

Page 1	Page 3
<p>1 Wednesday, 20 February 2013 2 (10.00 am) 3 MR CHOW CHI-WAI (on former affirmation in Punti) 4 (All answers via interpreter unless otherwise indicated) 5 Examination by MR SHIEH (continued) 6 THE CHAIRMAN: Good morning, Mr Chow. May I remind you that 7 you continue to give your testimony according to your 8 original affirmation. 9 Mr Shieh. 10 MR SHIEH: Good morning, Mr Chow. 11 Could I now have expert bundle 1, page 361. 12 Just to recap as to what we were discussing 13 yesterday at 4.30, we were trying to reconstruct your 14 position and the time at which you first saw the Sea 15 Smooth with your eyes. We did some calculations. If it 16 had been really 3 cables away, then it would have taken 17 30 seconds for the ships to collide. 18 A. Yes. 19 Q. Whereas if it had taken one minute from your first 20 sighting to collision, then the distance between the two 21 vessels would have been further apart, perhaps 6 cables. 22 A. I understand. 23 MR SHIEH: Sorry, I thought he had given an answer. 24 THE CHAIRMAN: He said, "I understand". He was agreeing 25 with your summary of the evidence of yesterday.</p>	<p>1 Q. It's not a memory test, I know, and sometimes perception 2 of distance and time could be inaccurate. But we now 3 have a number of different possibilities as to time and 4 distance, and I simply wish to let you have a chance to 5 comment on the various scenarios. 6 6 cables would have been one minute; 3 cables would 7 have been 30 seconds; and if it had been really adjacent 8 the Shek Kok Tsui beacon, it would have been much less. 9 So what do you have to say about these various 10 possibilities? 11 A. No. Nothing. 12 Q. Very well. But doing the best you can -- because you 13 have given several ways of describing the distance and 14 time. We have tried to work out whether they are 15 internally coherent or consistent, and we have seen 16 these potential inconsistencies. Doing your best, could 17 you give us a try as to whether or not you would say 18 it's the 3-cable estimate or the one-minute estimate, or 19 whether it was the adjacent-the-beacon estimate, or 20 whether you say now you're not entirely sure? 21 A. I'm not entirely sure. 22 Q. Very well. But whether or not it is 6 cables or 23 3 cables or just adjacent the beacon, these would all be 24 less than 1 nautical mile; correct? 25 A. Yes.</p>
Page 2	Page 4
<p>1 MR SHIEH: Thank you. 2 But if we were then to take yet another parameter 3 for ascertaining the position of the vessel, we look at 4 your description that when you first saw it, Sea Smooth 5 was adjacent beacon No. 98 off Shek Kok Tsui. 6 A. Yes. 7 Q. Now, if we were to look at this chart, if we were to 8 have a close-up -- Mr Chow, you can see the words "Shek 9 Kok Tsui" where the arrow is pointing? 10 A. Yes. 11 Q. If we move a little bit to the left, let's say 12 10 o'clock off Shek Kok Tsui -- further up -- that is 13 the beacon, right, the light tower? 14 A. Yes. 15 Q. Somewhere adjacent to it -- it's all approximated -- 16 when Sea Smooth was adjacent the Shek Kok Tsui beacon, 17 it would have been about 20:20? 18 A. Yes. 19 Q. And your position, if we were to move downwards a bit, 20 would be around about here, where the chart is marked 21 20:20 for Lamma IV? 22 A. Yes. 23 Q. Just by visual observation, that would have been far 24 less than 3 cables. Just by looking at this to scale. 25 A. Yes.</p>	<p>1 Q. Your radar was set at a range of 1 nautical mile; 2 correct? 3 A. Yes. 4 Q. Now, yesterday when you gave oral testimony you 5 mentioned that you did see the image of the Sea Smooth 6 on the radar. 7 A. Yes. 8 Q. You said you saw it on the radar at 1 nautical mile, but 9 you have not taken action, and you stopped looking at 10 the radar. 11 A. Yes, correct. 12 Q. It has been put to you already, but I would put it to 13 you again. In your witness statement, if I can trouble 14 you to look at it, Reed Smith Richards Butler bundle, 15 paragraph 50 at page 1578 in the English version; the 16 Chinese version is page 1557. 17 There you are saying: 18 "After sailing for about 3 minutes PS Leung came 19 into the wheelhouse after completing his engine checks 20 and stood on the starboard side. I noticed on the speed 21 indicator on the radar that we had picked up to 22 12 knots. This meant we were about 6 cables from the 23 typhoon shelter astern although I did not specifically 24 measure the distance on the radar. Visibility was good 25 and I was now navigating by line of sight."</p>

Page 5	Page 7
<p>1 A. Yes.</p> <p>2 Q. The previous occasion in this witness statement when you</p> <p>3 mentioned the word "radar" was paragraph 47.</p> <p>4 A. Yes.</p> <p>5 Q. This was describing the departure of the vessel from the</p> <p>6 typhoon shelter.</p> <p>7 A. Yes, correct.</p> <p>8 Q. You were describing your checking the radar and seeing</p> <p>9 the echo of Lamma II at the berth, and that of No. 98</p> <p>10 beacon off Shek Kok Tsui, and no moving targets within</p> <p>11 the 1 nautical mile range.</p> <p>12 A. Correct.</p> <p>13 Q. Now, in between the checking of the radar as described</p> <p>14 in this paragraph, and the paragraph 50 that we have</p> <p>15 seen just now when you say you were navigating by line</p> <p>16 of sight, there were no other references to your having</p> <p>17 checked the radar.</p> <p>18 A. Yes, correct.</p> <p>19 Q. In fairness, I should mention to you that at</p> <p>20 paragraph 48, you did say that you looked at the speed</p> <p>21 indicator on the radar.</p> <p>22 A. Yes, correct.</p> <p>23 Q. But not checking the image or the positions indicated on</p> <p>24 the radar.</p> <p>25 A. Yes, correct.</p>	<p>1 MR SHIEH: The document is the statement given by Mr Chow to</p> <p>2 the Marine Department on 7 November 2012.</p> <p>3 THE CHAIRMAN: The record of interview, is it not?</p> <p>4 MR SHIEH: Record of interview, correct. Page 68 is the</p> <p>5 relevant page of the Chinese. Page 89-5 is the relevant</p> <p>6 page in the English.</p> <p>7 THE CHAIRMAN: Thank you.</p> <p>8 MR SHIEH: Mr Chairman, the relevant part in the English is</p> <p>9 really shortly -- well, three lines from the end of the</p> <p>10 full paragraph:</p> <p>11 "The speed of my vessel was shown on the radar</p> <p>12 monitor."</p> <p>13 THE CHAIRMAN: Thank you.</p> <p>14 MR SHIEH: And the Chinese words, if I may just try to find</p> <p>15 them -- four lines from the bottom, you can see</p> <p>16 "(Chinese spoken)".</p> <p>17 A. Yes, correct.</p> <p>18 Q. So you were making a specific reference to the radar</p> <p>19 monitor.</p> <p>20 A. Yes.</p> <p>21 Q. To put you in context, this is when you were describing</p> <p>22 the time when you first saw the Sea Smooth with your</p> <p>23 naked eye. Do you see that? If you look at the</p> <p>24 previous sentences to put you in context.</p> <p>25 A. Yes, correct.</p>
Page 6	Page 8
<p>1 Q. Could you explain why in this witness statement, which</p> <p>2 was actually prepared by lawyers and not taken in</p> <p>3 a hospital, you could have omitted to mention the</p> <p>4 checking of the radar and the seeing of the image of the</p> <p>5 Sea Smooth at 1 nautical mile range?</p> <p>6 A. I forgot to mention about it.</p> <p>7 Q. But actually when you looked at the speed indicator on</p> <p>8 the radar, how easy would it have been for you to take</p> <p>9 a glance at the image on the radar at the same time?</p> <p>10 A. It's not difficult.</p> <p>11 Q. It's the same display in front of you; is that correct?</p> <p>12 A. It was on my right-hand side.</p> <p>13 Q. Yes. You take a look at your right-hand side, you see</p> <p>14 the radar, and it doesn't involve switching your eyes</p> <p>15 through a great distance in order to see the speed</p> <p>16 indicator and the image; correct?</p> <p>17 A. I have to take a glance on the top and at the bottom</p> <p>18 part.</p> <p>19 Q. Take a glance at the ...?</p> <p>20 THE INTERPRETER: "At the top and the bottom."</p> <p>21 MR SHIEH: Of the monitor, of the radar screen, the display?</p> <p>22 A. Yes.</p> <p>23 Q. Could I ask you to look at marine bundle 1, page 89-5.</p> <p>24 That is the English. The Chinese is page 68.</p> <p>25 THE CHAIRMAN: What is the document we're going to?</p>	<p>1 Q. You know the context, because in this statement you did</p> <p>2 mention seeing the port light and the starboard light of</p> <p>3 Sea Smooth immediately forward your vessel, and this was</p> <p>4 the context where you said the speed was shown on the</p> <p>5 radar monitor.</p> <p>6 A. Yes, correct.</p> <p>7 Q. So my question is, it did occur to you, actually, to</p> <p>8 mention the radar monitor. I'll try one more time: why</p> <p>9 would you have forgotten to mention the fact that you</p> <p>10 have actually monitored the monitor about the position</p> <p>11 of ships, in your written statement?</p> <p>12 Let me put it in very simple --</p> <p>13 THE CHAIRMAN: No. That's a simple question.</p> <p>14 MR SHIEH: I was trying to make it even simpler, but --</p> <p>15 THE CHAIRMAN: Give Mr Chow a chance.</p> <p>16 Why did you fail to mention in any of your</p> <p>17 statements that you had sighted the Sea Smooth, as you</p> <p>18 later learned it to be, at 1 nautical mile distance on</p> <p>19 the radar? Why?</p> <p>20 A. I forgot about it.</p> <p>21 THE CHAIRMAN: You're being asked if you can explain how it</p> <p>22 is that you could forget something as apparently</p> <p>23 important as this event. That's the real question.</p> <p>24 A. I don't know how to explain.</p> <p>25 THE CHAIRMAN: Very well. Thank you.</p>

Page 9	Page 11
<p>1 MR SHIEH: Mr Chow, the radar could have been set to a range 2 of 2 nautical miles, could it? 3 A. Should be 1 nautical mile and not 2. 4 Q. But it could have been. 5 A. 1.5 nautical. 6 Q. All right, 1.5. 7 THE CHAIRMAN: Well, it could have been set at 3 nautical 8 miles, could it not? 9 A. Yes. 10 THE CHAIRMAN: In other words, you could have been sitting 11 in the typhoon shelter and had Green Island and Sulphur 12 Channel on the radar screen, could you not? 13 A. Yes, but the image would be very small. 14 THE CHAIRMAN: That's a separate issue. But you agree that 15 you could have done that? 16 A. Yes. 17 THE CHAIRMAN: Thank you. 18 MR SHIEH: Thank you, Mr Chairman. That was in fact my next 19 question. 20 You have actually given an explanation as to why you 21 normally would only set it at 1 nautical mile, because 22 if it's larger range, the image would be cluttered and 23 confused. That's the explanation you have given; 24 correct? 25 A. Yes.</p>	<p>1 look-out in different ways within the wheelhouse between 2 two persons? 3 A. Yes. 4 Q. Can I have rule 7 of the Collision Regulations on the 5 monitor. Rule 7(b): 6 "Proper use shall be made of radar equipment if 7 fitted and operational, including long-range scanning to 8 obtain early warning of risk of collision ..." 9 My emphasis is "(Chinese spoken)". 10 A. I am unable to do this alone. I haven't got a radar 11 licence. 12 Q. Can we come back to the 1 nautical mile sighting on 13 radar. For that, we look back at the chart. 14 Could we have the "one nautical mile" legend on the 15 left-hand side, please. 16 That vertical line on the left-hand side of the 17 monitor denotes 1 nautical mile. 18 A. Yes. 19 Q. You mentioned that when you first saw the Sea Smooth on 20 the monitor, it was 1 nautical mile, as it must have 21 been because the range was set at 1 nautical mile. 22 I mean on the radar. 23 A. Yes. 24 Q. You said you had not taken any action yet. 25 A. Yes, correct.</p>
Page 10	Page 12
<p>1 Q. Even assuming that during the journey, you may wish to 2 keep it at 1 nautical mile, when you were departing the 3 typhoon shelter, when you were trying to have a feel as 4 to the state of the traffic thereabout, why did you not 5 set it at let's say a 2 nautical mile range to have 6 a broader view as to the state of the harbour or as to 7 the vicinity? 8 A. Because the radar was a bit far from me, and I have to 9 turn my body sideways in order to make the adjustment. 10 Q. It would have helped if there was another person in the 11 wheelhouse to assist you? 12 A. Yes. 13 Q. But all along, you have been travelling with three 14 official crew, including you? 15 A. Yes, correct. 16 Q. And at the time after the vessel set sail and shortly 17 thereafter, there would be you alone, because the other 18 two would be patrolling the two decks and they would be 19 out of the wheelhouse? 20 A. Yes, correct. 21 Q. So there's no system of one person perhaps taking 22 a visual look-out and another person assisting by 23 looking at the radar? 24 A. Yes, correct. 25 Q. Or dividing up the role or the responsibilities of</p>	<p>1 Q. But was 1 nautical mile not a sufficiently close 2 distance for you to be on the alert to take early 3 anti-collision action? 4 A. No. 5 Q. So how close would it have to be before you would regard 6 it as sufficiently important or significant -- I mean 7 the risk of collision -- for you to take 8 collision-avoidance action? 9 A. For vessels running in the inner port, if both vessels 10 abide by the rules, then 3 cables would be sufficient. 11 Q. Yes, but in this case, as you can see from the chart, at 12 1 nautical mile apart, if you had begun to turn 13 starboard, there would have been ample space for you to 14 manoeuvre. Whereas if you had waited until you were, 15 let's say, 3 cables apart from the Sea Smooth, you would 16 be close to the Shek Kok Tsui rocks? 17 A. Yes, correct. 18 Q. And you did mention that the presence of rocks off Shek 19 Kok Tsui would be a hindrance to you in taking avoidance 20 action? 21 A. Yes, correct. 22 Q. So why not take action when you first saw the Sea Smooth 23 at 1 nautical mile away, if you did in fact see Sea 24 Smooth on the radar at 1 nautical mile away? 25 A. This is in accordance with our usual practice in the</p>

