 14 A. I can see it. 15 Q. That included "Able to speak Cantonese, read and write 16 Chinese and simple English". 17 A. I can see it. 18 Q. Was that term ever varied? 19 A. I would like to understand what you mean by having ever 20 been varied. 21 Q. Yes. Did you and Hongkong Electric agree that that term 22 of the contract, the requirement that he could read and 23 write Chinese and simple English, could ever change? 24 A. I believe no. 25 Q. Right. And at 3.5 on page 1063, the working hours are</p>	<p>1 A. Yes. 2 Q. This was necessary because Lamma II, which was the 3 vessel your employees normally operated, was in dry dock 4 at that period of time. 5 A. Yes. 6 Q. And Hongkong Electric then used Lamma IV, their other 7 ferry, for that period of time, day and night? 8 A. Yes. 9 Q. Because the crew requirement of Lamma IV was four crew 10 members, they required you to provide an extra deckhand? 11 A. As far as I could remember, it was us who required that 12 four crew members should be provided. 13 Q. Right. Anyway, there was an agreement to have an extra 14 crew member; correct? 15 A. Correct. 16 THE CHAIRMAN: Can you help us as to what the cost was on 17 a daily basis for this extra deckhand? 18 A. I'm sorry, I cannot recall. 19 THE CHAIRMAN: Can we provide the witness with an unredacted 20 document so that he can answer the question? 21 MR McGOWAN: I'll see if we can. Perhaps I can move on to 22 something else and come back to it. 23 THE CHAIRMAN: Yes. 24 MR McGOWAN: Anyway, Mr Ng, it's not disputed that you were 25 going to be paid additional money for this extra</p>

Page 5	1 deckhand? 2 A. Correct. 3 Q. We'll come back to the amount later. 4 If I can move on from that for the moment. Could 5 you please have a look at police photograph bundle I, 6 and could we have photographs 34 and 35 on the screen, 7 please. 8 This, Mr Ng, is a photograph or two photographs of 9 the upper rear outboard deck of Sea Smooth. 10 Do you recognise them? 11 A. I cannot see the name of the ship, but I can see that 12 from the photo, it does seem like that. 13 Q. These are photographs taken of Sea Smooth by the police 14 shortly after 1 October. 15 A. Yes. Thanks. 16 Q. Could you assist us as to where the life jackets for 17 those passengers are? 18 A. I'm not an expert in -- I'm not a seafarer, and this is 19 the responsibility of my colleague. I believe that the 20 coxswain would have clear knowledge about this. 21 Q. Thank you, Mr Ng. 22 Lastly, you have produced the minutes or the records 23 of various meetings you've had with your coxswains over 24 a period of about 10 years. 25 A. Correct.	Page 7	1 I have, sir. 2 THE CHAIRMAN: Thank you. 3 MR McGOWAN: Thank you very much. 4 THE CHAIRMAN: Mr Sussex, do you have an application? 5 Mr Zimmern? 6 MR ZIMMERN: I'm grateful. Thank you, Mr Chairman. Might 7 I be permitted to ask Mr Ng some short questions 8 regarding ferry routes and vessels of Hong Kong 9 & Kowloon Ferry? 10 THE CHAIRMAN: Please do. 11 Examination by MR ZIMMERN 12 MR ZIMMERN: Good morning, Mr Ng. 13 A. Good morning. 14 Q. Prior to Chinese New Year you gave evidence that Hong 15 Kong & Kowloon Ferry owns and operates a total of 16 13 vessels. 17 A. Yes, this is correct. 18 Q. Just to clarify, how many vessels are actually in 19 operation on any given day? 20 A. Eight vessels are in operation: seven are under the 21 licensed ferry service, and one is on standby. They 22 provide service in three different subsidiary companies. 23 Q. So just to make it clear, eight vessels are in service 24 on any given day, but only seven run routes whilst one 25 is on standby?
Page 6	1 Q. And all those coxswains would be coxswains who would 2 drive or steer your vessels past the Lamma Power Station 3 entrance to Yung Shue Wan? 4 A. To be more exact, we passed by that point from the 5 front. 6 Q. Yes. Your vessels passed the entrance to the power 7 station day and night; correct? 8 A. Which vessel are you referring to? They shouldn't be 9 entering into the power station. 10 THE CHAIRMAN: Why don't you move to your point, 11 Mr Grossman. 12 MR McGOWAN: Yes. Certainly, Mr Chairman. 13 None of your coxswains have ever made any complaint 14 about the fog lamp at the Lamma Power Station, have 15 they? 16 A. I haven't received any such complaint. 17 Q. And you have never made any complaint to either Hongkong 18 Electric or the Marine Department about that fog lamp, 19 have you -- you the company? 20 A. As far as I could remember, no. 21 MR McGOWAN: Sir, I believe the price information is being 22 scanned. 23 THE CHAIRMAN: Thank you. We'll come back to that in due 24 course. 25 MR McGOWAN: Yes. Thank you. That's all the questions	Page 8	1 A. Correct. 2 Q. Also, as far as Hong Kong & Kowloon Ferry and its 3 subsidiaries are concerned, how many ferry routes are 4 your company and its subsidiaries licensed to operate? 5 A. Three. They are from Central to Yung Shue Wan; from 6 Central to Sok Kwu Wan; and from Central to Peng Chau. 7 Q. As far as you're aware, are there any ferry routes that 8 operate south of Yung Shue Wan on Lamma Island? 9 A. As far as the Central to Yung Shue Wan route is 10 concerned, since it is a licensed ferry, so only our 11 company operates this route. 12 Q. But are there any ferry services that operate south of 13 Yung Shue Wan, that go to any pier south of Yung Shue 14 Wan? And to be clear, including any other ferry 15 operator. 16 A. As far as I am aware, there is a ferry that runs from 17 Aberdeen through Pak Kok to Yung Shue Wan. 18 Q. Are you aware of any ferry operators or ferry routes 19 that operate south of Yung Shue Wan? 20 THE CHAIRMAN: It's towards Wailingding, something like 21 that. Do you know of any ferry going there? 22 A. Yes, there is. 23 MR ZIMMERN: We've heard that the Sea Smooth had a flashing 24 masthead light. I wonder if you could assist: do you 25 know what the purpose of this flashing masthead light

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<p>1 was?</p> <p>2 A. This is in accordance with the requirement of Mardep.</p> <p>3 Q. Do you have any further explanation? Do you know why</p> <p>4 Mardep have made this a requirement?</p> <p>5 A. I'm not an expert in seafaring matters, but I only know</p> <p>6 that Mardep required that a yellow flashing light be</p> <p>7 added during the construction phase. As far as I know,</p> <p>8 previously this kind of light is also provided on</p> <p>9 high-speed craft and hover ferry.</p> <p>10 Q. Just one last question. Other than your company's</p> <p>11 ferries, are there any other ferry operators or vessels</p> <p>12 that are fitted with a flashing masthead light that</p> <p>13 operates in the vicinity of Yung Shue Wan?</p> <p>14 A. As far as I know, there isn't.</p> <p>15 MR ZIMMERN: Thank you very much, Mr Ng.</p> <p>16 THE CHAIRMAN: Mr Pao, do you have any application?</p> <p>17 MR PAO: No, thank you, Mr Chairman.</p> <p>18 THE CHAIRMAN: Ms Sit?</p> <p>19 MS SIT: Mr Chairman, could I have permission to ask very</p> <p>20 few questions on the issue of reporting of collision</p> <p>21 incidents?</p> <p>22 THE CHAIRMAN: Yes, please do.</p> <p>23 Examination by MS SIT</p> <p>24 MS SIT: Mr Ng, good morning.</p> <p>25 Could I ask you to turn to Holman Fenwick Willan</p>	<p>1 "In the previous documents that we have seen, and</p> <p>2 they are a selection only, those were internal reports</p> <p>3 within the company. But this one was actually a report</p> <p>4 made to Mardep, presumably pursuant to statutory</p> <p>5 requirements; correct?</p> <p>6 Answer: Correct."</p> <p>7 A. I can see it.</p> <p>8 Q. Can I ask you to confirm that all the relevant documents</p> <p>9 concerning the accidents or incidents set out in your</p> <p>10 table have been provided to the Commission?</p> <p>11 A. This is all my colleague could retrieve.</p> <p>12 Q. Do I take it that the accident report starting at</p> <p>13 page 233, which concerns an accident on 5 March 2008, is</p> <p>14 the only report of all the incidents in this table that</p> <p>15 was made to the Marine Department?</p> <p>16 A. I believe that this is not the only one, but this is all</p> <p>17 the documents we could retrieve.</p> <p>18 Q. Can I just explore a little with you, what is the basis</p> <p>19 of your belief? Is it because there is a system in your</p> <p>20 company for reporting of incidents, or was it -- because</p> <p>21 you have no documents? I just want to find out what is</p> <p>22 the basis of your belief.</p> <p>23 A. I mean that this is all we have at the moment. We have</p> <p>24 moved our office, and these are the documents we have on</p> <p>25 hand. We have already submitted them to the Commission.</p>
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<p>1 bundle, page 207. From pages 207 to 209 is a table</p> <p>2 prepared by your company which I understand you have</p> <p>3 previously been asked questions on.</p> <p>4 A. I can see it.</p> <p>5 Q. When you were asked questions by Mr Shieh in</p> <p>6 examination, you confirmed that amongst the papers</p> <p>7 provided by your company, there was only one record of</p> <p>8 a report made to the Marine Department.</p> <p>9 Can I just refresh your memory. That is Day 32 of</p> <p>10 the transcript evidence, starting at page 70. Perhaps</p> <p>11 in fairness to you, what I should do is direct you to</p> <p>12 page 64, where you were first shown page 207. Page 64</p> <p>13 at line 8.</p> <p>14 Then Mr Shieh went on to take you through a number</p> <p>15 of incidents set out in that table. That was covered</p> <p>16 all the way from page 64 down to page 69.</p> <p>17 At page 69, if you look at line 23, Mr Shieh was</p> <p>18 asking you about an incident recorded in page 241. I'll</p> <p>19 come to that in a minute, but you see it there?</p> <p>20 A. Yes.</p> <p>21 Q. Then over the page at page 70, at line 10, Mr Shieh then</p> <p>22 went on to take you to another document which starts at</p> <p>23 page 233 of the Holman bundle.</p> <p>24 A. I can see it.</p> <p>25 Q. Then Mr Shieh asked you a question at line 17:</p>	<p>1 As for the other documents, I am unable to confirm.</p> <p>2 Q. When did your company move offices?</p> <p>3 A. We have moved in 2002, and we have also moved about</p> <p>4 three to four years ago.</p> <p>5 Q. So the latest move would be sometime in 2009-2010,</p> <p>6 thereabouts?</p> <p>7 A. More or less.</p> <p>8 Q. Can I ask you to turn to the Holman bundle, page 243.</p> <p>9 The English translation can be found at page 243-1.</p> <p>10 Perhaps can I trouble you to read page 243 yourself,</p> <p>11 Mr Ng, since it's in Chinese. You will see, for</p> <p>12 everybody's benefit, this is an internal report of</p> <p>13 an incident which took place in March 2012, and it</p> <p>14 involves basically an engine failure on the part of one</p> <p>15 of your vessels which resulted in it colliding with the</p> <p>16 pier, I believe. I'm so sorry, it collided with a New</p> <p>17 Ferry. Can you just have a look, please.</p> <p>18 A. I can see it.</p> <p>19 Q. This incident took place in March 2012. So do I take it</p> <p>20 that on this occasion, the company did not make a report</p> <p>21 to the Marine Department?</p> <p>22 A. According to my recollection, we did make the report.</p> <p>23 Q. And where would be those documents?</p> <p>24 A. My colleague could only retrieve these documents. But</p> <p>25 I would go back and try to see whether I could find it</p>

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<p>1 out. But after all, because we are in a different 2 office, because our office is at the pier. 3 Q. Well, perhaps you could let the Commission know after 4 your further search whether your company does reveal or 5 discover documents that we refer to. 6 A. I believe I can. 7 MS SIT: No further questions, Mr Chairman. 8 THE CHAIRMAN: Thank you. 9 Mr McGowan, are you able to deal with the issue of 10 cost? 11 MR McGOWAN: I don't know whether it's been scanned or not, 12 sir. 13 It has. 14 THE CHAIRMAN: Perhaps we could have it up on the screen, 15 then. So the cost for that month-long period, 16 30 nights, was \$18,000 for one extra deckhand. 17 A. I can see it. 18 THE CHAIRMAN: So, \$600 a day. 19 A. Yes. 20 THE CHAIRMAN: Thank you. 21 MR McGOWAN: Thank you. 22 THE CHAIRMAN: Any questions in re-examination? 23 MR SHIEH: Yes, just one. 24 Further examination by MR SHIEH 25 MR SHIEH: Mr Ng, when Mr McGowan asked you questions before</p>	<p>1 A. Correct. 2 Q. Actually, class I vessels subcommittee. It's 3 a subcommittee under the advisory committee; correct? 4 A. Correct. 5 Q. Can you tell us briefly about the nature of this 6 advisory committee and what its role is? 7 A. In fact I have never attended any meeting ever since 8 I joined this committee. 9 Q. Is it because this committee never called any meeting, 10 or is it because simply that you were unavailable on the 11 occasions when it called meetings? 12 A. To be more exact, they have never convened any meeting. 13 Q. For how long have you been a member of this committee? 14 A. If I remember correctly, it should be about two years. 15 Q. But what is this committee or subcommittee supposed to 16 do by way of discussion or recommendation? 17 A. It is supposed to be a bridge between the industry and 18 Mardep. 19 I would like to supplement some information. After 20 incident, they have convened two meetings called the 21 class I vessel -- 22 A. (In English) And class IV. 23 A. -- and class IV vessels, and they discuss about matters 24 relating to this incident. 25 Q. Is this subcommittee for class I vessels chaired by</p>
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<p>1 the Chinese New Year break, he asked you about 2 membership of an association of ferry operators and the 3 like. Do you remember that? 4 A. Yes. 5 Q. I'm not going to ask you about trade union membership 6 and that sort of thing, but personally are you a member 7 of any kind of committee or advisory body concerning 8 maritime matters in Hong Kong? 9 A. Yes. 10 Q. Could you tell us about that membership, what body it is 11 and the nature of your membership? 12 A. I am the deputy chairman of the Motor Boats & Tug Boats 13 Association Ltd. Because of this, I was recommended to 14 become a member of the Maritime Service Training 15 Committee under the VTC. This committee mostly discuss 16 about the training for the seamen of Hong Kong. 17 Q. But this is not a committee or body under the auspices 18 of the Hong Kong Government; this is only under the VTC? 19 A. Correct. 20 Q. Are you a member of any advisory body related to or 21 under the auspices of the Government? 22 A. I am also a member of the Class I Vessel Committee under 23 Mardep. 24 Q. Is the full name called "Local Vessels Advisory 25 Committee (Class I Vessels)"?</p>	<p>1 someone from Mardep? 2 A. Correct. 3 Q. What you said, issues concerning maritime safety and the 4 like, would be within the ambit of coverage of this 5 subcommittee? 6 A. I believe so. 7 MR SHIEH: Thank you. I have no further questions. 8 THE CHAIRMAN: Thank you, Mr Ng, for attending to assist us 9 with your evidence, but your evidence is now complete 10 and you're free to leave if you wish. Or, of course, 11 you may join the public in the public gallery. Thank 12 you. 13 A. Thank you, Mr Chairman. 14 (The witness withdrew) 15 THE CHAIRMAN: Mr Grossman? 16 MR GROSSMAN: Mr Chairman, I do have an application. We 17 have obtained a statement from an expert who deals to 18 an extent with what Captain Browne says. Let me say in 19 advance that it is unlikely, I believe, improbable, 20 I believe, that we would actually seek to call him. But 21 at this stage, I make an application to have his witness 22 statement served in case we wish to make an application 23 to call him. 24 Let me say immediately that for anyone who reads it, 25 there is quite a lot of it that's simply not relevant to</p>