Page 13	Page 15
<p>1 traffic inside the harbour. 2 Q. But there's nothing to prevent you from taking action 3 earlier; correct? 4 A. Yes, correct. 5 Q. Just to confirm, you say you sighted Sea Smooth for the 6 first time on radar at 1 nautical mile apart. I take it 7 that you actually monitored it for a while not only to 8 see its presence, the dot, but also its track, to be 9 able to see that it was actually on a near head-on or 10 head-on situation? 11 I should perhaps put it neutrally. You did not -- 12 THE CHAIRMAN: Let me remind you of what his evidence was. 13 He said as it moved across the screen, coming closer, he 14 monitored it from time to time. That's the expression 15 he used. 16 MR SHIEH: Yes, but I was talking about the first sighting. 17 THE CHAIRMAN: Yes. 18 MR SHIEH: You did monitor the movement; correct? You just 19 not just simply look at the position? 20 A. I didn't pay a lot of attention to this. 21 THE CHAIRMAN: But you told us yesterday that you looked at 22 it from time to time. Because I asked you the question. 23 A. I forgot about it. I'm sorry. 24 THE CHAIRMAN: I'm sorry? 25 THE INTERPRETER: He said, "I forgot about it".</p>	<p>1 vessel dead ahead in front of you? 2 A. Yes. 3 Q. 1 nautical mile away or thereabouts? 4 A. Yes. 5 Q. Why did you not see it at that earlier point in time? 6 A. When I saw it beyond 1 nautical mile, my visibility was 7 probably impaired, impeded by the light from the 8 anchorage. 9 Q. Could I take you to paragraph 49 of your witness 10 statement. The Reed Smith Richards Butler bundle, 11 page 1578 in the English; and the Chinese is page 1557. 12 This is describing when you were leaving the typhoon 13 shelter, and you were describing what you said to be 14 "the usual glow". 15 A. Yes, correct. 16 Q. So the glow from the vessels at the anchorage area was 17 nothing unusual that evening? 18 A. No; it was blinding. 19 Q. So it was more blinding than "the usual glow"? 20 THE CHAIRMAN: Or is it usually blinding? 21 A. It was usually blinding. There was usually vessels 22 anchored there. 23 MR SHIEH: So on the basis of what you say, you saw the 24 vessel on the monitor, you had hampered vision because 25 there were blinding glows in the background --</p>
Page 14	Page 16
<p>1 THE CHAIRMAN: So do you stand by the evidence you gave us 2 yesterday, that you monitored the progress of the vessel 3 from time to time on the screen; that is, the vessel 4 that turned out to be Sea Smooth? 5 A. Yes, I did monitor the progress. 6 THE CHAIRMAN: From time to time? 7 A. Yes, correct. 8 MR SHIEH: But, you see, Mr Chow, that's why I see 9 a disconnect between what you saw on the radar and what 10 you saw physically. Let me explain to you why, and let 11 me explain why I need you to help me. 12 Looking at this chart, we can take it that when the 13 two vessels were 1 nautical mile apart, they were at the 14 positions respectively marked on this chart. After 15 seeing the Sea Smooth at 1 nautical mile away, you did 16 not continue to look at the radar; correct? It was only 17 "from time to time". 18 A. Yes. 19 Q. So during the time when you were not looking at the 20 radar, I take it that you were keeping a look-out 21 through the window by line of sight? 22 A. Yes, correct. 23 Q. But as from the time when you first saw it on the radar 24 monitor, you stopped looking at the radar, you looked 25 right dead ahead, and you would be able to see the</p>	<p>1 A. You can put it that way. 2 Q. -- then you fall back at the radar? 3 A. Yes, correct. 4 Q. You would be able to see the gradual approach of the 5 other vessel? 6 A. But the light affects the normal look-out by sight. 7 THE CHAIRMAN: But it doesn't affect radar. That's the 8 point. If the usual blinding lights in the anchorage 9 cause an impairment of visual look-out, that's all the 10 more reason, is it not, to make use of the radar? 11 A. Yes. 12 THE CHAIRMAN: When you first saw the echo of the vessel 13 that turned out to be Sea Smooth, at 1 nautical mile 14 distance, did you identify it from the way in which it 15 moved across the screen as a high-speed craft? 16 A. No. 17 THE CHAIRMAN: Any reason why that was the case? 18 A. Because I don't know how to identify the wake of this 19 kind of vessel. Only the high-speed vessel has such. 20 I didn't pay attention to it. 21 THE CHAIRMAN: You done know how to identify what? 22 A. I cannot identify the speed, whether it was high speed 23 or low speed, of the vessels. 24 THE CHAIRMAN: Isn't there a difference between 25 a slow-moving vehicle moving across a 1-mile radius, and</p>

<p style="text-align: right;">Page 17</p> <p>1 a fast-moving vehicle, the way in which the echo moves? 2 A. Sometimes it does. 3 MR SHIEH: Even given the light in the background, should 4 you still be able to see the flashing yellow light which 5 is indicative that it is a high-speed ferry? 6 A. Yes. 7 Q. I'm not asking you to make assumptions, as Mr Sussex 8 does, that it's going to turn port into Yung Shue Wan 9 pier. But you should at least be able to see the 10 flashing yellow light and form a view that it is 11 a high-speed ferry, even without the radar. Would that 12 be correct? 13 A. Yes. 14 Q. You see, the problem is, even assuming that there was 15 a blinding background of light from the anchorage area 16 which prevented you from visually keeping a watch-out as 17 to the approach of the other vessel, that is all the 18 more why you should rely on the radar, because otherwise 19 it would only take a very short time for a fast-moving 20 ferry to get to a close-quarters situation in respect of 21 your vessel. 22 A. Since the radar was located on my right, I have to turn 23 my neck to the utmost right in order to see it. And if 24 I turn my neck back and forth that way, it will make me 25 feel very tired.</p>	<p style="text-align: right;">Page 19</p> <p>1 your colleague in the wheelhouse. 2 A. Yes, correct. 3 MR SHIEH: Whereas you said earlier, "Well, usually in sort 4 of inner waters like this people take anti-avoidance 5 action around about 3 cables apart." If it's the usual 6 distance, 3 cables, then Leung Tai-yau should not have 7 reacted by shouting in that manner that you described. 8 A. It's just that he was just coming up to the wheelhouse 9 and shouted that to me. 10 THE CHAIRMAN: I was going to ask you this: when did he 11 shout in relation to your having sighted the yellow 12 flashing light and the two sidelights and the masthead 13 light of Sea Smooth? 14 A. After I was taking avoidance action. 15 THE CHAIRMAN: And what do you include in that description, 16 "avoidance action"? 17 A. I don't understand what you mean. Would you please 18 repeat the question? 19 THE CHAIRMAN: Yes. You say that this shout came after 20 you'd taken avoidance action. What do you mean by 21 "taking avoidance action"? 22 A. I sounded one blast and then turned starboard side. 23 THE CHAIRMAN: So one short blast on the whistle, and you 24 turned the joystick to go to starboard? 25 A. Correct.</p>
<p style="text-align: right;">Page 18</p> <p>1 Q. Again, same old question: it would have been better -- 2 it may or may not be with hindsight -- to have one extra 3 person with you in the wheelhouse to assist? 4 A. Yes. 5 Q. Because if you don't look at the radar, and you wait 6 until the other vessel emerges from the blinding glow, 7 it might already be very close to your vessel. 8 A. You can put it that way. 9 Q. But turning back to the actual situation you were at 10 that evening, would you regard the distance, the 11 physical distance of the Sea Smooth from your vessel, as 12 unusually close when you first saw it with your naked 13 eye? 14 A. You can put it that way. 15 Q. So it was closer than what you would normally have 16 expected to be the distance where you could take 17 avoidance action, collision-avoidance action? 18 A. No. 19 Q. But, you see -- I'm sorry, Mr Chairman? 20 THE CHAIRMAN: No, please carry on. 21 MR SHIEH: Judging from the reaction of your colleagues on 22 board, for example I think it's Mr Leung Tai-yau who 23 shouted that there was a vessel coming at speed on your 24 port side, it would seem, at least to us, looking at 25 your evidence, that it was something worth exclaiming by</p>	<p style="text-align: right;">Page 20</p> <p>1 THE CHAIRMAN: Thank you. 2 MR SHIEH: Could I try one more time, because I'm not sure 3 whether or not the answer was entirely clear. 4 When you first saw the Sea Smooth with your naked 5 eye, did you regard it to be already a dangerously close 6 situation, or did you regard it to be a distance that 7 you were still comfortable with, for you to take 8 collision-avoidance action? 9 A. Yes. 10 THE CHAIRMAN: Which one? Were you comfortable or was it 11 dangerous? 12 MR SHIEH: I'm giving you a choice. 13 A. I feel comfortable. 14 Q. Even though you had to actually apply full helm to 15 starboard? 16 A. Yes. If both parties abide by the anti-avoidance -- the 17 avoidance prevention rules. 18 Q. In respect of the fourth crew, you were aware, were you 19 not -- well, let me put it this way. You were aware 20 that under the relevant certificate or licence for 21 Lamma IV, there had to be at least four crew members on 22 board? 23 A. Yes. 24 Q. If I may call "the official crew", those wearing 25 uniforms, would be you, Leung Tai-yau and Leung</p>

Page 21	Page 23
<p>1 Pui-sang. So there was one more who needed to be 2 supplemented to make up the four? 3 A. Yes. On that night, we had Lai Ho-yin who was there to 4 help. 5 Q. You're talking about Lai Ho-yin, were you? 6 A. Yes. He was from the recreation team. 7 Q. We have -- I'm sorry, Mr Chairman. 8 THE CHAIRMAN: I was going to say, Lai Ho-yin was the one 9 who was going to organise the lucky draw, the game. 10 That was his help, was it? 11 A. He was also responsible for maintaining order. 12 THE CHAIRMAN: Were you comfortable with this arrangement 13 that was put in place for you to be coxswain of a vessel 14 where, on an ad hoc basis, other persons on board the 15 vessel became the fourth crew? Were you comfortable 16 with that? 17 THE INTERPRETER: (Chinese spoken). 18 MR SHIEH: I think the "(Chinese spoken)" applies to the 19 fourth crew, not him. The "ad hoc basis" applies to the 20 getting of the fourth crew. 21 THE CHAIRMAN: Yes, you being the coxswain of the vessel, 22 responsible for it, were you comfortable with this 23 arrangement that on an ad hoc basis a fourth person 24 became apparently a crew member? Were you comfortable 25 with that, as a mariner?</p>	<p>1 wheelhouse, correct, because they had their duties on 2 other parts of the vessel? 3 A. Yes, correct. 4 Q. And shortly before arrival at the destination, they 5 would likewise be away from the wheelhouse because they 6 had other duties to perform? 7 A. Yes, correct. 8 Q. And there's no fixed period of time when they had to be 9 in the wheelhouse by default, because their other duties 10 might take up a good deal of their time? 11 A. Yes, correct. 12 Q. So there would be an uncertain period of time during 13 every journey when you would be alone in the wheelhouse? 14 A. Yes, correct. 15 Q. And you mentioned the difficulties that you had in 16 taking a regular look-out on the radar because, as you 17 mentioned, of the distance between your seat and the 18 radar monitor? 19 A. Yes, correct. 20 Q. And you had no radar licence yourself? 21 A. Yes, correct. 22 Q. Have you ever expressed any concern about this system, 23 where you were left alone in the wheelhouse navigating 24 for an indefinite time, to the management of Hongkong 25 Electric?</p>
Page 22	Page 24
<p>1 A. It has been the usual practice of my company all along. 2 THE CHAIRMAN: Were you comfortable with that practice? 3 A. Yes. 4 THE CHAIRMAN: Thank you. 5 MR SHIEH: So as Mr Chairman said, it was entirely ad hoc 6 because it depended on which member of management or 7 which member of staff happened to be travelling on your 8 shift during that particular voyage, and who had been 9 designated to be the fourth crew? 10 A. This is the usual practice. 11 Q. That person might happen to be a man in a suit sitting 12 in an office, with no training about safety or how to 13 operate a radar or how to operate a look-out? 14 A. I am only the person who is responsible for 15 implementation, and whatever the company arranged, 16 I would accept. 17 THE CHAIRMAN: Just a moment, please. Thank you. 18 MR SHIEH: Coming back to the question about keeping 19 a look-out and the potential assistance that a fourth 20 crew would be able to provide, let me ask you a few more 21 questions. 22 A. Okay. 23 Q. The other two what I would call "official crew", the 24 engineer and the sailor, during the period shortly after 25 the commencement of the voyage, they would be out of the</p>	<p>1 A. Yes. 2 Q. To whom? To whom in the management? 3 A. Mr Tang Wan-on. 4 Q. Did you get any response? 5 A. He didn't make any response. 6 THE CHAIRMAN: What, shortly, was it that you said to him? 7 MR SHIEH: I think he was asked to summarise the gist of 8 what he said to Mr Tang Wan-on. 9 THE CHAIRMAN: Yes. What was the nature of your concern 10 that you expressed to him about this? 11 A. I expressed my concerns about the insufficient number of 12 crew, because it was the requirement of the licence that 13 there should be four crew. 14 THE CHAIRMAN: When did you express this concern? 15 A. I have already mentioned to him when the licence was 16 issued, when the licence that stipulated about the 17 requirement of four crew was issued. 18 THE CHAIRMAN: So that was 2009? 19 A. The requirement for four crew started in 2007. 20 THE CHAIRMAN: Thank you. And what did you say about that? 21 A. I said that having only three crew members on board is 22 in breach of the licence requirement, and there must be 23 a reason why there is a requirement of four crew. And 24 moreover, when something happened, it would help if 25 there are extra hands to help, for example in</p>

Page 25	Page 27
<p>1 maintaining order. 2 THE CHAIRMAN: You were asked if you'd expressed your 3 concern about the problems of monitoring radar, physical 4 problem of you keeping a look-out, steering, and also 5 looking at radar, that's a physical one, and then the 6 fact you didn't have a radar licence. Did you draw 7 those matters to Mr Tang Wan-on's attention? 8 A. Yes. 9 THE CHAIRMAN: When was that? 10 A. When the radar was replaced, and I have also mentioned 11 about it previously. 12 MR SHIEH: When the old radar was used? 13 A. Yes. 14 THE CHAIRMAN: So that's 2009, when it was replaced; is that 15 right? 16 A. Yes, correct. 17 THE CHAIRMAN: But you'd mentioned this earlier? 18 A. Yes, correct. 19 THE CHAIRMAN: What, if anything, did you say to him about 20 the fact that you had no radar qualification? 21 A. Yes. 22 THE CHAIRMAN: What did you say about it, in particular what 23 might be done about it? 24 A. "Let us learn how to operate the radar." 25 THE CHAIRMAN: Is that what you asked him?</p>	<p>1 THE CHAIRMAN: We're just tracking when it was that the crew 2 changed from two to four, as required by the Marine 3 Department, Mr Chow. Do you understand? 4 A. Yes. 5 MR SHIEH: This is the certificate in July 2007 -- down at 6 the bottom. I think it's at the bottom. "16 July 7 2007". 8 A. Yes. 9 Q. At the top you can see the crew number is "2". 10 THE CHAIRMAN: "Minimum safe manning number of crew: 2". Do 11 you see that? 12 MR SHIEH: Perhaps I can point to -- 13 A. Yes. 14 Q. This is Lamma IV. Can we move up just so -- yes, this 15 is Lamma IV. 16 If we can have marine bundle 4, page 775. This is 17 2 June 2008. If we were to move up, the number has 18 changed to "4". The change was in 2008. You can 19 confirm that? 20 A. Yes, correct. 21 THE CHAIRMAN: Thank you. 22 MR SHIEH: Mr Chow, I now move on to another topic; 23 that is -- 24 COMMISSIONER TANG: Excuse me, can I ask one question before 25 we leave this topic.</p>
Page 26	Page 28
<p>1 A. Yes. 2 THE CHAIRMAN: What did you have in mind? 3 A. If I learned how to operate the radars, I would know how 4 to use the other buttons. 5 THE CHAIRMAN: And what did you have in mind about how you 6 would learn how to operate it? 7 A. I just want to ask him to let us learn how to use the 8 radar. 9 THE CHAIRMAN: But what did you have in mind, how you were 10 going to achieve this? 11 MR SHIEH: Could I perhaps assist. Did you have in mind the 12 company organising in-house courses or sending you to 13 VTC training lessons or paying for it, or anything of 14 that sort? 15 A. Yes. 16 THE CHAIRMAN: And what happened? 17 A. He didn't make any response. 18 THE CHAIRMAN: Yes, Mr Shieh. 19 MR SHIEH: Mr Chairman, in respect of the change from two to 20 four, the actual documentation is marine bundle 4, 21 page 760. As of 16 July 2007, that was two crew. By 22 the time of the next licence -- 23 THE CHAIRMAN: Can we bring it up so Mr Chow can follow 24 this? 25 MR SHIEH: Yes.</p>	<p>1 Mr Chow, I understand you were present at the annual 2 survey conducted by the Marine Department last year, in 3 May 2012. How many crew members were present at that 4 particular survey? 5 A. There were three crew members, but Mr Tang Wan-on was 6 also there and he made up the four. 7 COMMISSIONER TANG: So he was considered as the fourth 8 member for the purposes of the survey? 9 A. Yes, correct. 10 COMMISSIONER TANG: Thank you. 11 MR SHIEH: I've just been reminded to ask you this. You 12 asked Mr Tang Wan-on for some training and he did not 13 give you any response. But could I remind you of the 14 radar manual that we saw yesterday: Richards Butler 15 bundle 1. The Chinese version is at page 373. The 16 English version is at page 410. 17 THE CHAIRMAN: What we're looking at now is the manual 18 produced by Mr Tang Wan-on; is that right? 19 MR SHIEH: Yes. 20 THE CHAIRMAN: The one this witness says he's never seen? 21 MR SHIEH: Yes. 22 If you had asked Mr Tang Wan-on for some assistance 23 about radar training, did he not show you a copy of this 24 manual? Because he said he prepared it. And you can 25 see that it bears a date of 1998.</p>

Page 29	Page 31
<p>1 A. I haven't seen it. 2 Q. So he didn't show it to you or give it to you and say, 3 "Well, here it is; do a self-study"? He didn't give it 4 to you and ask you to study it yourself? 5 A. Correct. 6 Q. Let me just tell you what Mr Tang Wan-on says. Mr Tang 7 Wan-on says in his evidence that you had actually 8 attended a radar training course organised by Hongkong 9 Electric, and that took place in July 1997. Seven 10 hours. Do you have any recollection of that? 11 A. I have no recollection. If I did indeed attend such 12 course, there should be records of signature. 13 Q. Well, you may not be able to read the English, but it's 14 Richards Butler bundle 1, page 448. This is a record 15 produced by Mr Tang Wan-on, who said in his witness 16 statement that you had attended this seven-hour course 17 about radar in 1997. 18 A. I have no recollection. 19 Q. You have no recollection. Mr Tang Wan-on also said that 20 you had taken part in a course entitled "Action in 21 restricted visibility" in 2001. 22 A. I have no recollection either. 23 Q. If you look at page 451 of the Richards Butler bundle -- 24 the English is page 452 -- this was I think an internal 25 appraisal at the time when you were being considered for</p>	<p>1 A. I was just responsible for spotting the target and 2 informing the coxswain about my sighting. It would be 3 for the coxswain to decide what action to take. 4 THE CHAIRMAN: We follow that. But were you competent in 5 doing that job, that sole job, monitoring radar? 6 A. In those days, the radar only comes with several buttons 7 and there were not so many functions, and I was able to 8 manage it. 9 THE CHAIRMAN: So these are vessels prior to your employment 10 with Hongkong Electric; is that the position? 11 A. Correct. 12 THE CHAIRMAN: Thank you. 13 MR SHIEH: I think there was a period of time after you had 14 joined Hongkong Electric, but not as a coxswain, when 15 you were still assisting in monitoring the radar for 16 those old-style vessels; correct? 17 A. Yes, when I was serving as sailor. 18 THE CHAIRMAN: On Hongkong Electric vessels? 19 A. Yes, correct. 20 THE CHAIRMAN: And you'd come to the wheelhouse as a sailor 21 and monitor the radar to assist the coxswain; is that 22 the position? 23 A. Yes. In those days, there were four crew members. 24 THE CHAIRMAN: Thank you. 25 MR SHIEH: So would it be fair to say that what you did have</p>
Page 30	Page 32
<p>1 promotion. There it was observed that you performed 2 well when using the radar. Would you say that you were 3 good in using a radar, even despite the lack of any 4 formal training? 5 A. This is a recommendation by the coxswain. I haven't 6 seen this paper, this document, nor have I signed this 7 document. 8 THE CHAIRMAN: But the question remains: would you say of 9 yourself that you were good in using radar, or not? 10 A. In the old vessels, when one operates the radar, one has 11 to lean forward to monitor the radar and I don't need to 12 operate the vessel when I monitor the radar. Only one 13 person would be responsible for monitoring the radar and 14 to inform the coxswain about the positions of the other 15 vessels. 16 THE CHAIRMAN: But are you describing a situation where 17 that's all you did as one position: you monitored radar? 18 A. (Chinese spoken). 19 MR SHIEH: But not as a coxswain. 20 THE CHAIRMAN: Thank you. 21 A. Yes. 22 THE CHAIRMAN: And in those circumstances, where all you had 23 to do was monitor radar and assist the coxswain with the 24 fruits of your monitoring, would you describe yourself 25 as "good", modestly, in using radar?</p>	<p>1 difficulties with, first of all, was to juggle two 2 things at the same time, visual look-out and also 3 looking at the radar; and secondly, managing the new 4 technology or new functions or new buttons that come 5 with new models of radars? 6 A. Yes, you can put it that way. 7 Q. Thank you. Can I now move on to deal with the subject 8 of life jackets, basically to identify where they were 9 located and look at the pictures. 10 You mentioned that the extra life jackets on board 11 the vessel, 30-odd, were kept in a cupboard in the crew 12 space and also in a drawer under the radar in the 13 wheelhouse. 14 We now have some photographs. Let's look at the new 15 photographs, hot off the press. (Handed). 16 These are, again, marine bundle 12. Let's look at 17 the monitor. Page 4904, marine bundle 12. That's the 18 covering letter. 19 That's the crew space, is it? 20 A. Yes. 21 Q. If we simply move on and scroll down the various other 22 pictures -- that's the crew space -- and we keep moving. 23 And these are some lockers or cupboards? 24 A. Yes, correct. 25 Q. So that is where the extra life jackets were placed?</p>