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<p>1 this Inquiry. But he is in England, and rather than 2 sending it back and forth, back and forth, we thought 3 the simplest and quickest way was simply to leave it 4 as is. 5 THE CHAIRMAN: Very well. So in a sense you're simply 6 disclosing it in advance at this stage? 7 MR GROSSMAN: Indeed. 8 THE CHAIRMAN: Please do so. 9 Yes, Mr Beresford. 10 MR BERESFORD: Good morning, Mr Chairman and 11 Mr Commissioner. The next witness is Mr Wong Kam-ching. 12 THE CHAIRMAN: Thank you. 13 MR WONG KAM-CHING (affirmed in Punt) 14 (All answers via interpreter unless otherwise indicated) 15 Examination by MR BERESFORD 16 MR BERESFORD: Good morning, Mr Wong. Thank you for coming 17 along today to assist the Commission with its Inquiry. 18 I have some questions for you on behalf of the 19 Commission. 20 Mr Wong, you have made a statement in relation to 21 this matter which may be found at marine bundle 11, 22 item 66, pages 4085 to 4090. 23 Could the witness please be given a copy of that 24 statement. 25 A. Correct.</p>	<p>1 A. In 2006. 2 MR BERESFORD: And your duties include, amongst other 3 things, carrying out initial and periodic inspections, 4 overseas surveys, and machinery plan approvals; is that 5 right? 6 A. Correct. 7 Q. In your witness statement you have explained your role 8 as the senior ship inspector carrying out the periodic 9 inspection of Lamma IV on 8 May 2012, specifically in 10 relation to the inspection of life-saving appliances and 11 the emergency drill. 12 A. It is the last periodic check, and the rest of them is 13 correct. 14 Q. Yes. Thank you. 15 You've said that you are unable to recall the 16 particular inspection of the Lamma IV on 8 May 2012? 17 A. It's not that I cannot -- I have no recollection at all. 18 Q. All right. Well, we'll come to that. In your statement 19 you have said that the matters that you've explained are 20 based on your general practice and the documents 21 provided to you for perusal. 22 A. Correct. 23 Q. So I would like to be clear as we go through your 24 evidence, what is the source of what you're telling the 25 Commission now. So if you can bear in mind, please,</p>
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<p>1 Q. Mr Wong, do you recognise your signature at page 4089? 2 A. Correct. 3 Q. Have you had an opportunity to remind yourself of the 4 content of this statement today? 5 A. Yes. 6 Q. Is there any amendment you would wish to make? 7 A. No. 8 Q. So are the contents of this statement true? 9 A. It's true. 10 Q. Thank you. Mr Wong, you're a senior ship inspector in 11 the Local Vessels Safety Section of the Marine 12 Department; is that right? 13 A. Correct. 14 Q. And you have a Higher Diploma in Marine Engineering from 15 the Hong Kong Polytechnic awarded in around 1981? 16 A. Correct. 17 Q. You've been with the Marine Department since 1989? 18 A. Correct. 19 Q. Originally as an assistant ship inspector. And you've 20 been a senior inspector since when? 21 MS SIT: The second sentence was not properly translated. 22 Could you repeat that, please? Thank you. 23 "(Chinese spoken)". 24 THE INTERPRETER: Sorry. 25 (Question retranslated)</p>	<p>1 that in your statement you said it's based on general 2 practice and documents, but if it's based on specific 3 memory, could you please tell us. 4 A. Okay. 5 Q. You've referred us to an inspection record at page 862 6 of marine bundle 4. Do you recognise your signature on 7 that document? 8 A. Please move it up. 9 This is not my document. 10 Q. Do you recognise the signature at all? 11 A. This document was not issued by me. 12 Q. And you had no part in its completion? 13 A. Correct. 14 THE CHAIRMAN: Isn't this the survey that the next witness 15 deals with? This is therefore a mistake in the 16 statement. 17 MR BERESFORD: It looks as though that's the case, 18 Mr Chairman. 19 THE CHAIRMAN: Because the statements are mirror images, are 20 they not? 21 MR BERESFORD: Yes, Mr Chairman. 22 Perhaps the document you should be looking at is 23 page 864. Is that your document, Mr Wong? 24 A. This is my document. 25 Q. Thank you. And do you recognise your signature on that</p>

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<p>1 document? 2 A. Correct. 3 Q. You've explained in your statement that there are three 4 types of periodic survey for a vessel like Lamma IV, 5 which was a class I vessel carrying more than 6 60 passengers, required under the code of practice. 7 A. Correct. 8 Q. You've produced a copy of that code of practice, which 9 is in marine bundle 11 at page 3416. 10 A. Correct. 11 Q. The three types of survey that you refer to are annual, 12 biennial and quadrennial? 13 A. Correct. 14 Q. You said that the items required to be inspected for 15 each of them are set out in chapter II at tables 2 16 and 3. I think we can find table 2 at page 3455. 17 A. Correct. 18 Q. Can you help us, please, Mr Wong, identify the relevant 19 parts of that table, particularly in relation to life 20 jackets? So we're dealing here with class I, carrying 21 more than 60 passengers. 22 A. This is for dry dock. It is for the final survey, which 23 is conducted in the water. 24 MS SIT: He said, "It is not for the final survey". 25 THE INTERPRETER: Sorry.</p>	<p>1 Q. And that for a vessel like Lamma IV, it is required to 2 have one life jacket for each adult on board, plus 5 per 3 cent children's life jackets? 4 A. Correct. 5 Q. And you would check the life jackets randomly for 6 quality? 7 A. Correct. 8 Q. Making a visual check for obvious damage like holes? 9 A. Correct. 10 Q. And you say that if there were any problems, you would 11 ask the shipowner's representatives to replace them? 12 A. Correct. 13 Q. And usually that would be attended to immediately? 14 A. Correct. 15 Q. You also say that children's life jackets are quite easy 16 to spot because of their sizes and because they are 17 marked? 18 A. Correct. 19 Q. And you have said that you also checked the lifebuoys -- 20 THE CHAIRMAN: Before we get to that. 21 How many adult life jackets did you check as being 22 present on this vessel on 8 May 2012? 23 A. I would count the number of life jackets against the 24 passenger capacity. 25 A. (Chinese spoken).</p>
<p>Page 22</p> <p>1 A. It is not for the final survey, which is done on the 2 water. 3 THE CHAIRMAN: Do we need to do anything more than be told 4 what this witness did on 8 May 2012? 5 MR BERESFORD: Very well, Mr Chairman. I'll move on to 6 that. 7 So the form at page 864 that we looked at, which you 8 said was your document, is the standard form used for 9 the final survey; is that right, Mr Wong? 10 A. Correct. 11 Q. And you filled this out after inspecting the vessel 12 afloat? 13 A. Correct. 14 Q. And in particular, you checked the life-saving 15 appliances? 16 A. Correct. 17 Q. And you have ticked as "Re-survey not required" 18 "Life-saving Appliances -- inspection and function 19 test". 20 A. Correct. 21 Q. You've explained that as part of the requirements, your 22 usual practice would be to count the number of life 23 jackets on board to see if they meet the statutory and 24 code of practice guidelines? 25 A. Correct.</p>	<p>Page 24</p> <p>1 A. The number of passengers. 2 A. (In English) No. Person. 3 A. The number of persons. 4 THE CHAIRMAN: The number of persons permitted to be on the 5 vessel by the licence; is that it? 6 A. Correct. 7 THE CHAIRMAN: So how many were there on board? How many 8 life jackets were there, adult life jackets? 9 A. At that time I counted according to that number, but 10 I didn't remember the number. 11 THE CHAIRMAN: So in order to answer the question, you need 12 to see the licence, do you? 13 A. Correct. 14 THE CHAIRMAN: Would you be kind enough to show him that, 15 Mr Beresford. 16 MR BERESFORD: Certainly. Mr Chairman, do you actually mean 17 the licence or the certificate of survey? 18 THE CHAIRMAN: Well, whatever document it is that enables 19 the witness to answer the simple question for which he's 20 been brought here. 21 MR BERESFORD: Perhaps we can have a look at marine 22 bundle 4, page 822. 23 THE CHAIRMAN: Is that the document that you need to answer 24 the question? 25 A. Correct.</p>

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<p>1 THE CHAIRMAN: So what's the answer to the question as to 2 how many adult life jackets you counted as being present 3 on that vessel on 8 May 2012? 4 A. There are 232, but there may be more than that -- but it 5 may be more than that. 6 THE CHAIRMAN: So at least 232? 7 A. Correct. 8 THE CHAIRMAN: Where were these life jackets when you 9 inspected them? 10 A. I cannot recall. 11 THE CHAIRMAN: Where do you generally inspect life jackets? 12 A. Because sometimes the shipowner put them all out. 13 Sometimes they stow them under the seat. Sometimes they 14 put on top of the ceiling. There's no fixed mode of 15 practice. Sometimes they also keep them in the cabinet 16 or inside the room. There is no fixed practice. 17 THE CHAIRMAN: How many children's life jackets did you 18 inspect as being on board this vessel on 8 May 2012? 19 A. I calculate the 5 per cent with my mobile phone against 20 the number of persons permitted on the vessel, and work 21 out the number. 22 THE CHAIRMAN: And what's the answer, then? 23 A. I need to make a calculation. 24 THE CHAIRMAN: Yes, please do. 25 A. There should be at least 12.</p>	<p>1 one by "child life jacket(s)", and then there's a note: 2 "One life jacket for each person on board." 3 But on the other hand, there's a number, "65", for 4 the number of lifebuoys on board. Why didn't you put 5 a number for the number of life jackets? 6 A. I just maintained the way my predecessor put it. 7 Q. But where it says "One life jacket for each person on 8 board", that could be read as a variable number, 9 couldn't it? 10 A. It has to comply with the requirement, the statutory 11 requirement, for life-saving appliances according to 12 Cap 548. 13 Q. Yes, but I'm asking you about what it says here, and 14 you've put an asterisk, and an asterisk is explained to 15 mean "One life jacket for each person on board". 16 A. According to my understanding, the asterisk besides 17 "adult life jacket(s)" refers to the number of adults on 18 board the vessel, which is equivalent to the number of 19 persons permissible on board. As for the asterisk 20 besides "child life jacket(s)", it refers to the number 21 of children's life jackets, which represents 5 per cent 22 of the number of passengers. This is in accordance to 23 the -- 24 MS SIT: Not "passengers"; "persons on board". 25 THE INTERPRETER: "Persons on board".</p>
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<p>1 THE CHAIRMAN: And where were they when you inspected them? 2 A. I cannot recall. 3 THE CHAIRMAN: As a matter of general experience, are 4 children's life jackets stored under seats or stored in 5 some other special place? 6 A. Usually they are grouped together and put out. 7 THE CHAIRMAN: In what sort of place? 8 A. I cannot recall. 9 THE CHAIRMAN: Are these places labelled, generally, as 10 being where children's life jackets are to be found? 11 A. I have no recollection about this particular vessel. 12 THE CHAIRMAN: General practice. 13 A. Yes. 14 THE CHAIRMAN: And where are they normally stored, 15 children's life jackets? 16 A. Usually they are stored inside a cabinet. 17 THE CHAIRMAN: Yes, Mr Beresford. 18 MR BERESFORD: In relation to the certificate, Mr Wong, 19 you've explained that you marked an asterisk against 20 "adult life jacket(s)" and "child life jacket(s)". 21 A. The asterisk was placed by my predecessor. I only 22 verified the number and just kept it there because 23 I didn't find any problem with it. 24 Q. Can we just have a look at page 822, please. The 25 asterisk -- there's one by "adult life jacket(s)" and</p>	<p>1 A. And this is in accordance with the statutory requirement 2 of Cap 548. 3 A. (Chinese spoken). 4 MR BERESFORD: But, Mr Wong, according to this, if there 5 were five passengers on board, you would only need five 6 life jackets on board. 7 A. This is not correct, because I have already verified the 8 number and they are obliged to maintain this number and 9 shouldn't take away the excess number of life jackets. 10 Q. But you've said they can, Mr Wong. 11 A. What do you mean by "they can"? 12 Q. Because you've said that they only need to have one life 13 jacket for each person on board, as far as adult life 14 jackets and child life jackets are concerned. 15 A. After the number of life jackets was verified, if they 16 want to take away any life jacket, they need to apply 17 for an additional survey. 18 Q. But you haven't certified any number here, have you, 19 Mr Wong? 20 A. As far as it is in compliance with the number of 21 Cap 548G then it was okay. 22 Q. Mr Wong, I'm asking you what you certified. 23 A. It was certified because I have counted them. 24 Q. Yes. I'm not asking you what you counted, Mr Wong. 25 There may be a misunderstanding. I'm asking you what</p>