Page 33	Page 35
<p>1 A. Yes, correct.</p> <p>2 Q. So an ordinary passenger would not be able to know that</p> <p>3 in the hull, the crew space in the hull --</p> <p>4 THE CHAIRMAN: Lower deck, I think it's called. Perhaps</p> <p>5 it's called the hull.</p> <p>6 It is the lower deck, is it not, where the crew</p> <p>7 space is?</p> <p>8 MR BERESFORD: Underdeck.</p> <p>9 THE CHAIRMAN: Underdeck. Is that right?</p> <p>10 A. Yes.</p> <p>11 THE CHAIRMAN: And the question being asked of you is the</p> <p>12 passengers travelling on board would have no idea that</p> <p>13 life jackets were stowed there, would they?</p> <p>14 A. Yes, correct.</p> <p>15 THE CHAIRMAN: Do we have a photograph that depicts the door</p> <p>16 to that entrance to the crew space?</p> <p>17 MR SHIEH: We would have to locate that, Mr Chairman.</p> <p>18 THE CHAIRMAN: Perhaps we could do that after we take</p> <p>19 a break.</p> <p>20 MR SHIEH: Yes. Whilst that's done, could I just complete</p> <p>21 this topic of life jackets by looking at the other space</p> <p>22 under the radar.</p> <p>23 THE CHAIRMAN: Yes, please do.</p> <p>24 MR SHIEH: That takes a very short time. It's police</p> <p>25 album IX, pages 545 and 546.</p>	<p>1 Please be back in 20 minutes' time to resume your</p> <p>2 testimony.</p> <p>3 (11.35 am)</p> <p>4 (A short break)</p> <p>5 (12.03 pm)</p> <p>6 THE CHAIRMAN: I apologise for the delayed resumption. As</p> <p>7 you'll notice, the interpreter is not with us at the</p> <p>8 moment. It is as a result of her discomfort that we</p> <p>9 come in to deal with a separate matter.</p> <p>10 There was an article in the South China Morning Post</p> <p>11 today in which her abilities in translating or</p> <p>12 interpreting were called into question. In advance of</p> <p>13 that article, the Secretary to the Commission was asked</p> <p>14 to provide certain information to the South China</p> <p>15 Morning Post about the circumstances in which the</p> <p>16 interpreter came to be appointed.</p> <p>17 The Secretariat responded in part in this way:</p> <p>18 describing her personal qualifications, the fact that</p> <p>19 she'd been an official language officer of the Hong Kong</p> <p>20 Government for 18 years, that she provides</p> <p>21 interpretation services of a consecutive nature to the</p> <p>22 board of review of the Inland Revenue, and the Market</p> <p>23 Misconduct Tribunal, of which body I am a former</p> <p>24 chairman.</p> <p>25 The Secretary went on to say this, which I hope</p>
<p>Page 34</p> <p>1 We can see the two doors next to the helm. Do you</p> <p>2 see that, where the arrow is pointing?</p> <p>3 A. Yes.</p> <p>4 Q. That's the cupboard where the extra life jackets were</p> <p>5 stored; correct?</p> <p>6 A. There is one there.</p> <p>7 THE CHAIRMAN: One life jacket only?</p> <p>8 A. Yes.</p> <p>9 MR SHIEH: In the entire wheelhouse?</p> <p>10 A. Yes.</p> <p>11 Q. Page 546 of the same bundle depicts the same cupboard</p> <p>12 with the doors open; correct?</p> <p>13 A. Correct.</p> <p>14 Q. Of course, I understand what you say is that these life</p> <p>15 jackets are the same as the life jackets under each of</p> <p>16 the seats and the passengers should be able to get those</p> <p>17 life jackets in the event of an emergency.</p> <p>18 A. Correct.</p> <p>19 MR SHIEH: This would be an appropriate moment, Mr Chairman</p> <p>20 THE CHAIRMAN: Yes. Thank you.</p> <p>21 Before we adjourn, Ms Lok, may we ask you to thank</p> <p>22 those whom you represent, as I understand it, for</p> <p>23 assisting us with taking these additional photographs.</p> <p>24 Please convey our thanks.</p> <p>25 Mr Chow, we're going to take a 20-minute break now.</p>	<p>Page 36</p> <p>1 resonates with everyone who is participating in these</p> <p>2 proceedings:</p> <p>3 "We recognise that the provision of consecutive</p> <p>4 interpretation service is a most challenging</p> <p>5 professional task, especially when the current Inquiry</p> <p>6 often involves complex and technical maritime terms and</p> <p>7 issues. Inevitably, at times the interpretation may not</p> <p>8 reflect the most suitable translation of the oral</p> <p>9 questions and answers given during the hearings."</p> <p>10 And then went on to address the modus vivendi that</p> <p>11 has been adopted in this proceedings, and, if I may say</p> <p>12 so, most helpfully by the assistance of bilingual</p> <p>13 counsel, and we thank them, as we have at the time, for</p> <p>14 their assistance.</p> <p>15 This was pointed out:</p> <p>16 "... the hearings are attended by counsel and</p> <p>17 solicitors, a number of whom are bilingual. On</p> <p>18 occasions and as appropriate, counsel for the Commission</p> <p>19 or counsel representing involved parties raise the issue</p> <p>20 of translation with the Commission. Then, the</p> <p>21 interpreter is given the opportunity to consider if</p> <p>22 another suggested translation is more appropriate."</p> <p>23 That, of course, is the way in which we have</p> <p>24 proceeded, and that is the way in which we hope we can</p> <p>25 continue to proceed. But for the moment, we're going to</p>

Page 37	Page 39
<p>1 have to adjourn until we're informed that the 2 interpreter has composed herself so that she can 3 continue to discharge her difficult, onerous, but 4 important duties in this very important Inquiry. And 5 it's a matter of regret to me personally that events 6 have been contrived in a way that has resulted in this 7 quite unnecessary difficulty.</p> <p>8 Mr Chow, I'm going to ask that that be interpreted 9 to you in due course, but for the moment we will rise. 10 We hope to resume when we can.</p> <p>11 MR GROSSMAN: May I just say this. As far as the 12 interpreter is concerned, I don't speak Cantonese and 13 I can't read it, but I do speak another language, and 14 from time to time I pass the time trying to think how 15 I would translate some of the questions into the other 16 language, and I can very well understand the 17 difficulties, and that's no criticism of anyone here, 18 but the difficulties that this interpreter has. From 19 our point of view, we have no complaints whatsoever 20 about her, and I'm also very grateful to my learned 21 friends who have been helpfully assisting.</p> <p>22 THE CHAIRMAN: Thank you, Mr Grossman.</p> <p>23 MR SUSSEX: Mr Chairman, may I say that we consider the 24 translator is doing a commendable job.</p> <p>25 THE CHAIRMAN: Thank you for that.</p>	<p>1 hours this afternoon?</p> <p>2 THE CHAIRMAN: Yes, we will. 3 (12.19 pm)</p> <p>4 (The luncheon adjournment) 5 (2.30 pm)</p> <p>6 THE CHAIRMAN: This afternoon we will continue with a new 7 interpreter. Mr Wong has been kind enough to offer his 8 services. He was providing simultaneous translation 9 services, but has now moved to do the consecutive 10 services.</p> <p>11 Mr Wong, may I ask you to take the interpreter's 12 oath.</p> <p>13 MR PIERRE WONG (affirmed as interpreter)</p> <p>14 THE CHAIRMAN: Thank you, Mr Wong. Please sit down. 15 May I ask at the outset that counsel bear in mind 16 when posing questions the difficulties that Mr Wong will 17 necessarily encounter in coming to terms with the story, 18 as it were, and the language that is specific to the 19 accounts that witnesses are giving.</p> <p>20 But in the first place, may I have a transcript of 21 what I said before we adjourned. I'm going to ask, for 22 Mr Chow's benefit, that you interpret the transcript of 23 what it is I said in the absence of an interpreter just 24 before we adjourned this morning. If you'll bear with 25 me, I'll ask for that transcript to be brought out.</p>
Page 38	Page 40
<p>1 MR PAO: I echo that, Mr Chairman.</p> <p>2 THE CHAIRMAN: Thank you, Mr Pao.</p> <p>3 MR PAO: She has done a fantastic job.</p> <p>4 MR SHIEH: And could we say that we fully acknowledge the 5 difficulty that any person trying to interpret difficult 6 terms and questions and perhaps answers in a case like 7 this -- and we all do our very best to make sure that 8 questions are raised in a form which are capable of 9 being translated in a clearly comprehensible manner, and 10 we do believe that Madam Interpreter has done 11 a thoroughly good job.</p> <p>12 THE CHAIRMAN: Thank you for that, Mr Shieh. It is in that 13 spirit that we hope we can go forward shortly. But 14 we'll adjourn now for a few minutes. 15 (12.08 pm)</p> <p>16 (A short break) 17 (12.19 pm)</p> <p>18 THE CHAIRMAN: In the circumstances, we're going to adjourn 19 but we will resume this afternoon at 2.30, and I'd be 20 grateful if I could call upon you to interpret to 21 Mr Chow.</p> <p>22 Do you understand, Mr Chow? 2.30.</p> <p>23 A. (Witness nods).</p> <p>24 THE CHAIRMAN: Thank you very much. 2.30.</p> <p>25 MR SUSSEX: Can I just confirm that we will sit the usual</p>	<p>1 I've put a line through the part on the page that's 2 irrelevant, and then there is simply the statement made 3 by the Commission itself. Just interpret that, if you 4 would, to Mr Chow, but do it in a way that everyone can 5 follow it in Cantonese.</p> <p>6 THE INTERPRETER: Okay. 7 (Portion of transcript interpreted)</p> <p>8 A. I understand.</p> <p>9 THE CHAIRMAN: Mr Chow, may I remind you, as I did this 10 morning, that you continue to testify according to your 11 original affirmation.</p> <p>12 A. I understand.</p> <p>13 THE CHAIRMAN: Mr Shieh.</p> <p>14 MR SHIEH: Mr Chow, could I now turn to the subject of loud 15 hailer system.</p> <p>16 Could I ask for the witness statement in Richards 17 Butler bundle 3, page 1569, the English version. The 18 Chinese version is page 1552. paragraph 22. You refer 19 to the loud hailer system. Do you see that? "Loud 20 hailer". You mentioned that it could be used for making 21 announcements in the passenger saloons and main deck.</p> <p>22 A. That is correct.</p> <p>23 Q. Well, after the collision, did it occur to you to make 24 announcements to the whole vessel using the loud hailer 25 system?</p>

Page 41	Page 43
<p>1 A. I didn't have enough time. 2 Q. So it's because of the emergency situation you had no 3 time to even consider using the loud hailer system; is 4 that correct? 5 A. That is correct, but I did shout myself. 6 Q. Thank you. Just for identification purposes, could 7 I have marine bundle 1, page 144. 8 THE CHAIRMAN: These are photographs? 9 MR SHIEH: Photographs, yes. At the bottom. That's the 10 loud hailer speaker, connected with a cord; right? 11 A. That is correct. 12 Q. On the left-hand side of the helm? 13 A. That is correct. 14 Q. Thank you. And in the diagram at marine bundle 1, 15 page 139 -- incidentally, this panel is also the panel 16 where the switch for the siren is located or the horn is 17 located? 18 A. Yes, number 10. 19 Q. Yes. And it's item 10 on this plan; correct? 20 A. Correct. 21 Q. So the same panel contains a switch for the horn and 22 also contains the loud hailer? 23 A. Correct. 24 Q. Thank you. I was about to ask you about batteries and 25 their wirings, but do I understand from some of the</p>	<p>1 A. Correct. 2 Q. If it's switched to "2", the battery power is engaged? 3 A. Correct. 4 Q. You said yesterday that because of the risk of the power 5 being too great if the generator power is used, your 6 practice had been to switch it to "2"? 7 A. Correct. 8 THE CHAIRMAN: At all events, that was your evidence about 9 what you did that night, 1 October? 10 A. Correct. 11 MR SHIEH: You also said that it was a rather regular 12 occurrence that the lights would go out because of this 13 electricity voltage or power being too high; about twice 14 a week? 15 A. Correct. 16 Q. What I don't understand is this. If it's a known 17 problem that if you switch to generator power, switch to 18 "1", there is this risk of the light going out, then why 19 didn't people simply by default switch the switch to 20 "2", and that would eliminate any risk of the light 21 going out? 22 A. We do switch it on "2" on occasion. 23 Q. I know, but my question is that if, as you say, 24 switching it to "2" would eliminate the problem of the 25 light going out, then why would there still be incidents</p>
Page 42	Page 44
<p>1 answers that you have given that for questions such as 2 how the batteries are wired and whether it goes through 3 any fuses, you would defer to the expertise of the 4 engineer, Mr Leung Pui-sang? 5 A. That's correct. 6 Q. But there are questions concerning the use of buttons 7 and how they behave, which I believe you would be able 8 to assist with. 9 A. Yes. 10 Q. First of all, you said yesterday that -- you remember 11 the switch with "0", "1" and "2" in police album IX, 12 page 547? 13 A. Correct. 14 THE CHAIRMAN: We're looking for -- 15 MR SHIEH: Marine bundle 1, page 146. That's the better 16 one. 17 THE CHAIRMAN: Yes, that's the photograph. 18 MR SHIEH: Could we look at the top one. Yes. 19 This is the panel behind you? 20 A. Correct. 21 Q. You see on the bottom right-hand corner there is 22 a switch with "0", "1" and "2"; correct? 23 A. Correct. 24 Q. If the switch is switched to "1" it means the power from 25 the generator is used; correct?</p>	<p>1 of the light going out on average twice a week? 2 A. Ever since we noticed that the lights would go out 3 during navigation, we switched to switch "2". 4 THE CHAIRMAN: But that doesn't answer the question. Why 5 were there still twice-weekly failures of bulbs if it 6 was known that switching to the battery power rather 7 than the generator avoided that problem entirely? 8 A. Because the first mate would ask us to switch to "1" on 9 occasion. 10 THE CHAIRMAN: Is the first mate the engineer? 11 A. It's Mr Leung Pui-sang. 12 THE CHAIRMAN: He's the engineer? 13 A. He's the engineer. 14 THE CHAIRMAN: Thank you. 15 MR SHIEH: So let me get this clear. So there is no uniform 16 practice of always switching to "2", because sometimes 17 the engineer would ask you to switch to "1"; correct? 18 A. No, he asked us to switch on "2", because if we switch 19 on "1", it will blow the fuse. 20 Q. Let me try again. I think I might have a glimpse of 21 what you are trying to say. Let me try it again. 22 Are you saying that at some stage in the past, there 23 was this phenomenon of the light going out about twice 24 a week, and it was found out that it was because the 25 switch had been switched to "1", and thereafter, the</p>

Page 45	Page 47
<p>1 engineer told you to switch to "2", battery power. And 2 after this practice of switching to "2" has been 3 installed, there were no more incidents of lights going 4 out. Would that be a fair way of putting your evidence? 5 A. That's correct. 6 THE CHAIRMAN: When was this discovered? 7 A. I don't recall the date. 8 THE CHAIRMAN: Which year? 9 A. I can't recall either. 10 THE CHAIRMAN: Last year? Five years ago? 10 years ago? 11 A. About five years. 12 THE CHAIRMAN: Thank you. 13 MR SHIEH: So it was not a recent discovery. The problem 14 had been discovered for some time, and according to you, 15 it's been solved for some time, counted in terms of 16 years from the time of the accident? 17 A. That's correct. 18 Q. Can I now move on to deal with a question about what 19 would happen if the -- sorry, the sounding of the alarm 20 and also the going-off of the light on the panel that we 21 can see here, in the same photo. It may be my fault, 22 but you have to bear with me, for not grasping the 23 evidence at times. 24 If the lights were switched on, let's say -- 25 THE CHAIRMAN: By that you mean the navigation lights?</p>	<p>1 Q. The alarm would only sound if the power is switched 2 on -- if the power is switched on -- and the lights will 3 go out, in other words, it's -- 4 THE CHAIRMAN: The navigation light bulb fails, and then the 5 alarm sounds; is that right? 6 A. Correct. 7 THE CHAIRMAN: You turn round and you switch off that 8 particular navigation light -- let's say it's the 9 starboard light -- you turn that light off? 10 A. (Chinese spoken). 11 THE CHAIRMAN: And that stops the alarm going on? 12 A. That is correct. 13 MR SHIEH: And you identify which light has gone out by 14 looking at which of the white circle lights did not 15 light up; right? 16 A. That is correct. 17 Q. Thank you. But this alarm will not tell you that you 18 had forgotten to switch on the lights at all. For that, 19 you have to rely on your visual inspection of this panel 20 and noticing that the lights have not lit up on this 21 panel? 22 A. That is correct. 23 Q. Could I ask the witness to look at page 147. 24 I believe we've had better pictures in marine 25 bundle 12, page 4901.</p>
Page 46	Page 48
<p>1 MR SHIEH: The navigation lights are switched on, and let's 2 say by switching the bottom left-hand button to battery, 3 that is, position "2" -- okay? Let's assume that to be 4 the case. 5 A. Okay. 6 Q. If the lights are on, the navigation lights are on and 7 the masthead light is on and the stern light is on, then 8 the four round white lights at the top left-hand corner 9 of this box would light up; correct? 10 A. Correct. 11 Q. Let's say there was a short-circuit or let's say one of 12 the lights were to go out. The corresponding light on 13 this panel would go out; correct? 14 A. That's correct. 15 Q. That would depend on your turning round to look at it 16 before you would be able to find out; correct? 17 A. Correct. 18 Q. Turning to the sound signal, the alarm. If the power 19 was switched to let's say "0", the bottom right-hand 20 switch is switched to "0", in other words neither 21 battery power nor generator power, the lights would not 22 be switched on; correct? 23 A. That's correct. 24 Q. And in that case, the alarm would not sound; correct? 25 A. Correct.</p>	<p>1 Yesterday I think questions were asked of you about 2 the nature of the panel at the bottom, the black panel 3 at the bottom. I simply wish to clarify, again for my 4 benefit, because I think the question had been put to 5 you that the panel at the bottom consists of fuses, 6 "fyu si". 7 A. Correct. 8 Q. I see. Because I think the answer you gave was that 9 they were power buttons. So do I understand that they 10 were fuses in the sense that if there is a short-circuit 11 of a particular equipment or a device on the vessel, 12 that the corresponding switch would jump from one 13 position to the other, indicating there had been 14 a short-circuit? 15 A. These are not fuses. If there's a short-circuit, it 16 will jump itself. 17 THE CHAIRMAN: So they are circuit breakers? When they move 18 from the black position to displaying the red position, 19 the power stops flowing through? 20 A. That should be the case. 21 MR SHIEH: I understand. I don't think I need to get into 22 colloquial connotation of the term "fyu si" in 23 Cantonese. I think I understand it now. 24 Can I now move on to the question of the 25 searchlight. You mentioned that you activated the</p>

<p style="text-align: right;">Page 49</p> <p>1 searchlight. Do you remember that, yesterday? 2 A. Yes, I recall. 3 Q. Simply -- because I think Mr Chairman asked about 4 whether we could locate where the searchlight is on the 5 vessel -- now, there are a number of candidates. Could 6 I just ask you to look at these photographs and identify 7 whether we've got the right candidate. 8 Could I have police album V, page 300. This looking 9 forward. The two black lights that we can see -- the 10 cursor is now pointing to them -- these are the masthead 11 lights, right? The masthead is lying down, but it would 12 actually be raised when the ship set sail. 13 A. That's correct. 14 Q. If you look at -- could the cursor move a bit to the 15 right of the monitor. To the right. Go up. To the 16 back a bit. Yes. 17 This white object is the radar; correct? 18 A. Yes. 19 Q. Move a bit to the right. 20 This object, is that the searchlight? 21 A. Yes. 22 Q. Thank you. If we were to look at the model here -- this 23 object here? 24 A. That's correct. 25 Q. It's this metallic object?</p>	<p style="text-align: right;">Page 51</p> <p>1 have any reason to disagree that that year, for that 2 year, the servicing of the raft was conducted by this 3 Honour Marine company? 4 A. I can't be sure on these matters, because Mr Tang, our 5 marine director, is responsible for this and he will 6 just replace the components if necessary. 7 Q. Thank you. I think we can take the rest reasonably 8 quickly. Could I have page 755. This is the 9 maintenance survey record for 2007, dated 3 July. 10 THE CHAIRMAN: Mr Shieh, no doubt you're doing this, from 11 what I've seen in correspondence, because Mr Pao has 12 invited you to do it. 13 MR SHIEH: Yes. 14 THE CHAIRMAN: But this is equipment that worked. The life 15 raft was deployed. If Mr Pao -- 16 MR PAO: I don't think anything turns on it, Mr Chairman. 17 THE CHAIRMAN: If Mr Pao wishes to disown ownership of 18 a life raft that works, then so be it. But we're more 19 interesting in equipment that didn't work. 20 MR SHIEH: Very well. Anyway, the documents would speak to 21 themselves and this witness is not insisting that it's 22 Cheoy Lee so I think I can just -- 23 THE CHAIRMAN: I think you can. 24 Mr Chow, it's perfectly normal, is it not, for life 25 rafts to be maintained by life raft specialists, not</p>
<p style="text-align: right;">Page 50</p> <p>1 A. Yes. 2 Q. Can I ask you something about maintenance of the raft. 3 You remember you were asked questions about maintenance 4 of the life raft, inflatable life raft on Lamma IV? 5 A. (Chinese spoken). 6 Q. Yes. You said in evidence that it was maintained -- it 7 was serviced annually by the ship factory Cheoy Lee. 8 A. That is correct. 9 Q. Now, I've received information that at least from 2006 10 onwards, they were maintained or serviced not by Cheoy 11 Lee but by companies called Honour Marine and Man Co. 12 For the Chinese, could I simply call up marine 13 bundle 4, page 732. 14 There's another company which came in at a later 15 stage called Man Co. Do these names ring any bells? 16 A. Mr Tang is responsible for that. 17 Q. But since you actually gave evidence that it was Cheoy 18 Lee, could I simply direct your attention to the 19 relevant maintenance records to see whether you have any 20 reason to disagree with what they say. First of all, 21 marine bundle 4, page 732. This is a survey and test 22 report by Honour Marine for the raft. The date of 23 survey is 19 June 2006. It's in respect of, well, the 24 raft being identified there. Raft-A-10(II), I think. 25 So it's basically a raft on board Lamma IV. Do you</p>	<p style="text-align: right;">Page 52</p> <p>1 people who build ships. That's the norm, isn't it? 2 A. Yes. Mr Tang is in charge of these matters and he 3 doesn't inform me. 4 THE CHAIRMAN: Thank you. 5 MR SHIEH: Thank you. 6 MR PAO: Mr Chairman, I believe paragraph 25 of Mr Chow's 7 statement is consistent with this answer now. Because 8 it actually says that -- 9 MR SHIEH: "Shore contractors". 10 MR PAO: Yes, "shore contractors" were used for servicing. 11 THE CHAIRMAN: Thank you. 12 MR SHIEH: Can I now move on to the subject of making the 13 999 telephone call. If you look at your witness 14 statement at paragraph 54. Richards Butler bundle, 15 page 1579 for the English. For the Chinese, it is 16 page 1559. A relatively small, minor point has arisen 17 I think previously over the use of mobile phones, but 18 I simply wish to make sure that we have that briefly 19 sorted out. 20 You used your own telephone to call the police 21 shortly or immediately after the collision; correct? 22 A. Correct. 23 Q. And your mobile phone number is one that starts with the 24 number 9; correct? 25 A. Correct.</p>

Page 53	1 THE CHAIRMAN: Do we then have the time of this phone call? 2 MR SHIEH: Well, I am going to show that. It's police 3 bundle E, page 1220-71. Could we move down. The 4 telephone number has been obliterated, but it may be 5 that in the hard copy it is not. 6 THE CHAIRMAN: Perhaps we could listen to the telephone call 7 and he can confirm that it's him speaking. 8 MR SHIEH: Yes. 9 (Audio played) 10 THE CHAIRMAN: Was that your voice that we heard on the 11 audio? 12 A. Yes. 13 MR SHIEH: Mr Chairman, the English translation for that is 14 page 1220-71. 15 THE CHAIRMAN: Thank you. 16 MR SHIEH: The Chinese version is page 1220-17. 17 Mr Chairman, you'll be able to see the actual telephone 18 number in the hard copy. 19 THE CHAIRMAN: Yes, that's why the screen was blanked out 20 when we played the audio. 21 MR SHIEH: Mr Chow, you'll be able to see the telephone 22 number that appears in the hard copy in front of you. 23 Do you confirm that's your telephone number? 24 THE INTERPRETER: It's also blanked out in the hard copy. 25 MR SHIEH: Okay.	Page 55	1 telephone calls. Am I to understand the sequence as 2 this. You used your mobile phone at this time we've 3 seen, 20:22:04 -- that's the first thing you did? 4 A. Yes. 5 THE CHAIRMAN: Then you made a trunk radio call to Lamma II? 6 A. Yes. 7 THE CHAIRMAN: And then, thirdly, you borrowed a lady's 8 phone to make the second mobile telephone call? 9 A. Yes. 10 THE CHAIRMAN: Thank you. 11 MR SHIEH: The Commission has heard evidence from certain 12 passengers on board the Sea Smooth. They said shortly 13 after the collision a crew member on board the Sea 14 Smooth uttered something to the effect that "It's 15 Hongkong Electric again", "Yau hai Gong Dang". 16 THE CHAIRMAN: A passenger said that a member of the crew, 17 the Hongkong Electric crew -- 18 MR SHIEH: A member of the Sea Smooth crew said, "It's 19 Hongkong Electric again". Obviously you were not there. 20 This is some passenger from Sea Smooth giving evidence. 21 But the reaction described from that Sea Smooth crew 22 could suggest that there had been previous incidents, 23 maybe near misses or maybe incidents at sea, which 24 involved Hong Kong & Kowloon Ferry vessels and Hongkong 25 Electric vessels.
Page 54	1 THE CHAIRMAN: Well, we have the audiotape. 2 MR SHIEH: It may be because the witness's copy would be 3 blanked out because it would be seen by a number of 4 different people. 5 THE CHAIRMAN: And that's 20:22:04? 6 MR SHIEH: Correct. 7 THE CHAIRMAN: Thank you. 8 MR SHIEH: If it's confirmed that's his voice -- you made 9 that telephone call using your own number? 10 THE CHAIRMAN: He said it was his voice. 11 MR SHIEH: But also you used your own telephone to make that 12 call; correct, Mr Chow? 13 A. Yes. 14 Q. But afterwards, after you found out that you had 15 actually lost your mobile phone, you borrowed a lady's 16 phone to make subsequent telephone calls; correct? 17 A. Yes, I had asked for a mobile phone and a lady handed 18 her mobile phone. 19 Q. Anyway, so the first call was made by you on your own 20 mobile? 21 A. Yes. 22 Q. Thank you. Can I follow up on a question that has 23 arisen out of certain things said by passengers on Sea 24 Smooth. 25 THE CHAIRMAN: Before we get to that. Dealing with	Page 56	1 Could I ask you whether or not you were aware, 2 whether because of your own personal involvement or 3 because you've been told by other colleagues, about 4 other incidents, near misses or quarrels or bad blood, 5 between vessels operated by Hong Kong & Kowloon Ferry 6 and vessels operated by Hongkong Electric? 7 A. I personally did not have any such experience. 8 Q. Have you heard of other people having some unpleasant 9 experience or dangerous encounters? 10 A. I have never heard of such incidents. 11 MR SHIEH: Could I just have one moment. 12 THE CHAIRMAN: Yes, of course. 13 MR SHIEH: Mr Chow, thank you. I have no further questions 14 for you. 15 Mr Chairman, just to complete the record, there was 16 a question mark over the precise issue date or 17 dissemination date of Marine Notice No. 131. I think 18 the documentary record would show -- I do not believe 19 there's any need to turn it up. I'll just read out the 20 reference. The Marine Department witness Mr Ivan Shuen 21 testified that the English version was emailed on 22 14 September and the Chinese version was emailed on 23 19 September. The evidence was given on Day 9, 24 7 January, page 89 of the transcript, line 18 -- 25 THE CHAIRMAN: Thank you.