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<p>1 you certified on the document.</p> <p>2 A. After counting the number, the asterisk refers to the</p> <p>3 fact that it is in compliance with Cap 548.</p> <p>4 Q. That's not what it says, is it, Mr Wong?</p> <p>5 THE CHAIRMAN: I think we're going round in circles here.</p> <p>6 Do you take that to mean that there are at least</p> <p>7 232 adult life jackets on board, and when you put the</p> <p>8 asterisk next to "child life jacket(s)", you had counted</p> <p>9 that there were at least 12 children's life jackets? Is</p> <p>10 that your evidence?</p> <p>11 A. Correct.</p> <p>12 MR BERESFORD: Now, Mr Wong, you have explained that this</p> <p>13 was your usual practice.</p> <p>14 A. Correct.</p> <p>15 Q. But you said at the beginning of your testimony today</p> <p>16 that you had some specific memory.</p> <p>17 THE INTERPRETER: I was asked to repeat the question.</p> <p>18 THE CHAIRMAN: Yes.</p> <p>19 A. I mean that I have recollection of part of it. Part of</p> <p>20 the recollection.</p> <p>21 MR BERESFORD: So what do you remember, Mr Wong?</p> <p>22 A. I remember that I have counted the number of life</p> <p>23 jackets on board.</p> <p>24 MS SIT: "Children's life jackets".</p> <p>25 THE INTERPRETER: "Children's life jackets".</p>	<p>1 Q. Where on board, Mr Wong?</p> <p>2 A. I cannot recall.</p> <p>3 Q. Well, describe your memory to us.</p> <p>4 A. It is --</p> <p>5 MS SIT: I think he misunderstood the question. It's</p> <p>6 described as "strength" or "how good your memory is</p> <p>7 generally". Perhaps the question could be rephrased so</p> <p>8 he understands what you're trying to get at.</p> <p>9 MR BERESFORD: I'm grateful to my learned friend.</p> <p>10 Could you describe for us, please, Mr Wong, what it</p> <p>11 is you remember?</p> <p>12 A. I have recollection of other items, including the</p> <p>13 fire-fighting equipment, the thermal detector in the</p> <p>14 engine room, items like this, I have recollection of</p> <p>15 these too. Because I have recollection of having</p> <p>16 inspected these items.</p> <p>17 THE CHAIRMAN: How long did this inspection of the vessel</p> <p>18 take?</p> <p>19 A. I have no -- I cannot remember precisely. But for this</p> <p>20 kind of vessel, it usually takes about an hour and</p> <p>21 10 minutes.</p> <p>22 THE CHAIRMAN: Was the inspection in the morning or the</p> <p>23 afternoon?</p> <p>24 A. In the morning.</p> <p>25 THE CHAIRMAN: Yes, Mr Beresford?</p>
Page 30	Page 32
<p>1 MR BERESFORD: So where were they, Mr Wong?</p> <p>2 A. I cannot remember.</p> <p>3 Q. You said in your statement that you have no reason to</p> <p>4 believe that you didn't follow your usual practice in</p> <p>5 conducting the annual final survey of Lamma IV in May</p> <p>6 2012.</p> <p>7 A. Correct.</p> <p>8 Q. Well, can I suggest two reasons to you. Firstly,</p> <p>9 Mr Tang, the marine officer of Hongkong Electric, has</p> <p>10 told the Commission that there were no children's life</p> <p>11 jackets on board.</p> <p>12 A. It was inspected by me and not by Mr Tang.</p> <p>13 Q. And secondly, no children's life jackets were found on</p> <p>14 board at the time of the incident.</p> <p>15 A. I mean that I did see children's life jacket on 8 May,</p> <p>16 during the survey.</p> <p>17 Q. So are you saying that you now have a specific</p> <p>18 recollection of seeing them?</p> <p>19 A. I have other recollection as well.</p> <p>20 THE CHAIRMAN: But did you have that one, specifically that</p> <p>21 you saw children's life jackets on board Lamma IV when</p> <p>22 you inspected her on 8 May 2012?</p> <p>23 A. I did see them.</p> <p>24 MR BERESFORD: Where?</p> <p>25 A. On board the vessel.</p>	<p>1 MR BERESFORD: How many inspections do you conduct in a day</p> <p>2 normally, Mr Wong?</p> <p>3 A. There is no fixed number. It depends on the number of</p> <p>4 vessels in the Yau Ma Tei inspection area that are</p> <p>5 arranged for inspection by me.</p> <p>6 Q. So what's the maximum?</p> <p>7 A. If there are more people, my superior would arrange --</p> <p>8 A. (Chinese spoken).</p> <p>9 A. If there are a large number of vessels, my superior</p> <p>10 would deploy more staff. But usually, for a single</p> <p>11 staff, about four to five vessels would be inspected.</p> <p>12 Sometimes I inspect two to three vessels, and sometimes</p> <p>13 only one.</p> <p>14 Q. Thank you. So these vessels are brought to the Yau Ma</p> <p>15 Tei Typhoon Shelter, the inspection area; is that right?</p> <p>16 A. It was a specified inspection area -- it was</p> <p>17 a designated inspection area.</p> <p>18 Q. And you're based at the Yau Ma Tei Marine Office, are</p> <p>19 you?</p> <p>20 A. No.</p> <p>21 Q. So you have to travel out to Yau Ma Tei from where?</p> <p>22 A. Usually we learn about where we have to do the</p> <p>23 inspection one day prior to the inspection, and if it</p> <p>24 was in Yau Ma Tei, we would be given a room. We would</p> <p>25 go to that small room first.</p>

<p style="text-align: right;">Page 33</p> <p>1 THE CHAIRMAN: When you inspected the adult life jackets, 2 did they bear the name of the vessel, "Lamma IV"? 3 A. I have no recollection. 4 THE CHAIRMAN: Is that normally the case, that they have the 5 vessel's name on the life jacket? 6 A. There is no requirement to put the name of the vessel on 7 the life jacket, in accordance with the code of practice 8 of the Marine Department. 9 THE CHAIRMAN: Is it generally the case that the vessel's 10 name is on the life jacket? 11 A. No. Usually there isn't. 12 THE CHAIRMAN: What about the children's life jackets? Do 13 you remember whether they had the vessel's name on them? 14 A. I have no recollection. 15 THE CHAIRMAN: You see this life jacket (indicates) with the 16 name "Lamma IV" on it? Does that refresh your memory? 17 A. All the life jackets are similar to this, and I cannot 18 remember. 19 THE CHAIRMAN: I'm asking you about the name. Do you 20 remember now that the name was on the life jackets? 21 A. I can see it. 22 THE CHAIRMAN: But does this help you with your memory as to 23 the life jackets you inspected on 8 May? Were the names 24 on the adult life jackets? 25 A. I cannot remember.</p>	<p style="text-align: right;">Page 35</p> <p>1 MR BERESFORD: Yes. 2 THE CHAIRMAN: Mr Wong, we're going to take a morning break 3 for 20 minutes. Can I ask you to be back in the seat 4 ready to resume your evidence in 20 minutes' time. 5 Thank you. 6 (11.37 am) 7 (A short break) 8 (11.56 am) 9 THE CHAIRMAN: Yes, Mr Beresford. 10 MR BERESFORD: Mr Wong, if we could please have a look at 11 page 864 once more. This is your inspection record, and 12 it contains 16 ticks. 13 A. Correct. 14 Q. I think you said it normally takes you about an hour and 15 10 minutes to conduct one of these surveys. 16 A. Correct. 17 Q. So how long, for example, does it take to do item C5, 18 the fire drill and the abandon ship drill? 19 A. There's no fixed timeframe. It depends on whether the 20 crew are able to coordinate and whether they are 21 nervous. 22 Q. Yes, but how long, approximately, does it take? 23 A. If everything was smooth, it should be done within 24 15 minutes. 25 Q. So that takes about 15 minutes. How long does it take</p>
<p style="text-align: right;">Page 34</p> <p>1 THE CHAIRMAN: Yes, Mr Beresford. 2 MR BERESFORD: Can we look at page 864 again, please, at the 3 bottom of the page. Can you please look at the 4 signature at the bottom left, where it says 5 "Owner/Agent". Do you know who signed there, Mr Wong? 6 A. I cannot remember. 7 Q. What's your usual practice in relation to these 8 inspection records, Mr Wong? It looks as though you 9 have it signed on behalf of the owner or the agent. 10 A. Usually this record was signed on board the vessel after 11 the inspection, and this is certainly the case. Before 12 I ask them to sign it, I ask them to review each item 13 before they sign their name. 14 Q. According to the note at the bottom, it says: 15 "To be made out in duplicate. Original to be handed 16 to the owner of the vessel or his representative." 17 A. The original copy was given to the person who signed the 18 document, and a copy would be handed to my superior in 19 the office, for him to do the audit on me. 20 Q. But you have no way of knowing to whom you gave the 21 original? 22 A. I have no recollection, because it was less than half 23 a year after I returned from the Labour Department. 24 THE CHAIRMAN: If that's not inconvenient, Mr Beresford, 25 we'll take a break now.</p>	<p style="text-align: right;">Page 36</p> <p>1 you to check the navigation lights and sound signals? 2 A. About -- within 10 minutes. 3 Q. What about the fire-fighting appliances? 4 A. About 15 minutes. 5 Q. So without going through all 16, that doesn't really 6 leave much time for the rest, does it? Because 7 70 minutes divided by 16 is a little over four minutes, 8 average. 9 A. There is no average time as far as survey is concerned, 10 because the time spent on each item varies. 11 MR BERESFORD: All right, Mr Wong. Please stay there. 12 THE CHAIRMAN: Mr Grossman, do you have an application? 13 MR GROSSMAN: I do, Mr Chairman. There's a number of areas, 14 but again very few questions. 15 THE CHAIRMAN: Yes, the areas being? 16 MR GROSSMAN: The first is I want to ask a couple more 17 questions about the asterisk that is placed on the 18 licences we've seen. 19 THE CHAIRMAN: Yes. 20 MR GROSSMAN: Secondly, I want to ask about the quality 21 inspection of the life jackets, in particular children's 22 life jackets. 23 THE CHAIRMAN: Yes. 24 MR GROSSMAN: Thirdly, I want to ask about the Marine 25 Department Notice that we've seen, which gives advice</p>

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<p>1 about life jackets. 2 THE CHAIRMAN: Yes. 3 MR GROSSMAN: And lastly, I need to -- well, I say "need". 4 I would like to tell him Hongkong Electric's case as far 5 as children's life jackets are concerned. 6 THE CHAIRMAN: Very well. Thank you. 7 MR GROSSMAN: Thank you. 8 Examination by MR GROSSMAN 9 MR GROSSMAN: Mr Wong, I have a couple of questions to ask 10 you. I represent Hongkong Electric. 11 First of all, could we have a look, please, at the 12 licence that you were shown earlier which is marine 13 bundle 4, page 822. Just tell me this, just explain 14 this. On the right-hand side, under item (4) -- that's 15 the number of passengers the vessel can carry -- who 16 types in those figures? 17 A. First of all, for the number of passengers, our 18 colleague would check the number of passengers and then 19 make the report. As for the crew members, the number 20 would also be added and that would come up with the 21 operation -- 22 MS SIT: I think there's something off with the 23 interpretation. In the Chinese, he was referring to 24 someone counting the number of passenger seats on board 25 and then recording it, so I think it was --</p>	<p>1 A. It is even more simpler not to amend it, because I have 2 verified that it is in compliance with the life-saving 3 appliances of Cap 548. 4 Q. Instead of having to trawl through the legislation and 5 find out that 5 per cent is the required number of 6 children's life jackets, why not simply put "12"? 7 A. Because after verifying the 5 per cent against the 8 persons allowed on board the vessel, I find that it is 9 reasonable to have each person -- each person have one 10 life jacket. 11 Q. If that's reasonable, and I'm sure you're right, why not 12 simply write it down instead of putting an asterisk? 13 A. I don't see any problem with putting in an asterisk. 14 Q. All right. Now, the licence I think is required to be 15 displayed in a prominent place? 16 A. Correct. 17 Q. For what purpose? 18 A. It is mainly to find out whether the licence has 19 expired. 20 Q. For who to find out? 21 A. Since it is put in a prominent place, it is of course 22 meant to be seen by the public. 23 Q. So if a member of the public is that interested and want 24 to know how many children's life jackets there are on 25 board, they look at the asterisk and then have to go</p>
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<p>1 THE CHAIRMAN: Thank you. 2 Direct your attention to Mr Grossman's question. 3 Who types this in to this document, which we have 4 a printed version of? 5 A. This document was -- the data was put in manually into 6 the computer and then printed out from the computer. 7 THE CHAIRMAN: By whom? 8 A. The figures on the right-hand side were put in when the 9 vessel was new and when it came out from the dock. It 10 was put in during the first time the licence was issued. 11 MR GROSSMAN: I see. So when you have a look at this 12 document to do your survey, those figures are already 13 there? 14 A. Correct. 15 Q. If we can just then go to (2), which is on the left-hand 16 side, and we see, as has been pointed out to you, that 17 the number of lifebuoys, that is typed in as "65". Do 18 you see that? 19 A. Yes. 20 Q. Why are the numbers of life jackets and children's life 21 jackets also not typed in? 22 A. I'm not sure, because it was done by my predecessor. 23 Q. Well, done by your predecessor or not, wouldn't it have 24 been the simplest thing in the world simply to write 25 down the number of life jackets?</p>	<p>1 through the legislation to find out how many there 2 should be; is that right? 3 A. For any person who travels on the vessel, they wouldn't 4 find out the problem that way. 5 Q. Well, if it's for the public to have a look at, the 6 public may be interested. A member of the public may be 7 interested to know that: how many children's life 8 jackets there are on board. Don't you agree? 9 A. I agree, but if there are more than 5 per cent -- if the 10 number of children on board the vessel exists 5 per 11 cent, then it will even make them -- they will panic 12 even more. But if it says each person has one life 13 jacket, then they will think it's normal. 14 Q. I'm sorry, I must say -- I'm sure it's my fault, but 15 I don't understand that. Are you saying -- 16 THE CHAIRMAN: You mean they might be alarmed to find out 17 that there are 20 children on the vessel, but the notice 18 might inform them that there are only 12 children's life 19 jackets; is that what you're saying? 20 A. Correct. 21 THE CHAIRMAN: So one benefit of this asterisk system is 22 that nobody gets to find out what the actual position 23 is; is that what you're saying? 24 A. No. 25 THE CHAIRMAN: And in that satisfactory state of ignorance,</p>