Page 57	Page 59
<p>1 MR SHIEH: -- and the relevant emails can be found in marine 2 bundle 11. The dissemination of the English version, 3 the email, was page 3689, and the dissemination of the 4 Chinese version on 19 September is marine bundle 11, 5 page 3692. I simply read it for the record. 6 I have no further questions. 7 THE CHAIRMAN: There's one matter that perhaps you might 8 think about, Mr Shieh, and it's this. You've put to 9 Mr Chow the various scenarios as to time and distance, 10 depending on whether it was 3 cables, whether it was 11 adjacent to -- 12 MR SHIEH: Or a minute. 13 THE CHAIRMAN: -- or a minute. But the other variable, as 14 it were, that's now been introduced is 1 nautical mile, 15 the vessels -- when Sea Smooth came up onto the screen. 16 Now, I indicated yesterday that of course it's possible 17 to calculate when that was. In other words, that allows 18 you to ask him in terms of time. 1 nautical mile 19 between the two vessels would probably have occurred at 20 about 20:18:45, something like that, would it not? 21 MR SHIEH: If we work backwards, Captain Pryke in his expert 22 report had done the figures and he had come up with, you 23 know, combined speed would be 36 knots. I've done the 24 calculation. It would have taken 100 seconds from 25 1 nautical mile to collision.</p>	<p>1 when you were 1 nautical mile apart. 2 Moving down the cursor -- yes. 3 Now, that would be where Lamma IV was when they were 4 1 nautical mile apart? 5 A. Yes. 6 Q. Of course, it is your evidence that you actually did not 7 take any collision-avoidance action when you first 8 sighted Sea Smooth, when you were 1 nautical mile apart? 9 A. Correct. 10 Q. But having done some calculations, would the combined 11 speed between the two vessels of 36 knots -- it would 12 still have taken 100 seconds, about 100 seconds, which 13 is 1 minute and 40 seconds, for the two vessels to 14 collide? 15 To start with, obviously the time between your first 16 sighting visually, you know, by line of sight, and 17 collision was not as long as 1 minute and 40 seconds; it 18 was much less. Correct? 19 A. Correct. 20 Q. Because 1 minute and 40 seconds was calculated by 21 reference to when you were 1 nautical mile apart? 22 A. (Witness nods). 23 Q. But 1 minute and 40 seconds would be more than enough 24 for you to have taken anti-avoidance action? 25 A. Correct.</p>
Page 58	Page 60
<p>1 THE CHAIRMAN: Yes. 2 MR SHIEH: So it would be 1 minute, 40 seconds. 3 THE CHAIRMAN: Yes, 1 minute, 40 seconds. Do you want to 4 canvass that matter with him, as to that amount of time 5 as events unfolded? 6 MR SHIEH: Yes, I can. But the caveat obviously is that he 7 did not take immediate action upon seeing it on the 8 radar. 9 THE CHAIRMAN: I follow that. But you've assisted us by 10 dealing with both aspects of this other observation, and 11 this is another aspect. 12 MR SHIEH: Certainly. Yes. 13 Mr Chow, you said that you first sighted Sea Smooth 14 on the radar monitor at 1 nautical mile, you know, when 15 Sea Smooth was 1 nautical mile from Lamma IV. 16 A. Yes. 17 Q. Expert bundle 1, page 361. We can see the "one nautical 18 mile" legend on the left-hand side of this chart. We 19 discussed it this morning. The position, the relative 20 position of the two vessels would be as depicted in this 21 chart where the "one nautical mile" marks are. 22 Could the cursor be moved to, for example, where the 23 Sea Smooth was when they were 1 nautical mile apart, 24 further up. 25 Yes, now, that would be where the Sea Smooth was</p>	<p>1 Q. Collision-avoidance, yes. It would have been more than 2 enough time for you to have taken collision-avoidance 3 action. 4 A. Correct. 5 Q. And we've actually discussed it this morning. In fact, 6 there was nothing to prohibit or prevent you, in terms 7 of manoeuvrability or risk nearby, for you to have 8 undertaken collision-avoidance action at that early 9 stage? At that early stage when you were 1 nautical 10 mile apart. 11 A. Correct. 12 MR SHIEH: Thank you, Mr Chow. 13 Mr Chairman, I have no further questions. 14 THE CHAIRMAN: Thank you very much. 15 MR SUSSEX: Mr Chairman, I wonder if I might be permitted to 16 ask a few supplementary questions arising out of 17 an exchange of emails overnight with Messrs Richards 18 Butler. They relate to the fog light. 19 THE CHAIRMAN: Yes. 20 MR SUSSEX: Yesterday, those instructing me, Holman Fenwick 21 Willan, asked for documentary evidence relating to the 22 discussion by Mr Chow and/or others with the management 23 of Hongkong Electric relating to the fog light, and any 24 documentary evidence concerning the reason for the 25 change in the direction of the fog light, when it was</p>

Page 61	Page 63
<p>1 changed and how it was changed. 2 THE CHAIRMAN: Yes. It remained north, according to 3 Mr Chow, but it was slanted so it pointed down more to 4 the sea. 5 MR SUSSEX: That's right. 6 THE CHAIRMAN: Very well. Deal with that. 7 MR SUSSEX: The response we received by email from Reed 8 Smith Richards Butler was: 9 "Our clients searched their records but they are 10 unable to find any records of complaints by Master Chow 11 or by other crew members or any other documentation 12 regarding any change of directional angle of the fog 13 light." 14 THE CHAIRMAN: Do we have this scanned? 15 MR SUSSEX: No, we don't. I think it was solely directed 16 to ... 17 THE CHAIRMAN: I think we should take it now, have it 18 scanned and a copy given to the parties. 19 MR SUSSEX: There are some hard copies here. 20 THE CHAIRMAN: Thank you. One should certainly be made 21 available to the interpreter so he can follow this. 22 "(Handed)". 23 Perhaps you'd just be kind enough to repeat it so 24 that Mr Chow can follow this. 25 Further examination by MR SUSSEX</p>	<p>1 initial complaint made by Master Chow and/or any other 2 crew member(s) and/or employee of Hongkong Electric, the 3 reason for the change, when it was changed and how it 4 was changed." 5 There was a response to that email request this 6 morning, and in that response, Messrs Reed Smith 7 Richards Butler say this: 8 "We refer to your email of yesterday. 9 Our clients searched their records but they are 10 unable to find any records of complaints by Master Chow 11 or by other crew members or any other documentation 12 regarding any change of directional angle of the fog 13 light." 14 A. We only made an oral report to Mr Tang. We didn't 15 provide any documents. 16 Q. Right. You said yesterday, when asked to give 17 an estimate of when the directional angle of the fog 18 light was changed, it should have been five years ago. 19 A. Yes. 20 Q. Would I be right to infer that your request to the 21 management preceded but was contemporaneous with the 22 change of angle? 23 A. I had informed management, but I have no idea when the 24 changes occurred because they would have to issue some 25 execution orders to the electrical department.</p>
Page 62	Page 64
<p>1 MR SUSSEX: To repeat the wording of the email from Reed 2 Smith Richards Butler? 3 THE CHAIRMAN: Yes, if you would. 4 MR SUSSEX: What I said just now was that a request was made 5 by my instructing solicitors for documents relating to 6 the discussion Mr Chow said he had with management 7 concerning the fog light, and any documents concerning 8 the manner in which and the reasons for a change in the 9 angle of the fog light. 10 The precise text of the letter, which I'll read out 11 for the purposes of the record, is this. It's an email 12 from Holman Fenwick Willan to Reed Smith Richards 13 Butler: 14 "Dear Sirs, 15 We refer to the hearing this morning where the 16 coxswain of Lamma IV stated in his testimony that the 17 directional angle of the fog light at the breakwater of 18 Hongkong Electric pier was changed earlier upon his 19 discussion with the management of Hongkong Electric. 20 We note that none of the documents which you/your 21 clients previously disclosed or seized by the HK Police 22 Force contained any reference to the change of angle of 23 the fog light. Please let us have copies of the 24 relevant documents and/or notes and/or correspondence 25 and/or information including but not limited to the</p>	<p>1 Q. So are you able to give us an estimate of how long it 2 was between your request to the management, and the 3 actual change in the angle of the light? 4 A. I can't recall. 5 Q. Okay. Yesterday, and again today, you talked about "we" 6 requesting or discussing with management. Were others 7 involved in these discussions, apart from yourself? 8 A. I would have informed management and other colleagues 9 might have done the same. 10 Q. When you say "might have done the same", do you know for 11 certain that other colleagues did inform management? 12 A. I'm not sure. 13 Q. So when you said "we", the only person of whom you can 14 give direct evidence is your own discussion with 15 management; is that right? 16 A. No, I have heard my colleagues mention similar 17 expressions. 18 Q. When you say you've heard your colleagues mention 19 similar expressions, do you mean your colleagues have 20 similarly complained about the light impeding vision, or 21 that they have told you that they actually did complain 22 to management? 23 A. I can't be certain. 24 Q. And when you say your colleagues, do you mean other 25 coxswains or just other crew members?</p>

Page 65	Page 67
<p>1 A. Other coxswains. 2 Q. Have you any idea how many have uttered these 3 expressions? 4 A. I don't know. I can't make an estimate. 5 Q. Right. It's right, is it not, that if Hongkong Electric 6 did in fact change the direction of the light, they 7 would have issued a works order for that work to be 8 done? 9 A. Correct. 10 Q. It's right, is it not, that Hongkong Electric is 11 a bureaucratic organisation and paper would certainly be 12 produced if some work like that were done? 13 A. Yes. 14 Q. Yet it is your evidence that that work was done, and 15 that the direction of the light did change; is that 16 right? 17 THE CHAIRMAN: The angle of the light. 18 MR SUSSEX: The angle of the light, I'm so sorry. The angle 19 of the light did change. 20 A. Yes. 21 MR SUSSEX: Thank you, Mr Chow. 22 MR SHIEH: Mr Chairman, my attention has been drawn to one 23 matter concerning Mr Chow's answer to my last question, 24 which I wish to follow up on. It's entirely my 25 oversight, and I've just been reminded.</p>	<p>1 Q. Yes. I'm not talking about the bit when you described 2 the safe distance. I'm talking about the previous bit 3 when you described previous incident or incidents where 4 ships passed each other at two to three ship-lengths. 5 A. The investigating officer told me that. 6 Q. The investigating officer told you that? Did you say 7 that this sentence, the information didn't come from 8 yourself but it came from the investigating officer? 9 A. The investigating officer asked me if there were close 10 encounters between Hongkong Electric vessels and other 11 vessels, and I said, "Probably so". 12 Q. From your knowledge? 13 A. Occasionally so. Not my own personal experience, but it 14 could have been my colleagues' experience. 15 Q. Which you heard from them? 16 A. Yes. 17 Q. Two to three ship-lengths? 18 A. Yes. So when they were travelling from the pier, 19 leaving the pier, they would have these close 20 encounters. 21 Q. When who was leaving the pier? 22 A. From the typhoon shelter, Yung Shue Wan ... 23 Q. So when Hong Kong &amp; Kowloon Ferry vessels were leaving 24 the Yung Shue Wan pier, and when your vessels, the 25 Hongkong Electric vessel, was leaving the typhoon</p>
Page 66	Page 68
<p>1 THE CHAIRMAN: What is the issue? 2 MR SHIEH: The issue is as to previous incidents of near 3 misses between Hongkong Electric vessels and Hong Kong 4 &amp; Kowloon Ferry vessels. 5 THE CHAIRMAN: Yes. 6 MR SHIEH: Could I ask the witness to look at marine 7 bundle 1, page 71, being the Chinese version of 8 an interview which he had with the Marine Department on 9 7 November. The English equivalent is marine bundle 1, 10 page 89-8, at the bottom. 11 THE CHAIRMAN: Thank you. 12 Further examination by MR SHIEH 13 MR SHIEH: Could the witness look at the bottom of page 71, 14 the Chinese version. The second line from the bottom. 15 Mr Chow, you can read the Chinese. The part 16 starting "(Chinese spoken)". 17 "Before that, when our HEC vessel and Hong Kong 18 &amp; Kowloon Ferry were navigating in the waters north of 19 Lamma Island, we had sailed past each other within 20 a short distance of about two to three ship-lengths. 21 I consider that a safe passage requires about five to 22 six ship's lengths." 23 Do you see that? 24 A. Yes. The investigating officer asked me that question. 25 He asked me what was the safe distance.</p>	<p>1 shelter; correct? 2 A. Yes. My colleagues told me that. It wasn't my personal 3 experience. 4 Q. But in the scenario as you describe, both would be 5 heading north? 6 A. Correct. 7 Q. And not a case of one sailing south and the other 8 sailing north? 9 A. Not headlong towards each other. 10 Q. But here you are talking about the waters north of 11 Lamma. 12 A. Yes, that's how we referred to the waters north of Yung 13 Shue Wan. 14 Q. How frequent were these encounters, as far as you were 15 aware? 16 A. I'm not too sure. They would just mention it once in 17 a while. 18 Q. Do you know whether anyone made any report or complaint 19 to management? 20 A. No, I don't know. 21 Q. Are you sure this is a reference to two vessels sailing 22 in the same direction, one from Yung Shue Wan pier and 23 the other from the typhoon shelter, both sailing north? 24 A. Yes, that should be the case. 25 Q. Apart from the fact that they -- in which case they were</p>