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<p>1 that they can put their hearts and minds at ease; is 2 that really what you're saying? 3 A. No. 4 MR GROSSMAN: Mr Chairman, I didn't misunderstand the 5 question. 6 I want to ask you something else now. The life 7 jackets that you inspected -- let's leave aside 8 children's life jackets for the moment. The life 9 jackets that you inspected, are they in conformity with 10 Marine Department requirements? 11 A. Correct. 12 Q. As far as the children's life jackets are concerned, 13 what ages do they apply to? 14 A. There is no such specification. It only mentioned about 15 the height, from a certain height to a certain height, 16 and as for the weight, it also specified from a certain 17 weight to a certain weight. 18 Q. So what does the 5 per cent relate to, then? Weight, 19 height, age, or what? 20 A. Since it says "children's life jacket", of course it was 21 meant for children. And usually it specified that it is 22 for children who are less than 1.5 metres in height, or 23 from less than 1 metre to less than 1.5 metres in 24 height. 25 Q. And where is that specified?</p>	<p>1 specifically is seeing the certification on the 2 children's life jacket; is that correct? 3 THE INTERPRETER: I was asked to repeat the question. 4 (Question retranslated) 5 A. Correct. 6 MR GROSSMAN: Right. I'll come back to that in a moment. 7 I want to ask you about this, though. Would you have 8 a look, please, at the Marine Department Notice issued 9 in respect of the 1 October 2012 fireworks night. It's 10 marine bundle 1, item 17. 11 THE CHAIRMAN: Page number? 12 MR GROSSMAN: I have it as 17. I'm sorry, I said "item". 13 THE CHAIRMAN: We need a page number to put it up on the 14 screen. 15 MR GROSSMAN: I'm sorry. Can I have just one moment. 16 I'm told it's miscellaneous bundle page 63-1. 17 THE CHAIRMAN: Thank you. 18 MR GROSSMAN: That's in Chinese. Could we have the English 19 up, please. 20 If we just scroll down, please. 21 THE CHAIRMAN: Can we provide a Chinese copy for the 22 witness. 23 MR GROSSMAN: Thank you. Could we scroll down, please. If 24 we could just go to paragraph 6. It's on page 55. It 25 says here:</p>
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<p>1 A. It can be found in the certifying label. 2 THE CHAIRMAN: What about the weight? 3 A. I can seldom find the specification of the weight. 4 MR GROSSMAN: Do the children's life jackets have indication 5 on them about height, weight, age? 6 A. Usually there is a specification from -- the range of 7 height is specified in relation to the height. As for 8 the age, it just says "for children". 9 Q. And this certification comes from where? 10 A. It can be found on the certifying label. Sometimes it 11 is square in shape, sometimes it is a chop, and 12 sometimes it is on a fabric. 13 Q. This is attached to the children's life jacket, is it? 14 A. It is attached to the inside of the children's life 15 jacket. 16 Q. I see. In respect of the children's life jackets that 17 you say you saw on this inspection, where were the 18 labels, the certification? 19 A. On the life jacket. 20 Q. You saw that, did you? 21 A. Because it has to be the approved type in order that 22 they could pass. 23 Q. Do you recall seeing that? 24 A. Correct. 25 Q. I see. So one of the few things you do remember</p>	<p>1 "Masters, coxswains, owners and operators of all 2 vessels are advised to take the following steps before 3 the start of the voyage ..." 4 Do you see that? 5 Then (b): 6 "all children on board are required to don a life 7 jacket at all times ..." 8 Why is this stated in advisory terms, if it's 9 mandated by the law? 10 MS SIT: I'm sorry to interject, but I'm not sure this is 11 a fair question to ask this witness, who is here because 12 he took part in an inspection specifically on one date 13 in May 2012, whereas this document was issued by 14 a different section of the Marine Department on 15 a completely different occasion -- 16 THE CHAIRMAN: Yes. 17 MS SIT: -- and he has no involvement in that. It's just 18 a matter of policy. 19 THE CHAIRMAN: That's as may be. But this is not mandated 20 by the law, Mr Grossman, that children don life jackets. 21 MR GROSSMAN: No. It's just advised. 22 THE CHAIRMAN: That was your question. 23 MR GROSSMAN: I think, with respect, Ms Sit is right and 24 I think I'll leave that point. 25 THE CHAIRMAN: Very well.</p>

<p style="text-align: right;">Page 45</p> <p>1 MR GROSSMAN: You've told us that one of the few things you 2 recollect is seeing the children's life jackets being 3 displayed to you. 4 THE INTERPRETER: I was asked to repeat the question. 5 (Question retranslated) 6 A. Correct. 7 MR GROSSMAN: And you've already been told by my learned 8 friend Mr Beresford that Mr Tang Wan-on, the Marine 9 officer, says there weren't any children's life jackets 10 on board. 11 A. The vessel was inspected by me and not by Mr Tang 12 Wan-on. 13 THE CHAIRMAN: Yes. That's what you told us earlier. 14 MR GROSSMAN: We've also heard from a Mr Francis Cheng, 15 who's a senior member of Hongkong Electric, that they 16 never had children's life jackets. I can also tell you 17 in advance that the crew of the Lamma IV, when they give 18 evidence, will confirm there were never any children's 19 life jackets on board. 20 Now, given the fact that these people will give 21 evidence under oath against their own interests, would 22 you like to perhaps reconsider and perhaps recollect 23 that you didn't see children's life jackets? 24 A. There is no such need. 25 THE CHAIRMAN: By that answer, do you stand by your</p>	<p style="text-align: right;">Page 47</p> <p>1 missing. At the very beginning of the answer, he 2 started by saying "On 8 May 2012, I did not know 3 whether". 4 THE CHAIRMAN: Yes. Perhaps the interpreter could confirm 5 that. 6 Is that right? 7 THE INTERPRETER: Yes, Mr Chairman. 8 THE CHAIRMAN: So on 8 May, you hadn't seen this earlier 9 certificate; is that what you're saying? 10 A. Correct. 11 THE CHAIRMAN: Mr Sussex? 12 MR SUSSEX: Mr Chairman, I have no questions for this 13 witness. 14 THE CHAIRMAN: Mr Pao? 15 MR PAO: I have no questions, Mr Chairman. 16 THE CHAIRMAN: Ms Sit? 17 MS SIT: No questions, Mr Chairman. 18 THE CHAIRMAN: Mr Beresford? 19 MR BERESFORD: No further questions. 20 THE CHAIRMAN: Thank you, Mr Wong, for coming to give 21 evidence. Your evidence is now complete and you are 22 free to leave. If on the other hand you wish to remain 23 and listen to subsequent testimony in the public 24 gallery, of course you may do so. 25</p>
<p style="text-align: right;">Page 46</p> <p>1 testimony that you did see life jackets for children on 2 the vessel on 8 May 2012? 3 A. Correct. 4 MR GROSSMAN: Well, in your experience as a Marine 5 supervisor, surveyor, have you ever come across 6 a situation where the owner of a vessel says -- 7 THE CHAIRMAN: I think this is going to be a matter of 8 comment, is it not, Mr Grossman? 9 MR GROSSMAN: Mr Chairman, you're absolutely correct. 10 One last question. You've said that the asterisk 11 was placed by your predecessor. Who was your 12 predecessor? What was his name? 13 A. I don't know him, but I know that he is Mr Lau Wing-tat. 14 MR GROSSMAN: Thank you very much. 15 No further questions. 16 THE CHAIRMAN: You come to that conclusion, do you, by -- 17 perhaps we could have it on the screen, the marine 18 bundle, page 805. Down at the bottom, we find his name. 19 Is that why you say it was Lau Wing-tat who put the 20 asterisk there? 21 A. I don't know whether it was Mr Lau Wing-tat who put the 22 asterisk there, because I have never seen the 23 certificate, the previous certificate, and I believe 24 that it was -- the practice was handed down that way. 25 MS SIT: I'm sorry, Mr Chairman, I think there was a date</p>	<p style="text-align: right;">Page 48</p> <p>1 (The witness withdrew) 2 THE CHAIRMAN: Yes, Mr Beresford. 3 MR BERESFORD: Mr Chairman, the next witness is Mr Lau 4 Wing-tat. 5 MR LAU WING-TAT (affirmed in Puntì) 6 (All answers via interpreter unless otherwise indicated) 7 Examination by MR BERESFORD 8 MR BERESFORD: Good morning, Mr Lau. Thank you for coming 9 today to assist the Commission with its Inquiry. I have 10 some questions to ask you on behalf of the Commission. 11 Mr Lau, you've made two previous statements, have 12 you not? One is to be found in our marine bundle 12 at 13 pages 4091 to 4097; and the other in the same bundle at 14 pages 4611 to 4614. 15 Could the witness please be given those statements. 16 A. Yes. 17 Q. Mr Lau, do you recognise your signature at page 4096, at 18 the end of the first of those statements? 19 A. Yes. 20 Q. And also at page -- I think it should be 4613, at the 21 end of the second of those statements? 22 A. Yes. 23 Q. Have you had an opportunity to remind yourself of the 24 content of these statements today? 25 A. Yes.</p>

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<p>1 Q. Do you have any amendment you wish to make? 2 A. No. 3 Q. So are the contents of these statements true? 4 A. Yes. 5 Q. Thank you. 6 Mr Lau, you're a ship inspector in the maintenance 7 section of the Marine Department; is that right? 8 A. Yes. 9 Q. And you have a Bachelor Degree in Mechanics Material and 10 Design from the Open University awarded in 1998, and 11 a Bachelor Degree (Honours) in Applied Physics from the 12 City University of Hong Kong awarded in 2003? 13 A. Yes. 14 Q. And you've been with the Marine Department since 2002, 15 the Local Vessels Safety Section since September 2009 16 and you were promoted to the rank of ship inspector in 17 2011; is that right? 18 A. Yes. 19 Q. And your duties include the periodic inspection of 20 vessels? 21 A. Yes. 22 Q. Could you please be shown page 860 of marine bundle 4. 23 This is a document referred to in your witness 24 statement as being an inspection record dated 8 July 25 2011. There appears to be a mistake. That document</p>	<p>1 Q. Was that document prepared by you, Mr Lau? 2 A. It should be the case, because I can see my chop there. 3 Q. Yes. In relation to life jackets, you've explained your 4 usual practice in your statement, and you say that you 5 were aware that Lamma IV was required to have one adult 6 life jacket for each passenger on board, and 5 per cent 7 children's life jackets? 8 A. Each person, including crew members on board the vessel, 9 are required to have one life jacket. And 5 per cent of 10 the allowed persons on board the vessel -- 11 THE INTERPRETER: Sorry. 12 A. And the children's life jacket which is equivalent to 13 5 per cent of the allowed passengers on board the 14 vessel. 15 MR BERESFORD: Yes. That is what's required by the 16 regulation, isn't it? 17 A. Correct. 18 Q. So your practice was to count the life jackets; is that 19 right? 20 A. Correct. 21 Q. And then work out whether the requirement had been 22 complied with? 23 A. Correct. 24 Q. You say that you would ask the shipowners, 25 representatives or agents to show you the life jackets?</p>
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<p>1 appears to be dated 18 May 2011, whereas the periodic 2 inspection record dated 8 July 2011 seems to be at 3 page 862. 4 Can you confirm that the record at page 862 is the 5 right one? 6 A. I need to refer to it. The one on page 860 was not 7 issued by me, whereas the one on page 862 was issued by 8 me. 9 Q. Thank you. You say in your statement that you no longer 10 have a clear recollection of these events, of this 11 inspection, given that they took place almost two years 12 ago, and the large number of inspections that you carry 13 out on a monthly basis. 14 A. Correct. 15 Q. You've explained in your statement the forms used in the 16 periodic inspection, and your general practice in 17 relation in particular to the checking of life jackets? 18 On the inspection record at page 862, survey 19 item 11, you have ticked "Re-survey not required" next 20 to "Life saving appliances". 21 A. Correct. 22 Q. And the completion of this document led you to issue 23 a certificate of survey, also on 8 July 2011, which is 24 at page 805 of marine bundle 4. 25 A. Correct.</p>	<p>1 A. Correct. 2 Q. You say sometimes they may be stacked in piles, 3 sometimes they may be hung on the back of chairs, and 4 sometimes they may be stowed under the seats? 5 A. Correct. 6 Q. Do you remember in the present case how they were 7 stowed? 8 A. I have no recollection. 9 Q. You say that if the life jackets were stored in a locker 10 or a storeroom, you would ask the shipowner's 11 representatives or agents to take them out for counting; 12 is that right? 13 A. Correct. 14 Q. And you would also check in such a case to see if there 15 were any signs saying where the life jackets are stored? 16 A. Yes. 17 Q. So in the case of Lamma IV, if we can look at some 18 photographs, please -- police bundle V at pages 319 19 to 324 -- we can see how the life jackets were stowed on 20 Lamma IV. 21 A. I can see it. 22 Q. So you can see in the case of Lamma IV the life jackets 23 were stowed under the seats? 24 A. Yes. 25 Q. So where would children's life jackets normally be</p>

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<p>1 stored in such a case, Mr Lau?</p> <p>2 A. As far as my experience is concerned, if the life</p> <p>3 jackets are stowed under the seat, then the children's</p> <p>4 life jackets would be put in the locker.</p> <p>5 Q. So you would also have checked to see whether there was</p> <p>6 a sign saying whether children's life jackets were</p> <p>7 stored in the locker, would you not?</p> <p>8 A. As far as my recollection is concerned, usually we would</p> <p>9 only check whether there was a sign for the life jacket.</p> <p>10 But the words, the characters "children's life jackets"</p> <p>11 were not specified.</p> <p>12 Q. Just so I understand this, Mr Lau. So if the children's</p> <p>13 life jackets were stored in a locker, you would expect</p> <p>14 the locker to have a sign saying "life jackets stored</p> <p>15 here", or something to that effect, would you?</p> <p>16 A. Correct.</p> <p>17 Q. But it wouldn't say anything about children's life</p> <p>18 jackets?</p> <p>19 A. My recollection is that there is no such requirement.</p> <p>20 Q. Would you count all the life jackets?</p> <p>21 A. It is my practice to count all of them.</p> <p>22 Q. And then you'd also check their quality?</p> <p>23 A. Yes.</p> <p>24 Q. And condition?</p> <p>25 A. Yes.</p>	<p>1 completed, and you made the necessary input into</p> <p>2 Mardep's computer for the issue of the certificate of</p> <p>3 survey, which we've seen at page 805. You told us that</p> <p>4 under item (2), you marked an asterisk against "adult</p> <p>5 life jacket(s)" and against "child life jacket(s)", and</p> <p>6 that the asterisk refers to "One life jacket for each</p> <p>7 person on board".</p> <p>8 A. Correct.</p> <p>9 Q. And it's your evidence that that means that you have</p> <p>10 checked that Lamma IV had the requisite number of life</p> <p>11 jackets: for adults, 100 per cent; and children, 5 per</p> <p>12 cent?</p> <p>13 A. Correct.</p> <p>14 Q. So how many adult life jackets were on board?</p> <p>15 A. 232.</p> <p>16 Q. And how many children's life jackets were on board?</p> <p>17 A. I need to calculate it, but there should be 12.</p> <p>18 Q. You say in your first statement that the computer</p> <p>19 program would produce the asterisk sign if you checked</p> <p>20 the box for full compliance.</p> <p>21 But in your supplemental statement, you said that</p> <p>22 you input the asterisks, and that in fact you changed</p> <p>23 the system because the previous year had said 92 adult</p> <p>24 life jackets, and you changed it to read the asterisk.</p> <p>25 A. Am I supposed to answer your question in this respect?</p>
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<p>1 Q. And you would also count the lifebuoys?</p> <p>2 A. Yes.</p> <p>3 Q. And you would also check the buoyant lifelines and life</p> <p>4 raft?</p> <p>5 A. Yes.</p> <p>6 Q. I think you say you would also check that the emergency</p> <p>7 escape plan and donning instructions are posted at</p> <p>8 suitable positions in the vessel.</p> <p>9 A. Yes.</p> <p>10 Q. You may be able to help us identify this in</p> <p>11 a photograph. If we could look at the photograph in the</p> <p>12 expert report bundle, please, at page 398-7.</p> <p>13 Is that the kind of thing that you would expect to</p> <p>14 see as the emergency escape plan?</p> <p>15 A. I cannot see this plan very clearly, but usually they</p> <p>16 are posted in such a way.</p> <p>17 I have seen this plan, but I am unable to identify</p> <p>18 it because there are other plans which are very similar</p> <p>19 to it.</p> <p>20 Q. Yes. All right. Then the donning instructions I think</p> <p>21 we'll find at police bundle V at page 318.</p> <p>22 Is that the kind of thing you're referring to,</p> <p>23 Mr Lau?</p> <p>24 A. Correct. Yes, this kind of instruction.</p> <p>25 Q. And then you tell us that the survey was satisfactorily</p>	<p>1 Q. Well, I'm going to ask you which is correct.</p> <p>2 A. Are you referring to the question on the asterisk that</p> <p>3 was generated by the computer automatically?</p> <p>4 Q. Well, did the computer generate it automatically or did</p> <p>5 you input it?</p> <p>6 A. I would like to make some explanation here, because</p> <p>7 I have left and I'm not quite sure about the new</p> <p>8 program. Before I provided the second statement,</p> <p>9 I asked the company to open up the software, the</p> <p>10 program. So the second statement was correct; that was,</p> <p>11 I input the asterisk.</p> <p>12 Q. So we can forget about the computer generating the</p> <p>13 asterisk, can we, Mr Lau?</p> <p>14 A. Yes.</p> <p>15 Q. You said that you would have been aware of the previous</p> <p>16 certificate of survey in 2010, which we can see at</p> <p>17 page 798 of marine bundle 4.</p> <p>18 A. Yes.</p> <p>19 Q. That shows the number of adult life jackets as being 92.</p> <p>20 A. Correct.</p> <p>21 Q. You've explained in your supplemental statement that you</p> <p>22 changed this from the specific number to the asterisk as</p> <p>23 meaning "not less than 232"?</p> <p>24 A. Yes.</p> <p>25 Q. Can you explain why you didn't just put "232"?</p>

<p style="text-align: right;">Page 57</p> <p>1 A. In fact when I joined the department, I have asked my 2 colleague when I saw the representation of the asterisk, 3 I asked them what is the difference between an asterisk 4 and the figure, and they said in fact there is not much 5 difference. So I adopted the asterisk to denote that 6 Cap 548 has been complied with. 7 Q. So why didn't you do that for lifebuoys? 8 A. Because there is no -- 9 THE INTERPRETER: Sorry. (Chinese spoken). 10 A. Because there is no requirement that each person has one 11 lifebuoy. And in fact one lifebuoy caters for two 12 persons. And since the number of lifebuoys has not been 13 changed, so I retained the number "65". 14 MR BERESFORD: Could you have a look at marine bundle 11, 15 page 3745. This is another certificate of survey for 16 a sister vessel, the Lamma II, dated 20 December 2011. 17 A. I can see it. 18 Q. And this shows the number of adult life jackets. It 19 doesn't use the asterisk. 20 A. I can see. 21 Q. So it wasn't a consistent practice, was it, to use 22 asterisks? 23 A. Now I can see that there is inconsistency. 24 Q. Go back to page 805, the 2011 certificate for Lamma IV 25 which is the certificate with the asterisks. We see the</p>	<p style="text-align: right;">Page 59</p> <p>1 A. I believe that after this incident, I agree to what you 2 said. 3 MR BERESFORD: Okay. Thank you, Mr Lau. 4 THE CHAIRMAN: Mr Grossman? 5 MR GROSSMAN: Two areas only. One is, I want to ask about 6 the life jackets in the locker, the children's life 7 jackets. And secondly, again, I want to ask about the 8 counting of the life jackets and what the Hongkong 9 Electric people say about that. 10 THE CHAIRMAN: Thank you. We'll take that after lunch. 11 Mr Lau, we're going to take our lunch break now and 12 we'll resume at 2.30 this afternoon. May I ask you to 13 be kind enough to be back here, ready to resume your 14 evidence, at 2.30. Thank you. 15 (1.01 pm) 16 (The luncheon adjournment) 17 (2.30 pm) 18 THE CHAIRMAN: Mr Lau, may I remind you that you continue to 19 testify according to your original affirmation. 20 A. I understand. 21 THE CHAIRMAN: Yes, Mr Grossman. 22 MR GROSSMAN: Thank you, Mr Chairman. 23 Examination by MR GROSSMAN 24 MR GROSSMAN: Mr Lau, I represent Hongkong Electric. I have 25 a couple of questions to ask you.</p>
<p style="text-align: right;">Page 58</p> <p>1 asterisk next to "adult life jacket(s)" and the asterisk 2 next to "child life jacket(s)" and then the explanation 3 or the key that the asterisk means "One life jacket for 4 each person on board". 5 How would you know how many people would be on 6 board? 7 A. Concerning the explanation of the asterisk, it was the 8 minimum requirement that the vessel -- 9 THE INTERPRETER: Sorry. 10 (Chinese spoken). 11 A. In fact when I put this asterisk for the survey, 12 I didn't really care about the actual number of persons 13 on board the vessel, but the number of persons allowed 14 on the vessels. 15 MR BERESFORD: But it doesn't refer to the number of persons 16 allowed on the vessel, does it? 17 A. On the fourth column, on the left-hand side of the 18 certificate, it says that the number of persons allowed 19 is 232. So I counted the life jackets according to this 20 number. 21 Q. Yes. I understand your evidence in that regard, Mr Lau. 22 But do you agree that this could be interpreted as 23 a variable requirement, because you've used an asterisk 24 and not a number, and you make no reference to that 25 maximum number?</p>	<p style="text-align: right;">Page 60</p> <p>1 A. Yes. 2 Q. Before lunch, when you were answering questions from my 3 learned friend here, you talked about the children's 4 life jackets being probably in a locker. 5 A. Yes. 6 Q. And you said there was no requirement for any signs to 7 indicate that the children's life jackets or any other 8 life jackets were in the locker? 9 A. I'd like to clarify that. There is a requirement that 10 a sign showing the life jacket and the characters of 11 "life jacket" should be put on. But my impression is 12 that there is no requirement for the characters showing 13 "children's life jacket" be shown. 14 THE CHAIRMAN: Yes. That's what you told us earlier on. 15 MR GROSSMAN: So, tell me this: in the event of 16 an emergency, how is the anxious parent to know where 17 the children's life jackets are? 18 A. This is beyond the requirement of the survey. There is 19 no requirement that the location of the life jacket has 20 to be clearly specified. As to where an anxious parent 21 could locate the life jacket, there is no requirement 22 for us to attend to this area. 23 THE CHAIRMAN: By that you mean no requirement that it be 24 identified as a child's life jacket? By that 25 I understand the tenor of your evidence -- you've got to</p>

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<p>1 say that there are life jackets there, but not that 2 there are children's life jackets; have I understood you 3 correctly? 4 THE INTERPRETER: Sorry, Mr Chairman, can you repeat your 5 question? 6 THE CHAIRMAN: Yes. As I understand your evidence, the 7 place where life jackets are stored, if it's a locker 8 or a cupboard or a room, has to be identified as a life 9 jacket store. But it's not necessary to add that it's 10 a place where children's life jackets are stored. 11 A. You can understand it that way. 12 THE CHAIRMAN: Thank you. 13 MR GROSSMAN: Then how is the anxious parent to find out 14 where she can get a life jacket for her child if there's 15 an emergency? 16 THE CHAIRMAN: I think he's answered that by saying it's 17 beyond the requirements of the survey. 18 MR GROSSMAN: Very well. Thank you. 19 I'd like you to try and recall, if you can, the 20 manner in which you counted the children's life jackets 21 in the survey that you did. 22 A. I have some recollection, but not specifically, about 23 Lamma IV. It's that before I count the life jackets, 24 I would ask the representatives where the adult life 25 jackets are, and usually they are --</p>	<p>1 that means the certificate of survey -- is the proof 2 that I have seen it. 3 Q. I must tell you that a senior member, a senior person 4 from Hongkong Electric, and the marine officer have both 5 deposed that there were no children's life jackets, and 6 I can tell you that the crew, who will be giving 7 evidence next, will say the same thing: there were no 8 children's life jackets. So none were shown to you. 9 A. I have nothing to supplement or comment on what they 10 have said. 11 Q. Well, is it possible, given their evidence -- and 12 there's no reason why they should tell lies about it -- 13 that you didn't see any children's life jackets? 14 A. I still maintain that the firmly believe that -- 15 THE INTERPRETER: Sorry. 16 A. According to the CoS, I believe that I would only make 17 amendment on it after seeing such things. 18 MR GROSSMAN: Finally, I suggest to you in fact you were not 19 shown any children's life jackets. 20 A. I still maintain that I am unable to comment on what 21 I have no recollection. 22 MR GROSSMAN: Thank you very much. 23 Thank you, Mr Chairman. 24 THE CHAIRMAN: Mr Sussex? 25 MR SUSSEX: I have no questions for this witness.</p>
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<p>1 THE INTERPRETER: Sorry. 2 A. -- where the child life jackets are, and my impression 3 is that usually they are put together with the adult 4 life jackets, and they are put in a pile. When there 5 are excess -- usually the life jackets are placed under 6 the seat, and if there are surplus life jackets, they 7 are put together in one location and the children's life 8 jackets are also put there. So when they show me these 9 surplus life jackets and the children's life jackets, 10 I would count them all in one go. 11 MR GROSSMAN: I understand your practice. I just want to 12 know what happened when you did the survey of Lamma IV. 13 Can you remember if you saw children's life jackets? 14 A. If you ask me about Lamma IV, I'm sorry to tell you that 15 I have absolutely no recollection about the procedures 16 and what happened. 17 Q. So is it possible you did not see children's life 18 jackets? 19 A. I cannot comment on what I have no recollection at all. 20 Q. So it is possible -- I don't put it any more than that 21 at this stage -- that you were not shown any children's 22 life jackets? 23 A. I cannot tell from my recollection, but I won't make any 24 amendment on the CoS unless I have very clear evidence, 25 very strong evidence. So in other words, the CoS --</p>	<p>1 THE CHAIRMAN: Mr Pao? 2 MR PAO: No questions. 3 MS SIT: Could I have permission to ask a few questions 4 about the certificate of survey and the asterisks, the 5 very last few questions this witness answered. 6 THE CHAIRMAN: Please do. 7 Examination by MS SIT 8 MS SIT: Mr Lau, just now you told the Commission that 9 unless you have seen clear evidence you believe you 10 would not have amended or made changes to the 11 certificate of survey. 12 A. Yes. 13 Q. By "changes", do you mean changes from the certificate 14 of survey from the previous year, ie 2010? 15 A. Yes. 16 MS SIT: Can the witness be shown the previous certificate 17 of survey. That's in marine bundle 4, page 798. 18 On this document, could I just direct your 19 attention, Mr Lau, to another item under paragraph (2); 20 that is, under "lifebuoy(s)", do you see the third line 21 under it, a reference to "buoyant lifeline(s)"? 22 A. Yes. 23 Q. On this document, there was no lifeline recorded. 24 A. Yes. 25 MS SIT: Could the witness now be shown the same bundle,</p>

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<p>1 page 805. That's a certificate of survey he issued. 2 A. Yes. 3 Q. Can I ask you to look under the "buoyant lifeline" entry 4 again, and there is a reference to "2". Do you see 5 that? 6 A. Yes. 7 Q. Are you able to tell us why there is an entry of "2" 8 there? 9 A. Because I saw it. 10 Q. So is your evidence that when you conducted the final 11 survey, if you noted that there were items which were 12 changed or different from the previous survey, you would 13 have recorded it in your certificate of survey? 14 A. Yes. 15 MS SIT: Thank you. I have no further questions. 16 THE CHAIRMAN: Thank you. 17 Mr Beresford? 18 MR BERESFORD: No further questions, Mr Chairman. 19 Questions by THE COMMISSION 20 THE CHAIRMAN: Can I ask that you have the police bundle of 21 photographs at page 337, first of all. To help you, 22 this is a photograph, so the legend tells us, of the 23 lower deck of the Sea Smooth. Do you see that there is 24 a little room constructed beneath the stairs leading 25 from the main deck to the upper deck?</p>	<p>1 a room, like on this ferry? 2 A. Yes. 3 THE CHAIRMAN: And if they were marked properly, the room of 4 the place where it was would be marked as being a place 5 where life jackets were stored? 6 THE INTERPRETER: I was asked to repeat the question. 7 THE CHAIRMAN: Yes. If the place, the locker or the room, 8 where these life jackets were kept was marked as it 9 should have been, then there would be a sign saying 10 "Life jackets inside" or "Life jackets stored here"? 11 A. Correct. 12 THE CHAIRMAN: Mr Beresford, are you able to assist in this 13 respect. Is there any photograph of Lamma IV that shows 14 any sign to that effect? We've been told that a single, 15 I think it is, life jacket was kept in the wheelhouse, 16 and we've been told that life jackets were kept in the 17 crew quarters, of all places. Is there any sign to that 18 effect? 19 MR BERESFORD: I'm not aware of any, Mr Chairman. 20 THE CHAIRMAN: We know also, do we not, that there were no 21 life jackets kept on the open upper deck? 22 MR BERESFORD: We do. 23 THE CHAIRMAN: Is there any sign showing passengers in that 24 place where life jackets were to be found? 25 MR BERESFORD: I don't believe there is, Mr Chairman.</p>
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<p>1 A. Yes. 2 THE CHAIRMAN: And do you see above the doorway there's 3 a little sign -- there is some signage? 4 A. Yes. 5 THE CHAIRMAN: If we turn to the next page, 338, and then if 6 I can ask the operators to zoom in on the sign, do you 7 see there this is marked as "Child life jacket inside" 8 with a pictorial illustration of the point? 9 A. Yes. 10 THE CHAIRMAN: Now, is this how children's life jackets are 11 commonly identified on vessels that you survey? 12 A. I have to clarify that I was responsible for surveying 13 launches and not ferries. But this one is a ferry, and 14 for ferries, there is a requirement that this kind of 15 signage be posted up. But according to my recollection, 16 there is no such requirement for launches. 17 THE CHAIRMAN: But the requirement, as you've told us, for 18 launches is that it must be identified as a place where 19 life jackets are stored? 20 A. Yes, correct. 21 THE CHAIRMAN: Now, children's life jackets wouldn't be kept 22 underneath seats, would they, even on launches? 23 A. No, they won't. 24 THE CHAIRMAN: So they would have been kept, if you did 25 examine them, in a special place: a locker or perhaps</p>	<p>1 THE CHAIRMAN: Thank you, Mr Lau, for coming to assist us 2 with your testimony. Your evidence is now complete, and 3 you're free to go. Of course, you may stay and sit in 4 the public gallery and listen to other evidence if you 5 wish. 6 (The witness withdrew) 7 THE CHAIRMAN: Yes, Mr Beresford. 8 Mr Grossman? 9 MR GROSSMAN: As I understand it from your early directions, 10 since this is now the crew, it is for me to take the 11 evidence. 12 THE CHAIRMAN: Yes, you're quite right. 13 MR GROSSMAN: Thank you. The first witness, then, is the 14 coxswain, Mr Chow Chi-wai. 15 THE CHAIRMAN: Thank you. May I ask Mr Chow to come 16 forward, please. 17 MR CHOW CHI-WAI (affirmed in Puntì) 18 (All answers via interpreter unless otherwise indicated) 19 Examination by MR GROSSMAN 20 MR GROSSMAN: Mr Chow, in connection with the collision that 21 happened on 1 October last year, I think you've made 22 a number of statements. 23 A. Yes, correct. 24 Q. I want to show them to you quickly. If you could have 25 a look, please -- if we could see police bundle -- the</p>