Page 69	Page 71
<p>1 both sailing north. There's quite a distance between 2 the typhoon shelter and Yung Shue Wan pier. 3 A. No, because sometimes our company vessels would start 4 first and they would be tailgating us, so they would be 5 right behind us. 6 Q. So almost navigating side by side, or overtaking you? 7 A. I can't say so. 8 Q. Can you name the colleague of yours who told you that? 9 A. I can't remember. 10 Q. You know that sometimes employees of Hong Kong &amp; Kowloon 11 Ferry were seconded to navigate Hongkong Electric 12 vessels. Would that be someone from Hong Kong &amp; Kowloon 13 Ferry? 14 A. I can't remember. 15 MR SHIEH: I'm not sure I can take it further, Mr Chairman. 16 THE CHAIRMAN: No. Thank you. 17 Mr Grossman? 18 Further examination by MR GROSSMAN 19 MR GROSSMAN: Mr Chow, when this tragedy happened that we've 20 been talking about for the last couple of days, did any 21 of the people who died -- were any of the people who 22 died friends of yours? 23 A. Not my close colleagues, but colleagues from the same 24 company. 25 Q. Did you know the families of people who lost relatives?</p>	<p>1 prescribe drugs, I wonder if I might enquire whether the 2 correct translation of "psychologists" should read 3 "psychiatrists". 4 THE CHAIRMAN: Yes, perhaps you're right. 5 MR GROSSMAN: Probably, yes. 6 THE CHAIRMAN: Anyway, you're still on medication for your 7 mental problems; is that right? 8 A. Yes. 9 MR GROSSMAN: And is the medication prescribed by 10 a psychiatrist? 11 A. Yes. 12 Q. What effect has the psychiatric treatment that you're 13 having and the drugs having on, say, your ability to 14 sleep? 15 A. I sleep better on the drugs. 16 Q. So you've been sleeping well since you've been giving 17 evidence? 18 A. I have stopped medication for the last few days. 19 Q. Have you been sleeping the last two days? 20 THE CHAIRMAN: Mr Grossman, are these arguments aimed at an 21 ad hominem basis or are they actually intended to help 22 this Commission in the serious duties it has? 23 MR GROSSMAN: Absolutely intended to help this Commission to 24 indicate in due course why there may have been 25 differences in some of his evidence.</p>
Page 70	Page 72
<p>1 A. No. 2 Q. After the accident, you were taken to hospital. 3 A. Correct. 4 Q. And you've told us how you had a dislocated elbow and 5 a broken rib. 6 A. Correct. 7 Q. Were you given painkillers for these injuries? 8 A. I'm still prescribed some painkillers. 9 Q. When you spoke to the police the following day, were you 10 on painkillers? 11 A. Yes. 12 Q. I understand also that since the accident, you have not 13 been working. I think you told us that. 14 A. Correct. 15 Q. Is this because you've been seeking psychiatric help? 16 A. Yes. 17 Q. Is that psychiatric help required by you as a result of 18 what happened that terrible night? 19 A. Yes. Yes, I have to also see a psychologist. 20 Q. Are you receiving counselling on a regular basis? 21 A. Yes. Yes, I have to. 22 Q. And are you receiving medication for your psychological 23 problems? 24 A. Yes. 25 MR SUSSEX: Mr Chairman, as psychologists are not allowed to</p>	<p>1 THE CHAIRMAN: Very well. 2 MR GROSSMAN: I'm simply trying to indicate that he's not 3 a person who should be treated as if he's, say, 4 a policeman giving evidence. 5 Have you been sleeping the last couple of nights? 6 A. Off the medication I haven't been sleeping that well. 7 Q. And what effect has the medication had on your memory? 8 A. I would have forgotten some material. 9 Q. You've been asked a lot of questions during the last 10 couple of days about the minutes, the seconds, leading 11 up to the collision. 12 A. Correct. 13 Q. And it's been shown to you that some of your 14 recollections could not have been correct. 15 THE CHAIRMAN: I think to be more accurate, they've been 16 shown to be mutually inconsistent, not that any one is 17 not correct or correct. 18 MR GROSSMAN: Very well. 19 Some of your explanations or some of your 20 recollections of what you did in that fateful minute 21 were mutually -- could not have been correct. 22 A. Yes. 23 Q. You've been asked to try and recollect within seconds 24 what you did at a particular moment, how quickly you 25 reacted, who was standing next to you, et cetera. Can</p>

Page 73	Page 75
<p>1 you really recall precisely what happened within that 2 minute or that two minutes? 3 A. I've forgotten some of what happened. 4 Q. We've heard the vessels were travelling towards each 5 other at a combined speed of about 36 knots per hour. 6 That being so, are you in any way confident that any of 7 your recollections as to when you started to turn, when 8 Mr Leung was standing next to you, when you saw the 9 vessel ahead of you and started to take action or 10 thought about taking action, whether any of them are 11 accurate, whether any of these recollections are 12 accurate? 13 A. Yes, I recall what happened that night. 14 Q. I know you recall it, but I'm trying to find out if you 15 recall with any precision the exact seconds when you 16 turned to starboard, the exact seconds when Mr Leung was 17 standing next to you, et cetera, the exact second when 18 you saw and decided to act on the Sea Smooth coming 19 towards you. 20 A. I recall what happened that night. 21 Q. Do you recall with any precision -- 22 THE CHAIRMAN: You've asked that question several times now. 23 Mr Grossman. 24 We've got his answer. 25 MR GROSSMAN: But he's obviously --</p>	<p>1 says: 2 "At that time ..." 3 Let me go a bit back to halfway down: 4 "After getting out of the entrance to the typhoon 5 shelter, I accelerated the speed of my vessel to about 6 12 knots. (I) drove up to the nearby area of Shek Kok 7 Tsui Lamppost in about 2-3 minutes. At that time, Leung 8 Pui-sang also arrived at the wheelhouse and stood at the 9 right front part of the wheelhouse. Apart from ... 10 I did not pay attention to whether anyone else was at 11 the wheelhouse. At that time, a vessel approached at 12 a high speed from a distance of 500-600 m right in front 13 of my vessel." 14 According to my arithmetic, 500-600 metres is 15 between 2.7 and 3.2 cables; is that right? 16 A. Yes. 17 Q. "As the navigation course would cause danger to both 18 (vessels), I sounded a short blast to alert the other 19 party once ..." 20 A. Correct. 21 Q. "... (... we swerved to our starboard side 22 respectively). I helmed hard to starboard for about 23 35 degrees to the starboard side. At the same time, 24 (I) saw the other vessel also approach at a high speed. 25 (I) reckoned that the speed of the vessel was about</p>
Page 74	Page 76
<p>1 THE CHAIRMAN: One more time, Mr Grossman. 2 MR GROSSMAN: His answer, Mr Chairman, was not a precise 3 answer to the question. 4 THE CHAIRMAN: Once more. Once more. 5 MR GROSSMAN: Sorry, once more? 6 THE CHAIRMAN: Only once more may you ask that question. 7 MR GROSSMAN: The two vessels were travelling towards each 8 other at approximately 35 knots, a combined speed of 9 35 knots. You had to take decisions on when to turn. 10 You were asked questions about how far away, for 11 instance, the vessels were when you took a particular 12 decision. You were asked questions about how many 13 seconds it was that Mr Leung shouted out something or 14 other. How sure are you of the exact, the precise 15 moments when these things happened? 16 A. Yes, I recall all that. 17 Q. Have a look, please, if you would, at police bundle M, 18 page 3321. This is something you were shown earlier. 19 THE CHAIRMAN: What is the document? 20 MR GROSSMAN: The document is his statement to the police. 21 THE CHAIRMAN: Thank you. 22 MR GROSSMAN: Yes, it's his police interview. 23 If you would look at the Chinese at page 3321. The 24 English is at page 3324-6. I'm reading from the 25 English, about a third of the way from the bottom. It</p>	<p>1 20-25 knots." 2 A. Yes. 3 Q. "Moreover, I could only see the starboard green light of 4 the other vessel. At that time, the distance between 5 our vessels was more than 200 metres." 6 A. Yes, that's correct. 7 Q. Yes. What I wanted to ask you is this, because you were 8 questioned about this. When you say "at that time", are 9 you talking about when you saw the vessel 500-600 metres 10 away, or 200 metres away? Sorry, let me make that 11 clearer. 12 When you say "I could only see the starboard green 13 light of the other vessel. At that time", were you 14 talking about when it was 200 metres away or 15 500-600 metres away? 16 A. 200 metres. 17 Q. Thank you. I'd like you to look at another bundle, 18 please. That's expert bundle 1, page 317. This is the 19 radar data. You were shown this by my learned friend 20 Mr Sussex yesterday. Had you ever seen it before? 21 A. I have not seen it before. 22 Q. Are you in any position to interpret it? 23 A. Mr Sussex had explained it. 24 Q. He explained it to you very well, but were you able to 25 interpret it without his assistance?</p>

Page 77	Page 79
<p>1 A. No, I can't.</p> <p>2 Q. Just a few other questions.</p> <p>3 When you first saw the flashing light on the vessel</p> <p>4 we now know to be the Sea Smooth, did you know that it</p> <p>5 was a ferry belonging to Hong Kong &amp; Kowloon Ferry?</p> <p>6 A. Yes.</p> <p>7 Q. You knew at that stage it belonged to Hong Kong</p> <p>8 &amp; Kowloon Ferry?</p> <p>9 A. Yes, it should be theirs because there aren't any</p> <p>10 vessels in the Yung Shue Wan area.</p> <p>11 Q. But did you know it belonged to Hong Kong &amp; Kowloon</p> <p>12 Ferry?</p> <p>13 A. I wasn't exactly sure.</p> <p>14 Q. You were asked about the 2012 survey by Commissioner</p> <p>15 Tang this morning. You said that there were three crew</p> <p>16 members plus Mr Tang Wan-on.</p> <p>17 A. Yes.</p> <p>18 Q. Mr Tang Wan-on was there as supervisor, not as a crew</p> <p>19 member, wasn't he?</p> <p>20 A. He was a member of the shipbuilding facility.</p> <p>21 Q. He was what, I'm sorry?</p> <p>22 THE INTERPRETER: "A member of the shipbuilding facility".</p> <p>23 MR GROSSMAN: Yes. He wasn't there as a crew member; he was</p> <p>24 there to supervise or to watch, wasn't he?</p> <p>25 A. He said he was a crew member, because he was there to</p>	<p>1 10 years?</p> <p>2 A. Yes, it could be because I can't recall.</p> <p>3 Q. Would you have a look, please, at marine bundle 12, at</p> <p>4 these photographs we were shown today at page 4905.</p> <p>5 At page 4905, the bottom photograph, we see on the</p> <p>6 door in the middle at the bottom some writing in</p> <p>7 Chinese. What does that say?</p> <p>8 A. "15 life jackets".</p> <p>9 Q. Thank you. You were asked a number of questions about</p> <p>10 the navigation lights; do you remember?</p> <p>11 A. Yes.</p> <p>12 Q. The suggestion, I think, is that you may have forgotten</p> <p>13 to switch on the lights.</p> <p>14 A. I did not forget.</p> <p>15 Q. Would it be possible for you to sail out without the</p> <p>16 lights on?</p> <p>17 A. You can do that during the day, but not at night.</p> <p>18 Q. Why not?</p> <p>19 A. Because you need navigation lights during the night.</p> <p>20 Q. But is it possible that you forgot?</p> <p>21 A. No.</p> <p>22 Q. How can you be sure?</p> <p>23 A. Because this is part of a coxswain's preparatory work</p> <p>24 before we set sail.</p> <p>25 Q. In all the years that you've been a coxswain, have you</p>
Page 78	Page 80
<p>1 assist in the fire drill.</p> <p>2 THE CHAIRMAN: And did he do so?</p> <p>3 A. Yes.</p> <p>4 MR GROSSMAN: In what manner?</p> <p>5 A. He would hold onto the fire hose and throw the lifebuoys</p> <p>6 to the sea.</p> <p>7 THE CHAIRMAN: Who did he say to that he was a crew member?</p> <p>8 A. He told me. Because I asked him.</p> <p>9 THE CHAIRMAN: And what was your question?</p> <p>10 A. I asked him, "Whether you are here as a supervisor or as</p> <p>11 a crew", and he said, "I'm here as a crew today. I'm</p> <p>12 here to assist in the fire drill."</p> <p>13 THE CHAIRMAN: Thank you.</p> <p>14 MR GROSSMAN: I'd just like you to have a look at these --</p> <p>15 let me ask you a question about the fog light and your</p> <p>16 concern about it some years ago.</p> <p>17 You were asked how long ago it was that you had</p> <p>18 raised the issue with Mr Tang Wan-on, and you were given</p> <p>19 a choice of one year, five years or 10 years, and you</p> <p>20 said "five years".</p> <p>21 A. Yes, that's correct.</p> <p>22 Q. In reality, do you have any absolute recollection, clear</p> <p>23 recollection of how long ago it was?</p> <p>24 A. I can't be sure.</p> <p>25 Q. Could it have been more than five years, more than</p>	<p>1 ever left harbour at night without switching on?</p> <p>2 A. No.</p> <p>3 MR GROSSMAN: No more questions.</p> <p>4 Thank you, Mr Chairman.</p> <p>5 Questions by THE COMMISSION</p> <p>6 THE CHAIRMAN: On that voyage, after, as you say, you'd</p> <p>7 turned on the navigation lights and you sailed out of</p> <p>8 the Hongkong Electric typhoon shelter, did the audio</p> <p>9 alarm for the navigation lights ever sound?</p> <p>10 A. No.</p> <p>11 THE CHAIRMAN: Did any one of the indicator lights above the</p> <p>12 switches for the navigation lights ever go out on that</p> <p>13 voyage?</p> <p>14 A. No, they didn't go out.</p> <p>15 THE CHAIRMAN: When you embarked upon the passage from the</p> <p>16 Hongkong Electric typhoon shelter, sailing towards Green</p> <p>17 Island and into the harbour, did you know that you would</p> <p>18 be encountering the scheduled ferry of Hong Kong</p> <p>19 &amp; Kowloon Ferry coming in the other direction to Yung</p> <p>20 Shue Wan pier?</p> <p>21 A. Yes.</p> <p>22 THE CHAIRMAN: Were you looking out for it, then?</p> <p>23 A. I wasn't familiar with the schedule. I'm not sure when</p> <p>24 it would appear.</p> <p>25 THE CHAIRMAN: Do you know how often ferries run on public</p>

Page 81	Page 83
<p>1 holidays from Central to Yung Shue Wan? 2 A. I have never been a passenger on those, so I'm not 3 familiar. 4 THE CHAIRMAN: Well, as a coxswain who plies those waters, 5 have you never noticed that? 6 A. Well, when I see them I might make a mental note of it. 7 THE CHAIRMAN: So were you or were you not expecting to 8 encounter a Yung Shue Wan-bound Hong Kong &amp; Kowloon 9 Ferry ferry as you made that journey towards Green 10 Island? 11 A. I would only be aware of it when I saw it. 12 THE CHAIRMAN: Thank you, Mr Chow, for assisting us with 13 your testimony, but it's now complete and you're free to 14 leave the witness box. Of course, you may remain in the 15 public gallery part of the room to listen to other 16 testimony if you wish. 17 (The witness withdrew) 18 THE CHAIRMAN: Mr Beresford? 19 MR BERESFORD: Mr Chairman, the next witness is Mr Hui 20 Sum-wai. 21 THE CHAIRMAN: Is he an employee of Cheoy Lee Shipyards? 22 MR BERESFORD: Yes, Mr Chairman. He is the assistant 23 technician who was present at the inspections. 24 THE CHAIRMAN: Thank you. 25</p>	<p>1 A. Yes. 2 Q. Okay. Could you just tell us, please, what is the scope 3 of your duties in relation to inspections such as these? 4 A. Our company arranges the inspection with the Marine 5 Department. 6 Q. What are your duties? What do you do? 7 A. Are you referring to that inspection? 8 Q. Generally, at the moment. I'm going to ask you about 9 the particular inspections in a moment. 10 A. I just follow up with the work orders, the engineering 11 works and projects. 12 Q. I see. If we can turn to the inspection dated 8 July 13 2011, which is at page 111 in the Wilkinson &amp; Grist 14 bundle. 15 Mr Chairman and Mr Commissioner, this corresponds to 16 the inspection record at page 862 in marine bundle 4. 17 THE CHAIRMAN: Thank you. 18 MR BERESFORD: Is that your signature at the bottom left, 19 Mr Hui? 20 A. Yes. 21 Q. And you attended on this occasion, did you? 22 A. Yes, I was present but I wasn't in charge. 23 Q. Who else was present? 24 A. The surveyor of ships, and Hongkong Electric staff. 25 Q. Do you remember who was the inspector of ships?</p>
Page 82	Page 84
<p>1 MR HUI SUM-WAI (affirmed in Puntì) 2 (All answers via interpreter unless otherwise indicated) 3 Examination by MR BERESFORD 4 MR BERESFORD: Good afternoon, Mr Hui. Thank you for coming 5 along and giving evidence to help the Commission with 6 its Inquiry this afternoon. I have some questions for 7 you on behalf of the Commission. 8 You are, I believe, an assistant technician with 9 Cheoy Lee Shipyards Ltd; is that right? 10 A. Yes. 11 Q. And how long have you been employed by them? 12 A. Seven to eight years. 13 Q. Your employer has produced three inspection records 14 which can be found in the Wilkinson &amp; Grist bundle at 15 pages 110 to 112. 16 Could those be shown to the witness, please. 17 The first one is an inspection record dated 13 May 18 2010 at page 110. 19 A. Yes. 20 Q. Just for the sake of identification, the second one, at 21 page 111, is dated 8 July 2011. 22 A. Yes. 23 Q. And the third, at page 112, is dated 8 May 2012. 24 A. Yes. 25 Q. Were you present at these inspections?</p>	<p>1 A. I think it was a Mr Lau. 2 Q. Yes. Lau Wing-tat. We've heard from Mr Lau. 3 THE CHAIRMAN: That's his signature on the same line as 4 yours, is it not, on the right-hand side? 5 A. I saw the person signing. 6 MR BERESFORD: Thank you. 7 And of the Hongkong Electric staff, do you remember 8 who was present? 9 A. I'm not that sure. 10 Q. Do you remember if Tang Wan-on was present? 11 A. Should have been there. 12 THE CHAIRMAN: Do you know who he is, what role or position 13 he occupies? 14 A. I think he was an officer, of an officer rank. 15 MR BERESFORD: And were there Hongkong Electric crew 16 present? 17 A. Yes, there were Hongkong Electric staff but I don't know 18 if they were crew or what positions they held. 19 Q. How does the vessel get to Yau Ma Tei? Do you sail it 20 there, or does somebody else sail it there? 21 A. The Hongkong Electric staff, they sail the vessel to Yau 22 Ma Tei. 23 Q. So you meet the vessel at Yau Ma Tei, do you? 24 A. Well, they set sail from Cheoy Lee Shipyards towards Yau 25 Ma Tei.</p>

Page 85	Page 87
<p>1 Q. Yes, I see. Now, this document appears to have been 2 created on 8 July 2007. Did you see the ship inspector 3 complete it? 4 A. Yes. 5 Q. Was it you personally who had made the arrangements with 6 the surveyors to conduct the survey, or was it somebody 7 else in your company? 8 A. What do you mean? Are you referring to making the 9 arrangements for time and date of inspection? 10 Q. Yes. 11 A. Yes. 12 Q. It was you? 13 A. (In English) Yes. 14 Q. So what did you do? Did you ring up the Marine 15 Department or do you have to fill out a form? 16 A. I had to make a phone appointment. 17 Q. Anything else? 18 A. No. 19 Q. There is an application, is there not, that has to be 20 made, a written application? 21 A. We didn't need to make a written application for the 22 final survey, but there was a written application in the 23 previous survey request. 24 Q. So there's an application for the annual survey; is that 25 right?</p>	<p>1 jackets? 2 A. Yes, I saw him doing some counting but I didn't witness 3 the whole procedure. 4 Q. Right. Now, the ship inspector said that he was shown 5 children's life jackets. Do you agree? 6 A. I have no idea, no impression. 7 Q. Do you know if he asked to see children's life jackets? 8 A. I'm not sure. 9 Q. All right. If we can have a look at the inspection 10 record at page 112 of the Wilkinson &amp; Grist bundle, 11 please. This corresponds to the inspection record at 12 page 864 in marine bundle 4. This is the one dated 13 8 May 2012. Is that your signature in the bottom left? 14 A. Yes. 15 Q. And do you recognise the signature at the bottom right? 16 A. I don't recognise it. 17 Q. Do you remember who was the ship inspector on this 18 occasion? 19 A. I think it was a Mr Wong. 20 Q. Is that Wong Kam-ching? 21 A. It should be. 22 Q. Yes. You attended. Do you remember who else attended 23 on this occasion? 24 A. It was Hongkong Electric staff. 25 Q. Do you remember if Tang Wan-on was present?</p>
Page 86	Page 88
<p>1 A. Yes. 2 Q. And then you call up to arrange for the inspection in 3 the water? 4 A. Yes. 5 Q. Yes, I see. And you were given the original of this 6 inspection record to take back to Cheoy Lee; is that 7 right? 8 A. Yes. 9 Q. I want to draw your attention to survey item 11, 10 "Life-saving appliances". Were there life jackets on 11 board? 12 A. Yes. 13 Q. Were they already on board, or did you put any on board? 14 A. It was already on the ship. 15 Q. Do you recall if there were both adult and child life 16 jackets on board? 17 A. That, I'm not too sure. 18 Q. And do you know where they were? 19 A. Well, usually you'll find them underneath the chair. 20 Q. Were there any anywhere else, as far as you were aware? 21 A. They said some of them might be in the cupboards, but 22 I'm not sure where it would be exactly. 23 Q. Do you know how many there were? 24 A. No, I don't know. 25 Q. Did you witness the ship inspector counting the life</p>	<p>1 A. Yes, I remember. 2 Q. What about Mr Chow Chi-wai? 3 A. I can't recall that. 4 Q. And you don't know, then, how many crew were present? 5 A. There were other staff, not just the crew. 6 Q. Do you remember how many? 7 A. I recall five or six. Maybe five. 8 Q. Mr Wong completed the form, did he? 9 A. Yes, he inspected the vessel. 10 Q. And he gave you the original? 11 A. Yes. 12 Q. Once again, are you aware whether there were life 13 jackets on board? 14 A. Yes, I saw life jackets underneath the chairs. 15 Q. But you don't know how many? 16 A. Correct. 17 Q. Did you put any life jackets on board? 18 A. No. 19 Q. Do you know whether there were both adult and child life 20 jackets? 21 A. I'm not sure. 22 Q. Did you see the ship inspector counting the life 23 jackets? 24 A. I saw him counting. 25 Q. Mr Wong said that he was shown children's life jackets.</p>

Page 89	Page 91
1 Do you agree?	1 I N D E X
2 A. I have no recollection.	2 MR CHOW CHI-WAI (on former affirmation in Punti) .....1
3 Q. Do you know if he asked to see children's life jackets?	3 Examination by MR SHIEH (continued) .....1
4 A. I have no recollection.	4 MR PIERRE WONG (affirmed as interpreter) .....39
5 Q. Then if we can please turn to the first in that clip	5 MR CHOW CHI-WAI (on former affirmation in Punti)
6 that you provided us with, at page 110, going back	6 Further examination by MR SUSSEX .....61
7 before those two inspections to 13 May 2010. This	7 Further examination by MR SHIEH .....66
8 corresponds to page 858 in marine bundle 4.	8 Further examination by MR GROSSMAN .....69
9 This does not have your counter-signature on it, but	9 Questions by THE COMMISSION .....80
10 you were nevertheless present; is that right?	10 (The witness withdrew) .....81
11 A. Yes, I recall I was present.	11 MR HUI SUM-WAI (affirmed in Punti) .....82
12 Q. Again at survey item 11, the "Life-saving appliances"	12 Examination by MR BERESFORD .....82
13 item is ticked as "No re-survey required".	13 (The witness withdrew) .....90
14 Was the situation regarding life jackets the same	14
15 this year as it was in the subsequent years that we've	15
16 already looked at?	16
17 A. Yes, the life jackets were still visible underneath the	17
18 chairs.	18
19 MR BERESFORD: Okay. Thank you very much, Mr Hui. Would	19
20 you please wait there.	20
21 THE CHAIRMAN: Mr Grossman?	21
22 MR GROSSMAN: I have no questions, thank you.	22
23 THE CHAIRMAN: Mr Sussex?	23
24 MR SUSSEX: Mr Chairman, I have no questions.	24
25 THE CHAIRMAN: Mr Pao?	25
Page 90	
1 MR PAO: I have no questions.	
2 THE CHAIRMAN: Ms Lok?	
3 MS LOK: I have no questions.	
4 THE CHAIRMAN: Thank you.	
5 Thank you, Mr Hui, for coming to assist us with your	
6 evidence, and thank you for doing so at short notice.	
7 We apologise if you've been delayed in coming on to give	
8 your evidence. But your evidence is complete, and	
9 you're now free to go. Of course, you may stay and	
10 listen to other evidence if you wish, as a member of the	
11 public.	
12 A. Thank you.	
13 (The witness withdrew)	
14 THE CHAIRMAN: Very well. Given the time, we'll adjourn and	
15 we'll resume tomorrow at 10 o'clock. Thank you.	
16 (4.33 pm)	
17 (The hearing adjourned until 10 am on the following day)	
18	
19	
20	
21	
22	
23	
24	
25	