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<p>1 record of interview at page 3313. Police bundle M, 2 page 3313. This is a record of interview. If it could 3 just be scrolled down. The Chinese is at page 3317, 4 I think; the English at page 3313. 5 Can you just confirm that this is your statement, 6 your record of interview? 7 A. Yes, correct. 8 Q. Thank you. If you would then look -- 9 THE CHAIRMAN: Before you pass on. This then was taken in 10 the early afternoon of 2 October at Queen Mary Hospital? 11 A. Yes, correct. 12 THE CHAIRMAN: And before the questioning began, the words 13 of caution were administered to you? 14 A. Yes. 15 THE CHAIRMAN: That is to say, you were told you're not 16 obliged to say anything unless you wish to do so, but 17 what you say will be put into writing and given in 18 evidence? 19 A. Yes. 20 THE CHAIRMAN: And you indicated you had something to say, 21 but because your hand was injured, you asked the police 22 officer to take it down for you? 23 A. Yes, correct. 24 THE CHAIRMAN: Yes, Mr Grossman. 25 MR GROSSMAN: Thank you.</p>	<p>1 THE CHAIRMAN: Thank you. 2 MR GROSSMAN: Could we have a look, please, at page 3318. 3 The translation is at page 3324-1. 4 THE CHAIRMAN: That's the document we started with, the 5 first one. We've already dealt with that one. 6 MR GROSSMAN: Mr Beresford is misleading me. 7 MR BERESFORD: My apologies, Mr Chairman. The other one 8 that's missing is page 3313, which is the caution 9 statement, recorded in the police notebook -- 10 THE CHAIRMAN: Very well. 11 MR BERESFORD: -- and the translation at page 3317-1. 12 THE CHAIRMAN: Is this the document that wished to go to at 13 the outset, Mr Grossman? 14 MR GROSSMAN: Yes, it was. I'm sorry. It's my fault, not 15 Mr Beresford's. 16 THE CHAIRMAN: Let's deal with this one. This, then, is the 17 first chronologically, is it not, beginning at 12.28 on 18 2 October 2012? 19 MR GROSSMAN: That's correct, yes. 20 Perhaps we could just go to page 3317. Just confirm 21 this was a statement that was taken from you by the 22 police? 23 A. Yes. 24 Q. And it was made freely and voluntarily by you? 25 A. Yes.</p>
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<p>1 Would you look, then, at page 3318 in the same 2 bundle. The English, I think, is at page 3324. 3 THE CHAIRMAN: I think that's the document we've just dealt 4 with. Perhaps your reference was wrong. But at all 5 events, the first statement or record of interview was 6 the early afternoon of 2 October 2012. 7 MR GROSSMAN: Yes. 8 Can we just go to page 3324. I just want to make 9 sure about that. I'm sorry, I've taken too much time 10 about that. 11 Would you please go to marine bundle 1, item 8, 12 page 64. This is a note of interview that you gave at 13 the Marine Department. 14 A. Yes. 15 Q. If we go to page 89, I think there's a translation. 16 A. Yes, correct. 17 Q. Then if we could go -- 18 THE CHAIRMAN: Before we move on. This, then, was a record 19 of interview conducted of you by an officer of the 20 Marine Department on 7 November 2012. 21 A. Yes, correct. 22 THE CHAIRMAN: You were accompanied at that interview by 23 a solicitor of Reed Smith Richards Butler, and legal 24 counsel of Hongkong Electric? 25 A. Yes, correct.</p>	<p>1 Q. The next document -- 2 THE CHAIRMAN: Before we move on. In these events, which 3 are recorded in the police officer's notebook -- which 4 you've signed, have you not? 5 A. Yes, I have signed it. 6 THE CHAIRMAN: What had happened was at Queen Mary Hospital, 7 he had arrested you for the offence of endangering the 8 safety of others at sea, and he'd described that as 9 being the collision the previous night? 10 A. Yes, correct. 11 THE CHAIRMAN: And he'd administered the words of caution to 12 you, telling you that you weren't obliged to say 13 anything unless you wished to do so, but that whatever 14 you did say would be rendered into writing and given in 15 evidence? 16 A. Correct. 17 THE CHAIRMAN: Yes. Thank you. 18 MR GROSSMAN: Thank you. 19 The last document in this sequence is in the RSRB 20 bundle at page 1548, which is in Chinese, and the 21 English translation is at page 1562. 22 In respect of each of these documents, you've had 23 an opportunity to read them again, have you? 24 THE CHAIRMAN: Just dealing with the last one. 25 That's dated 6 February of this year, is it not?</p>

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<p>1 MR GROSSMAN: It is, yes. 2 A. Yes. 3 Q. In respect of all these statements, you've had 4 an opportunity to look at them, have you? 5 A. Yes. 6 Q. I think before you made the statement on 6 February, you 7 had looked at the other three that we've looked at? 8 A. Yes. 9 Q. In the statement of 6 February, you've expanded on some 10 of the matters that you mentioned in the earlier 11 statements? 12 A. Yes, correct. 13 Q. As far as the statement of 6 February is concerned, 14 you've had an opportunity recently to read that again or 15 to go over it again? 16 A. Yes. 17 Q. Is there anything that you would like to change in it, 18 or to amend? 19 A. No. 20 Q. So can we take it, then -- and I'm just going to deal 21 with this one at the moment -- that the statement of 22 6 February is the truth? 23 A. Yes. 24 Q. What I propose to do is to go through the statement of 25 6 February with you, and I'm going to read some of it,</p>	<p>1 fleet, including Lamma IV, which has a higher 2 passenger-carrying capacity: 224? 3 A. Yes, correct. 4 Q. You have a certificate of competency as a master, and 5 this was issued by the Marine Department on 8 July 1988? 6 A. Yes, correct. 7 THE CHAIRMAN: Do you have a reference for that, 8 Mr Grossman? 9 MR GROSSMAN: I'm sorry, do you mean a documentary -- 10 THE CHAIRMAN: Yes. 11 MR GROSSMAN: No. But I'll -- 12 THE CHAIRMAN: It is in our documents, presumably? 13 MR GROSSMAN: Is it? I'm sorry, I'd forgotten. I'll look 14 it up later. 15 THE CHAIRMAN: Thank you. 16 MR GROSSMAN: I apologise. 17 And this entitles you to take charge of a powered 18 vessel up to 300 tonnes? 19 A. Yes. 20 Q. You've also undergone additional training in life-saving 21 and fire-fighting techniques at the Seaman's Training 22 Centre in Siu Sai Wan? 23 A. Yes, correct. 24 Q. In paragraph 4, you say the company has medical checks 25 done every two years; you have a slight eye problem</p>
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<p>1 and perhaps you can follow it in the Chinese. 2 First of all, I think you confirm that you were the 3 coxswain of Lamma IV and you were in command of the 4 vessel on the night of 1 October 2012 when she was in 5 collision with the Sea Smooth? 6 A. Yes, correct. 7 Q. Then you start to list some personal information. In 8 paragraph 2, you say you began your career as a seaman 9 in 1974, serving on board cargo ships for another 10 company. 11 A. Yes, correct. 12 Q. You joined a shipyard as a slings worker in 1979, and 13 then returned to the original company as an assistant 14 boatswain in 1981? 15 A. Yes, correct. 16 Q. You joined Hongkong Electric in June 1982 as a deckhand, 17 and you were promoted to coxswain in 1992? 18 A. Yes, correct. 19 Q. And you've been working as a coxswain on 20 passenger-carrying vessels for Hongkong Electric since 21 1992? 22 A. Yes, correct. 23 Q. So originally you were coxswain on passenger vessels 24 with a carrying capacity of about 100 passengers, but 25 since 1996, you've been working on Hongkong Electric's</p>	<p>1 which is corrected by wearing spectacles which you wear 2 all the time? 3 A. Yes. 4 Q. And you had your last company medical check on 14 June 5 2012, and you are physically fit? 6 A. Yes, correct. 7 Q. And you've never been on a vessel which has been 8 involved in a serious marine accident such as 9 a collision or a grounding? 10 A. Correct. 11 Q. And you've never been warned, cautioned or prosecuted by 12 the Marine Department or anybody else for infringement 13 of any ordinance or regulation? 14 A. Yes, correct. 15 Q. And you've never been subject to any disciplinary action 16 by your employer, and you have no criminal record? 17 A. Yes, correct. 18 Q. Just going back to your certificate of competency. 19 We've located it. Marine bundle 1 at page 92. 20 That is your certificate of competency, is it? 21 A. Yes, correct. 22 Q. And it's valid until April 2021? 23 A. Yes, correct. 24 Q. I want to ask you now about the construction of 25 Lamma IV, which you deal with from paragraph 6 onwards.</p>

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<p>1 A. Yes.</p> <p>2 Q. It may be as well if we have a look at the General</p> <p>3 Arrangement, which is at police bundle H, page 1322.</p> <p>4 I'm going to go through with you what you deal with</p> <p>5 in paragraphs 6, 7, 8, et cetera. If there's anything</p> <p>6 you'd like to point out on the General Arrangement</p> <p>7 document, please do so.</p> <p>8 You tell us Lamma IV -- 1995-built passenger vessel.</p> <p>9 Aluminium hull construction. Glass reinforced plastic.</p> <p>10 Main deck, upper deck superstructure.</p> <p>11 A. Yes, correct.</p> <p>12 MR GROSSMAN: Mr Chairman, if I could just pause there.</p> <p>13 A lot of what is contained in the next few paragraphs</p> <p>14 I think we know.</p> <p>15 THE CHAIRMAN: We do. I'm wondering why we're being</p> <p>16 troubled with it, but I'm leaving the matter to you.</p> <p>17 MR GROSSMAN: Yes. I've started with it. I think I'll go</p> <p>18 to paragraph 10, which is perhaps a little different.</p> <p>19 If we could move to paragraph 10, please.</p> <p>20 Perhaps we could look at marine bundle 1, page 140.</p> <p>21 This is just a photograph of the wheelhouse. We'd like</p> <p>22 you to describe it, please. You say in paragraph 10:</p> <p>23 "On the upper deck there is a wheelhouse forward,</p> <p>24 a passenger saloon amidships, and an open sun deck aft."</p> <p>25</p>	<p>1 A. Yes, correct.</p> <p>2 Q. In paragraph 13 you deal with the way the steering</p> <p>3 works.</p> <p>4 Paragraph 14, you say:</p> <p>5 "Auxiliary power is provided by a generator and</p> <p>6 back-up batteries."</p> <p>7 A. Yes, correct.</p> <p>8 Q. Paragraph 15, you say this:</p> <p>9 "The original design speed for the vessel was about</p> <p>10 25 knots but in the early years the engines were prone</p> <p>11 to high exhaust gas temperatures when running at full</p> <p>12 speed ..."</p> <p>13 A. Yes.</p> <p>14 Q. You say:</p> <p>15 "... So the vessel has never really been operated at</p> <p>16 [25 knots]."</p> <p>17 A. Yes, correct.</p> <p>18 Q. You say:</p> <p>19 "The propeller blades were then trimmed to deal with</p> <p>20 the problem, which from recollection was about the time</p> <p>21 that the permanent ballast and fendering modifications</p> <p>22 were carried out to the hull."</p> <p>23 A. Yes, correct.</p> <p>24 Q. Then you say:</p> <p>25 "This, combined with running at slower speeds,</p>
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<p>1 A. Yes, correct.</p> <p>2 Q. "Access to the wheelhouse is by a sliding door from the</p> <p>3 passenger saloon, which has fixed seating for 63."</p> <p>4 A. Yes, correct.</p> <p>5 Q. In paragraph 10, you continue to describe the windows</p> <p>6 and the door which give access to the sun deck.</p> <p>7 A. Yes, correct.</p> <p>8 Q. And you say towards the end of that paragraph:</p> <p>9 "A stairwell aft on the starboard side of the sun</p> <p>10 deck leads to the open aft main deck area. The licensed</p> <p>11 carrying capacity of the upper deck is 77."</p> <p>12 A. Yes, correct.</p> <p>13 Q. In paragraph 11, you set out the weight and dimensions,</p> <p>14 and I think we can leave that.</p> <p>15 Paragraph 12, you say:</p> <p>16 "Lamma IV is fitted with two marine diesel engines</p> <p>17 each at 2,100 rpm, and propulsion is by two</p> <p>18 outward-turning fixed-pitch propellers."</p> <p>19 A. Yes, correct.</p> <p>20 Q. You go on to say:</p> <p>21 "Main engine speed is controlled remotely from the</p> <p>22 wheelhouse. When started the engines idle at about</p> <p>23 680 rpm and the propeller shafts automatically clutch in</p> <p>24 when the engine controls are put in the ahead or astern</p> <p>25 direction as appropriate."</p>	<p>1 eliminated the exhaust gas temperature problem but</p> <p>2 recently the propellers were damaged and at the last dry</p> <p>3 docking in July 2012 they were replaced with the</p> <p>4 original specification propellers."</p> <p>5 A. Yes, correct.</p> <p>6 Q. Just pausing there. How were the propellers damaged?</p> <p>7 A. On one occasion, my colleague inadvertently hit the</p> <p>8 rock -- the propeller blades hit the rock and damaged</p> <p>9 it, and eventually it had to be replaced with a larger</p> <p>10 one.</p> <p>11 Q. Thank you. Then you go on to say:</p> <p>12 "The engines were further down-rated to a maximum</p> <p>13 speed of 1,700 rpm, which gave the vessel a speed of</p> <p>14 about 15 knots."</p> <p>15 A. Yes, correct.</p> <p>16 Q. You go on to say:</p> <p>17 "However, the new propellers caused high exhaust gas</p> <p>18 temperatures again so in September 2012 Mr Tang Wan-on</p> <p>19 ... issued instructions that Lamma IV's main engine</p> <p>20 speed should be restricted to 1,200 rpm only, which gave</p> <p>21 the vessel a speed of about 12 knots."</p> <p>22 A. Yes, correct.</p> <p>23 Q. You go on to say:</p> <p>24 "No mechanical restriction or governor was fitted,</p> <p>25 which means that the engine speed could be increased</p>

Page 81	<p>1 above 1,200 rpm but operationally we would not exceed 2 that speed during normal navigation." 3 A. Yes, correct. 4 Q. Is that because those were your instructions? 5 A. Yes, we got the instructions from Mr Tang Wan-on. 6 Q. You say then: 7 "A combination of the vessel's speed having been 8 halved and fitting of the permanent ballast means that 9 any heel when turning the vessel at normal full speed 10 under full helm is negligible." 11 A. Yes, correct. 12 Q. Then you turn to deal with the wheelhouse navigation 13 equipment and you list the following aids to navigation. 14 Firstly, a marine radar with GPS antenna and sounder 15 unit? 16 A. Yes, correct. 17 Q. A magnetic compass? 18 A. Yes, correct. 19 Q. A Motorola trunk radio? 20 A. Yes, correct. 21 Q. And a loud hailer? 22 A. Yes, correct. 23 Q. You say in paragraph 18 that you regularly made use of 24 radar in your navigation, as all the other coxswains in 25 Hongkong Electric do.</p>	Page 83	<p>1 A. I don't know how to use it, and I don't know whether 2 they are fitted with this facility. 3 THE CHAIRMAN: Well, you call it "an electronic map". What 4 do you mean by that? 5 A. I don't know what it is. I just mean that there's a sea 6 map shown on the screen. 7 THE CHAIRMAN: But you don't know how to use it, so you 8 don't use it; is that it? 9 A. Yes. 10 THE CHAIRMAN: Thank you. 11 MR GROSSMAN: You go on to say: 12 "... the wheelhouse is situated at the forward end 13 of the upper deck. It extends across the width of the 14 vessel and is about 2 metres in length at its mid-point 15 and then narrows slightly towards the sides." 16 A. Yes, correct. 17 Q. You say: 18 "5 forward-facing windows give an uninterrupted view 19 forward and there is a sliding window on both port and 20 starboard sides." 21 A. Yes, correct. 22 Q. You say in the last sentence: 23 "Aft facing bridge wing mirrors are fitted to aid 24 visibility when berthing." 25 A. Yes, correct.</p>
Page 82	<p>1 A. Yes, correct. 2 Q. You say that you can't recall whether you ever received 3 in-house training on radar, but you do have adequate 4 working knowledge to operate the radar and make use of 5 its information in your daily navigation? 6 A. Yes, correct. 7 Q. You go on to say: 8 "All [the coxswains in Hongkong Electric] are 9 required to operate the radar even in clear visibility 10 to supplement navigation by sight, to familiarise the 11 images and neighbourhood contours shown on the radar 12 screen and to train for navigation during poor 13 visibility eg fog." 14 A. Yes, correct. 15 Q. You mention also that the radar that you referred to was 16 not the original one supplied to Lamma IV, but one that 17 was replaced in around 2009? 18 A. Yes, correct. 19 Q. "... this new model had a number of additional features, 20 such as GPS and electronic map which I do not make use 21 and am not as familiar with their operations, but 22 overall I can use this radar fine." 23 A. Yes, correct. 24 THE CHAIRMAN: So this new machine had a chart plotter 25 facility as well?</p>	Page 84	<p>1 Q. Paragraph 20, you deal with what's in the wheelhouse. 2 I think we can pass on to that. 3 Paragraph 21: 4 "The trunk radio system is used for communicating 5 with the control room at the coalyard, the marine 6 officer's office at Lamma Power Station and other 7 Hongkong Electric vessels. It can also be used to make 8 outside phone calls. It is backed up by battery power." 9 A. Yes, correct. 10 Q. You deal with the loud hailer system, how it works, and 11 the siren function. And you say in your last sentence: 12 "For manoeuvring signals, however, the main whistle 13 is always used." 14 A. Yes, correct. 15 THE CHAIRMAN: I wonder if you could perhaps help us with 16 pointing out the button that operates that. Have a look 17 at the marine bundle of photographs, page 141, the upper 18 photograph. That's it. 19 Which is the button that operates the whistle for 20 purposes of signalling a manoeuvre, for example, one 21 short blast indicating you're going to starboard? 22 A. That's correct. 23 MR SHIEH: Mr Chairman was asking him to identify which one 24 is the button. 25 THE CHAIRMAN: Thank you.</p>

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<p>1 Since we can't see you, I'm going to have to ask you 2 to use words. Is it the one above where the arrow is? 3 A. The button that the cursor is pointing at. 4 THE CHAIRMAN: Right. That's on the right-hand side of the 5 lower part of the panel that is displayed in the upper 6 photograph at page 141. 7 A. Yes, correct. 8 THE CHAIRMAN: Thank you. 9 MR GROSSMAN: In paragraph 23, you say: 10 "A circuit board is mounted on the aft bulkhead on 11 the port side of the wheelhouse where the navigation 12 light and alarm panel is situated." 13 A. That's correct. 14 Q. What's the purpose of the circuit board there? 15 A. To see whether the navigation light is out of order. If 16 it has burnt out, then the siren will sound. 17 THE CHAIRMAN: Would you just help us with that. 18 Photograph 146 in the marine bundle. 19 Is that what you call a circuit board? 20 A. Yes, correct. 21 THE CHAIRMAN: So that's the upper of the two photographs at 22 page 146. 23 A. Yes, correct. 24 THE CHAIRMAN: And the circuit breakers are on the left-hand 25 side, to the left of the yellow button?</p>	<p>1 inflatable life raft? 2 A. Correct. 3 Q. That can be launched manually or released automatically 4 when submerged to a certain depth by hydrostatic release 5 unit? 6 A. Yes, correct. 7 Q. Perhaps you can explain for me, if no-one else, what is 8 meant by "[it] released automatically when submerged to 9 a certain depth by hydrostatic release unit"? 10 A. If the vessel was sinking and the persons there are not 11 able to release it on time, and then when the vessel 12 sinks to a certain depth, the water pressure button 13 would automatically release the pin button and it will 14 pop up by itself. 15 THE CHAIRMAN: And that's what happened when the vessel 16 sank? 17 A. Yes, correct. 18 MR GROSSMAN: And you say this is serviced annually? 19 A. Yes, correct. 20 Q. Who services it? 21 A. The ship factory. 22 Q. Which one? 23 THE INTERPRETER: "The factory". 24 THE CHAIRMAN: By that you mean Cheoy Lee? 25 A. Yes, correct. Cheoy Lee.</p>
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<p>1 A. Yes. 2 THE CHAIRMAN: Thank you. 3 MR GROSSMAN: While we're on this photograph, to save time, 4 perhaps you could just explain this. We see some of the 5 buttons are up and some of them are down. What does it 6 mean if they're up? 7 A. When they are put up, that means they are on; if they 8 are down, that means they are off. 9 Q. Can you tell us, then, while we're looking at it, what 10 are the four that are on? 11 A. The first one is the white light, and the second one is 12 the red light, and the third one is the green light, and 13 the fourth one is the rear light. 14 THE CHAIRMAN: The first one is the masthead light? 15 All-round white light? 16 A. The first mast light. 17 THE CHAIRMAN: Thank you. 18 MR GROSSMAN: Do I understand correctly the indication is, 19 from those four buttons, that those four lights you've 20 just described were on? 21 A. Yes, correct. 22 Q. Thank you. Now, at page 1569, paragraph 25, you start 23 describing the life-saving appliances and training. 24 A. Yes, correct. 25 Q. You mention that on the sun deck, there's a 10-man</p>	<p>1 MR GROSSMAN: You also point out that there are also eight 2 stacks of lifebuoys on the sun deck? 3 A. Yes, correct. 4 Q. And these, of course, can be launched manually or can 5 float free? 6 A. Yes, correct. 7 Q. Then you say, as we've heard, that all the passenger 8 seats were equipped with life jackets, and we've seen 9 pictures of them. 10 THE CHAIRMAN: I think what he says is "all cabin passenger 11 seats". 12 MR GROSSMAN: I'm sorry. Yes, you're quite right, 13 Mr Chairman. 14 All cabin passenger seats are equipped with life 15 jackets underneath. 16 A. Yes, correct. 17 Q. They're stowed in thin plastic bags, and outer nylon 18 bags under the seat. 19 A. Yes, correct. 20 Q. And you say that the wrapping of the life jackets is to 21 keep them free from insect bites? 22 A. Yes, correct. 23 Q. And you say: 24 "A further 33 to 35 life jackets are kept in 25 a cupboard in the crew's space and another one in</p>

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<p>1 a drawer under the radar in the wheelhouse." 2 A. Yes, correct. 3 Q. Why are the extra life jackets kept in a cupboard in the 4 crew space? 5 A. Because there is no space up there, so it has to be 6 placed in the crew space. 7 Q. Is there any indication to anyone who wants to get at 8 a life jacket where they are, where the extra ones are? 9 A. My colleagues could tell them. 10 THE CHAIRMAN: Is there any sign on the vessel indicating 11 that the extra life jackets are to be found in the lower 12 deck, below the main deck, where the crew space is? 13 A. Those are the surplus life jackets. There is one life 14 jacket for each person which are stowed under the seat. 15 THE CHAIRMAN: But to answer my question, is there any sign 16 indicating that there are life jackets kept in 17 a cupboard in the crew space? 18 A. No. 19 MR GROSSMAN: Do I understand from paragraph 26 that there 20 were 232 life jackets under the seats, and a further 21 33 to 35 kept in the crew space? 22 A. Yes, correct. 23 THE CHAIRMAN: I'm not sure I follow this. What about the 24 open deck where there are seats, but no life jackets 25 stowed under the chairs there? Where are they to be</p>	<p>1 A. Yes, correct. 2 Q. "If anything needs repairing, we [put in] a written 3 request to the marine supervisor or marine officer." 4 A. Yes, correct. 5 Q. You go on to deal with Hongkong Electric and the marine 6 operations. 7 A. Yes, correct. 8 Q. You talk about the Lamma II and Lamma IV, of which we've 9 heard, and you say that Lamma V is a pleasure craft. 10 A. Yes, correct. 11 Q. Then you deal with what your duties are, and you wear 12 a uniform of a white shirt, dark bluish-black trousers 13 when on duty? 14 A. Yes, correct. 15 Q. You say: 16 "As a coxswain my immediate line manager ... is the 17 marine supervisor, Johnson Chan, who reports to the 18 marine officer, Tang Wan-on. I have not worked since 19 the collision but understand that Johnson Chan has now 20 left the company." 21 A. Yes. 22 Q. You mention then that there's normally a crew of three 23 who work a shift pattern? 24 A. Yes, correct. 25 Q. And you work a total of 168 hours every four weeks,</p>
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<p>1 found? 2 A. They could be found in the crew space. 3 THE CHAIRMAN: Not underneath the seat, but in the crew 4 space? 5 A. Yes, correct. 6 MR GROSSMAN: I think the point you're making is that there 7 were more life jackets on board than were actually 8 required? 9 A. Yes, correct. 10 Q. In paragraph 27 you mention the deckhand gives 11 a demonstration to passengers how to don the life 12 jackets, once a month on a Friday. 13 A. Yes, correct. 14 Q. And we'll hear from him how he does it. 15 A. Yes, correct. 16 Q. And you state there are life jacket-donning instructions 17 posted in each of the main and upper deck passenger 18 saloons? 19 A. Yes, correct. 20 Q. And you go on to say that you hold weekly emergency 21 drills when the fire pump is run and fire hoses tested? 22 A. Yes, correct. 23 Q. "All safety equipment is checked in accordance with the 24 Launch Safety Checklist, which is signed off by me, the 25 engineer and marine supervisor."</p>	<p>1 which is about 42 hours a week, sometimes 50 hours. 2 A. Yes, correct. 3 Q. And you say in the last sentence that if you're on 4 a shift but you're not sailing, you rest in the jetty 5 crew room. 6 A. Yes, correct. 7 Q. Paragraph 33, you talk of the route that you take, the 8 number of people you carry, and you say that the 9 deckhand is usually responsible for the routine upkeep 10 and cleanliness of the vessels? 11 A. Yes, correct. 12 Q. "During vessel cleaning, we keep an eye on whether the 13 screws of the seats are loosened which do happen 14 occasionally." 15 A. Yes, correct. 16 Q. Do you yourself ever check to see if there's anything 17 loose? 18 A. Yes. 19 Q. You say: 20 "If the screws can be easily tightened to restore 21 a firm seat attachment to the deck, we handle this 22 ourselves." 23 A. Yes, correct. 24 Q. You say: 25 "If this or anything else cannot be handled by us"</p>

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<p>1 -- that's the crew -- "we submit a written request to 2 the marine supervisor or marine officer to be referred 3 to the maintenance team for follow-up." 4 A. Yes, correct. 5 Q. Paragraph 34, you say this: 6 "The power station at Lamma Island has a private 7 pier within its own typhoon shelter, which has two 8 berths and only Hongkong Electric vessels and their 9 authorised subcontractors are permitted to use them." 10 A. Yes, correct. 11 Q. I want to pause here and ask you about something that 12 doesn't appear here. You're aware that there's a fog 13 light at the end of the pier? 14 A. Yes. 15 Q. Yes. And this is on constantly? 16 A. Yes, correct. 17 Q. Did you ever find that the fog light interfered with 18 your vision as you were leaving or arriving at the pier? 19 A. No. 20 Q. Never? 21 A. Never. 22 Q. Then you go on to say: 23 "Recommended tracks between Lamma Island and Central 24 and Ap Lei Chau are set out in the operations manual." 25 A. Yes, correct.</p>	<p>1 conditions." 2 A. Correct. 3 Q. Now, subject to tidal and weather conditions, is what 4 you describe in paragraph 34 your normal route, your 5 normal way in which you steer the vessel? 6 THE CHAIRMAN: To Ap Lei Chau? 7 MR GROSSMAN: To Ap Lei Chau, yes. 8 A. Yes, correct. 9 Q. I want to turn now to the events of 1 October. Your 10 duty began at about noon that day. 11 A. Yes, correct. 12 Q. We can go to paragraph 38, I think. You say that before 13 you left the power station, you checked the bridge 14 equipment; you tested and pressed the horn button. 15 A. Yes, correct. 16 Q. And you heard the normal horn sound? 17 A. Yes, correct. 18 Q. "I then walked around the vessel with TY Leung" -- who 19 was the deckhand -- "checking that the operating licence 20 was on display, that the life jackets were in place 21 under every saloon seat and that all flotation devices, 22 including the inflatable life raft, were in place. 23 A. Yes, correct. 24 Q. You say: 25 "This is part of the usual handover process."</p>
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<p>1 Q. "The usual passage to Ap Lei Chau starts with setting 2 a course of about 353 degrees once clear of the 3 breakwater when engine speed will be increased to 4 1,200 rpm." 5 A. Yes, correct. 6 Q. "It takes about 4-5 minutes to reach a position off 7 No. 98 beacon off Shek Kok Tsui by which time we should 8 have reached our maximum speed of about 12 knots." 9 A. Yes, correct. 10 Q. You go on to say: 11 "There are no speed limits applicable in this area 12 but there are restrictions in the area north of 13 No. 98 beacon although not so as to affect Lamma IV." 14 A. Yes, correct. 15 Q. "On passing No. 98 beacon I will alter course to about 16 060 degrees, which places the Lamma Patch South-west 17 Buoy ahead." 18 A. Yes, correct. 19 Q. "When reaching a position north of Pak Kok Tsui I will 20 change the course to about 090 degrees which will take 21 the vessel towards the entrance of Aberdeen typhoon 22 shelter to berth at the ferry pier at South Horizons." 23 A. Yes, correct. 24 Q. "All courses and speeds will be varied as necessary, 25 depending on traffic as well as tidal and weather</p>	<p>1 A. Yes, correct. 2 Q. You say that you then walked along the pier to check the 3 draft, which would indicate if there was any damage to 4 the vessel. 5 A. Yes, correct. 6 Q. "I then returned to the wheelhouse and checked with 7 PS Leung" -- the engineer -- "that the engines were 8 ready to start before testing them ahead and astern." 9 A. Yes, correct. 10 Q. Yes. You say this is part of the usual handover 11 process. Was this something you did every time you 12 started a shift on board? 13 A. Yes, correct. 14 Q. Then we can go to paragraph 43. You say: 15 "Between 8 pm and 8.15 pm I remained in the 16 wheelhouse awaiting departure instructions." 17 A. Yes, correct. 18 Q. You say: 19 "Once everybody was back on board, TY Leung had 20 counted 124 passengers." 21 A. Yes. It's 124. 22 Q. Did he tell you this? 23 A. Yes, correct. 24 Q. And you explain: 25 "There were more passengers on board Lamma IV than</p>

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<p>1 Lamma II because more people wanted to disembark in 2 Central than at Ap Lei Chau." 3 A. Yes, correct. 4 Q. "At 8.15 pm I received Lai Ho-yin's instructions, passed 5 to me through TY Leung, to set sail and accordingly 6 I gave instructions to the crew to start letting go the 7 ropes forward and aft." 8 A. Yes, correct. 9 Q. "I then checked that the navigation lights remained 10 switched on and were all working." 11 A. Yes, correct. 12 Q. Now, it may be suggested to you that in fact you hadn't 13 switched on the navigation lights. 14 A. (Chinese spoken). 15 Q. Ms Sit has very kindly told me there may be 16 a misunderstanding of my question. 17 I said it may be put to you, not by me, but it may 18 be put to you by someone else that you didn't switch on 19 the navigation lights. 20 MR SHIEH: I don't think it should be "ho yi". I think 21 "may". "(Chinese spoken)". 22 THE CHAIRMAN: Thank you. 23 A. I know that. 24 MR GROSSMAN: What's your reaction to such a suggestion, if 25 it's made?</p>	<p>1 A. Yes, correct. 2 THE CHAIRMAN: So if the white masthead light wasn't 3 working -- that's the one on the left-hand side, is it 4 not -- the light above where the switch is would come 5 on? 6 A. If it is not working, it will go off. 7 THE CHAIRMAN: The light would go off, or on? Which one? 8 If the masthead light is not shining at the top of the 9 mast, what happens to this panel here? 10 A. The light will go off and the black siren would sound. 11 THE CHAIRMAN: So when the light is working, the light is 12 illuminated in the circuit board, is it? 13 A. Yes, correct. 14 THE CHAIRMAN: Thank you. 15 MR GROSSMAN: You deal with that. Then a little later on, 16 still in your paragraph 44, you say: 17 "I then switched off the upper deck passenger saloon 18 lights and the deck lights on the outside of the main 19 deck so as not to interfere with my forward visibility." 20 A. Yes, correct. 21 Q. Is this something you always do, or was there any 22 particular reason you did it that night? 23 A. I do this always when I operate vessels at night. 24 Q. Then you say: 25 "All wheelhouse windows were closed. The main deck</p>
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<p>1 A. First of all, I did turn it on. It is my usual 2 practice. And I turned it on with the main switch. 3 THE CHAIRMAN: So which lights were illuminated? 4 A. The white mast light, the red light, the green light, 5 and also the rear -- the stern light, the stern white 6 light. 7 MR GROSSMAN: And if by chance any of them had not been 8 working, how would you know? 9 A. In that case the white light on the dashboard would go 10 off and the siren would sound. 11 Q. You carry on at paragraph 44 -- 12 THE CHAIRMAN: Before you move on. Can you show us this 13 white light on the dashboard that would go off? Have 14 a look at photograph 141 in the marine photographs. 15 Does that show it, or is it somewhere else? 16 A. It should be on the dashboard, at my back, inside the 17 steering room -- inside the wheelhouse. 18 THE CHAIRMAN: At the back? 19 A. They are the white light in photo 13 on page 146. 20 THE CHAIRMAN: The row of white lights at the top, or the 21 row of what you're calling white lights at the top? 22 A. Yes, correct. 23 THE CHAIRMAN: And the light would come on to indicate which 24 one of the lights was not working; is that what you're 25 saying?</p>	<p>1 passenger saloon lights were left on but where the 2 outside windows are tinted with shading paper the lights 3 did not affect my forward visibility." 4 A. Yes, correct. 5 Q. You say: 6 "The sliding door from the wheelhouse to the upper 7 deck passenger saloon was open and I noticed that quite 8 a lot of passengers went outside to the sun deck or 9 downstairs once I turned off the lights but I saw that 10 Lai Ho-yin stayed and was standing by the wheelhouse 11 door." 12 A. Yes, correct. 13 Q. You say: 14 "For a pleasure cruise of this type, it is not very 15 practical to require all passengers to remain in their 16 seats and some passengers do stand and move around 17 different parts of the ship." 18 A. Yes, correct. 19 Q. You said since you had to focus on navigation, you 20 relied on TY Leung and Lai Ho-yin and his team to take 21 care of passenger matters? 22 A. Yes, correct. 23 Q. "I believe TY Leung would alert me if there is any 24 concern about passengers concentrating in any one space 25 in [excess] of the licence limit of 77 passengers for</p>

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<p>1 the upper deck and 147 passengers for the main cabin." 2 A. Yes, correct. 3 Q. Assuming there were more than 12 people on the sun deck, 4 would this cause you any problems in navigation? 5 A. No. 6 Q. You say: 7 "The radar was set up on the 1-nautical mile range 8 on a head-up relative motion display. I checked its 9 function and that the speed, position and depth of water 10 were displayed in the bottom left corner of the screen." 11 A. Yes, correct. 12 Q. Setting the radar on a 1 nautical mile range on 13 a head-up relative motion display, was this normal for 14 you to do? 15 A. Yes, correct. 16 Q. And when you checked the function, speed, et cetera -- 17 I'm sorry, when you checked speed, position, depth of 18 water, et cetera, was this something also that you 19 normally did? 20 A. Yes, correct. 21 Q. In paragraph 46, you continue with what happened. You 22 say: 23 "After letting go the forward ropes TY Leung came up 24 to the wheelhouse and wrote the passenger numbers and 25 weather conditions in the logbook then left the</p>	<p>1 "As we headed towards the typhoon shelter entrance 2 I set the engines to about 1,000 rpm and checked the 3 radar." 4 A. Yes, correct. 5 Q. You say: 6 "I could see the echo of Lamma II at the berth and 7 that of No. 98 beacon off Shek Kok Tsui." 8 A. Yes, correct. 9 Q. You say: 10 "There were no moving targets within the 1-nautical 11 mile range." 12 A. Yes, correct. 13 Q. And you say: 14 "In my opinion, the 1-nautical mile range is 15 sufficient when operating at 12 knots." 16 A. Yes, correct. 17 Q. Is your opinion based on your experience as a coxswain 18 and of travelling this route? 19 A. Yes, correct. 20 Q. And you say: 21 "At larger range scales the picture becomes 22 cluttered and shrunk and confused with excessive targets 23 in and around the anchorages and in the Lamma Channel." 24 A. That's correct. 25 Q. Then:</p>
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<p>1 wheelhouse to check on passenger spaces." 2 A. Yes, correct. 3 Q. What do you mean by "passenger spaces"? 4 A. The passenger cabin on the upper deck and the main deck. 5 Q. So he just checked all was well with the passengers; is 6 that what you mean? 7 A. Yes, correct. 8 Q. Thank you. Then you say: 9 "After letting go of the ropes aft PS Leung remained 10 aft to check that there was nothing in the water that 11 fouled the propellers while I manoeuvred Lamma IV off 12 the pier." 13 A. Yes, correct. 14 Q. You say: 15 "We had been facing south with our starboard side 16 alongside No. 2 berth, which meant that I had to turn 17 Lamma IV to the north to face the exit of the typhoon 18 shelter." 19 A. Yes, correct. 20 Q. "I turned the vessel to starboard using the steering 21 joystick and both engines and noticed that Lamma II at 22 No. 1 berth to the south of No. 2 berth was in the 23 process of letting go her mooring ropes." 24 A. Yes, correct. 25 Q. You say:</p>	<p>1 "We were making a few knots as we passed the 2 breakwater at which point I put the engines to 3 1,200 rpm." 4 A. Yes, correct. 5 Q. "Looking at the speed indicator on the radar, I could 6 see our speed increasing." 7 A. Yes, correct. 8 Q. "I was steering the vessel manually using the joystick, 9 which I prefer to using the wheel." 10 A. Yes, correct. 11 Q. You say: 12 "The wheel is large and cumbersome and takes several 13 turns to put the helm hard over while the travel on the 14 joystick is short and there is helm response within 15 a second of joystick being moved." 16 A. Yes, correct. 17 Q. "I settled on a course of about 350 degrees to 18 353 degrees, which would bring us to a position to pass 19 about 1 to 1.5 cables off No. 98 beacon." 20 A. Yes, correct. 21 Q. "During a flood tide there can be some swirling around 22 the headland and rocks off Shek Kok Tsui and No. 98 23 beacon, which can affect navigation." 24 A. Yes, correct. 25 Q. "It was two hours before high water and there would only</p>

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<p>1 be a weak northerly tidal flow as we left the power 2 station so I considered this course to be safe." 3 A. Yes, correct. 4 Q. "There were no other vessels ahead or around the 5 immediate vicinity and I could see the usual glow of the 6 anchored vessels in the North-west Lamma Anchorage 7 ahead." 8 A. Yes, correct. 9 Q. You say: 10 "After sailing for about 3 minutes PS Leung came 11 into the wheelhouse after completing his engine checks 12 and stood on the starboard side." 13 A. Yes, correct. 14 Q. "I noticed on the speed indicator on the radar that we 15 had picked up to 12 knots." 16 A. That's correct. 17 Q. "This meant we were about 6 cables from the typhoon 18 shelter astern although I did not specifically measure 19 the distance on the radar. Visibility was good and 20 I was now navigating by line of sight." 21 A. Yes, correct. 22 Q. Then you say: 23 "I clearly recall that it was at this time" -- 24 that's after you'd been sailing for about three 25 minutes -- "I saw for the first time the yellow flashing</p>	<p>1 the Sea Smooth, Lamma IV, Lamma II, have given evidence 2 and none of them have said that they heard the whistle. 3 A. But I have heard it myself. 4 Q. All right. You go on to say: 5 "I was aware of the rocks off Shek Kok Tsui but 6 could see that Sea Smooth was approaching at speed, 7 which I estimated to be about 20-25 knots, so I put the 8 joystick hard over to starboard." 9 A. Yes, correct. 10 Q. "There was only a one-second delay as the rudder 11 indicator showed the helm being applied, and another 12 second passed before Lamma IV began turning." 13 A. Yes, correct. 14 Q. "This was quite normal and did not affect my navigation 15 in any way." 16 A. Correct. 17 Q. When you say "this was quite normal", what are you 18 referring to? 19 A. I mean the one-second delay of the rudder. 20 Q. Thank you. 21 "About this time I heard TY Leung shout that there 22 was a vessel coming at speed on our port side and 23 I realised he must have just arrived in the wheelhouse 24 as well." 25 A. Yes, correct.</p>
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<p>1 light of a high-speed craft dead ahead of us." 2 A. That's correct. 3 Q. Is there any reason -- can you explain why you didn't 4 see it earlier? 5 A. Because there was only me on the bow of the vessel, and 6 the Sea Smooth was -- the track of Sea Smooth was not 7 shown on the radar screen yet. And also, the light from 8 the North-west Anchorage was blinding my sight. 9 Q. You say: 10 "I now know this vessel was the Sea Smooth. She 11 appeared to be adjacent to No. 98 beacon so I estimated 12 its range to be about 3 cables." 13 A. Yes, correct. 14 Q. "I could see Sea Smooth's white masthead light and both 15 its red and green sidelights, so I knew that it was 16 heading straight towards us." 17 A. That's correct. 18 Q. "As we were approaching nearly end-on, I followed the 19 Collision Regulations by sounding one short blast on the 20 whistle and turning to starboard." 21 A. Yes, correct. 22 Q. "I was quite sure that I sounded the whistle as I heard 23 it myself." 24 A. That's correct. 25 Q. Just pausing there. A number of witnesses who were on</p>	<p>1 Q. "This would be normal practice for the deckhand to come 2 to the wheelhouse after checking on the passenger areas 3 to keep a look-out." 4 A. Yes. 5 MR GROSSMAN: Mr Chairman, I'm about to deal with the 6 collision myself and I see the time. I wonder if you 7 might regard this as a suitable time to adjourn? 8 THE CHAIRMAN: Very well. 9 Mr Chow, we're going to take our adjournment now and 10 we'll resume tomorrow at 10 o'clock. So may I ask you 11 to return to continue your testimony at 10 o'clock 12 tomorrow. 13 A. I understand. 14 THE CHAIRMAN: But you're free to leave the witness box now. 15 Yes, Mr Shieh? 16 MR SHIEH: In relation to the question of Mr Hui Sum-wai, 17 the technician from Cheoy Lee who attended the two 18 latest inspections and who signed off on that slip -- 19 THE CHAIRMAN: Thank you for that. 20 MR SHIEH: -- my learned friend Mr Pao told me that because 21 Cheoy Lee is still closed for the Chinese New Year, 22 although they are continuing to try to contact the 23 responsible person, but as of after the lunch 24 adjournment, I don't believe he has had any success yet. 25 I'm not sure about now.</p>

<p style="text-align: right;">Page 109</p> <p>1 THE CHAIRMAN: Right. 2 MR PAO: Mr Chairman, the information I got was that they 3 will resume work tomorrow. 4 THE CHAIRMAN: Yes. We had some correspondence to that 5 effect. 6 MR PAO: Those instructing me will be in contact with Cheoy 7 Lee first thing tomorrow and then arrange for Mr Hui's 8 attendance. 9 THE CHAIRMAN: Very well. Thank you very much for that. 10 10 o'clock tomorrow. 11 (4.34 pm) 12 (The hearing adjourned until 10 am on following day) 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	
<p style="text-align: right;">Page 110</p> <p style="text-align: center;">I N D E X</p> <p>1 2 MR NG SIU-YUEN (on former affirmation in Punti)1 3 Examination by MR McGOWAN (continued)1 4 Examination by MR ZIMMERN7 5 Examination by MS SIT9 6 Further examination by MR SHIEH13 7 (The witness withdrew)16 8 MR WONG KAM-CHING (affirmed in Punti)17 9 Examination by MR BERESFORD17 10 Examination by MR GROSSMAN37 11 (The witness withdrew)48 12 MR LAU WING-TAT (affirmed in Punti)48 13 Examination by MR BERESFORD48 14 Examination by MR GROSSMAN59 15 Examination by MS SIT64 16 Questions by THE COMMISSION65 17 (The witness withdrew)68 18 MR CHOW CHI-WAI (affirmed in Punti)68 19 Examination by MR GROSSMAN68 20 21 22 23 24 25</p>	