

LAMMA IV

WITNESS STATEMENT OF THE COXSWAIN

I, CHOW CHI WAI, HKID [REDACTED], of [REDACTED]
[REDACTED], state:-

1. I was the Coxswain on LAMMA IV and in command of the vessel on the night of her collision with SEA SMOOTH on 1 October 2012. I am a [REDACTED] citizen and my date of birth is [REDACTED].

PERSONAL INFORMATION

2. I began my sea career as a seaman in 1974 serving on board cargo ships for Worldwide Shipping Company. I joined Hong Kong United Shipyard as a slings worker in 1979 and after two years returned to Worldwide Shipping as assistant boatswain in 1981. In June 1982 I joined Hong Kong Electric Company Limited ("HKEC") as a deckhand and was promoted to coxswain in 1992. I have been working as a coxswain on passenger carrying vessels for HKEC since. Initially I was coxswain on passenger vessels having a carrying capacity of about 100 passengers but since 1996 I have been working as coxswain on board HKEC's fleet including LAMMA IV, which has a passenger carrying capacity of 224.
3. My Certificate of Competency as Master No. 45662 was issued by the Hong Kong Marine Department on 8 July 1988. This entitles me to take charge of a powered vessel of up to 300 tonnes and is valid for service until 25 April 2021. I have also

undergone additional training in lifesaving and fire-fighting techniques at the Seamen's Training Centre at Siu Sai Wan.

4. I am physically fit and completed my last company medical check on 14 June 2012. Company medical checks are done every 2 years. I have presbyopia corrected by wearing spectacles, which I wear at all times.
5. No vessel on which I have previously worked has been involved in a serious marine accident such as a collision or grounding. Neither have I previously been warned, cautioned or prosecuted by the Marine Department, or any other statutory authority, for infringement of any Ordinance or Regulation. Nor have I been the subject of any disciplinary action by my employer. I have no criminal record.

LAMMA IV

6. LAMMA IV is a 1995 built passenger vessel of aluminium hull construction and glass reinforced plastic (GRP) main deck and upper deck superstructure. She is designated a Class 1 Launch by the Hong Kong Marine Department for operation within the waters of Hong Kong.
7. The hull is divided into 6 compartments. The forward 4 compartments are separated by watertight bulkheads below main deck level. The aft two compartments are separated by a non-watertight bulkhead. The forepeak is a void space closed watertight by a flush fitted manhole cover, secured by holding down bolts, situated at main deck level just forward of the main deck passenger saloon. The compartment immediately aft of the fore peak is also a void space closed watertight by a flush fitted manhole cover, secured by a lever-type locking mechanism, at main deck level in the forward end of the main deck passenger saloon. The next compartment is the crew's

space, which is accessible by a stairwell on the port side through a door from the main deck passenger saloon. Next aft is the engine room, which is accessible through doors situated on the main deck port and starboard. Aft of the engine room is the tank compartment housing fuel and fresh water tanks, which is closed watertight by a flush fitted manhole cover, secured by a lever-type locking mechanism, at main deck level in the aft end of the passenger saloon. The steering compartment is common with the tank compartment and accessible through an open doorway from the tank compartment and through a flush fitted manhole cover, secured by a lever-type locking mechanism, at main deck level in way of the open aft deck.

8. About 10 years ago the aft two compartments were fitted with about 8 tonnes of permanent ballast to improve trim and stability. This was in the form of lead weights inside GRP caskets. Another modification from the original design has been the fitting of additional fendering around the hull for added protection when berthing. I heard from colleagues that the fitting of permanent ballast was made with expert advice and with Marine Department approval, following which an inclining experiment was done and updated stability data produced. I am not entirely sure whether the fitting of additional fendering was also made with expert advice and with Marine Department approval, though I believe the ship builders would have followed the standard and necessary approval procedures.
9. At main deck level there is an enclosed passenger saloon having fixed seating for approximately 135, which is divided into forward and aft areas by a main staircase serving the upper deck passenger saloon above and, on the port side, a closed stairwell leading to the crew area below. The main deck passenger saloon is flanked by a narrow open deck area on the port and starboard sides and there are open deck spaces forward and aft. Access to the main deck passenger saloon is by two sliding

doors either side of the stairwell and a hinged door to the aft deck. The saloon is fitted with fixed and split sliding-type opening exterior windows although when the air conditioning is running all saloon windows are kept shut.

10. On the upper deck there is a wheelhouse forward, a passenger saloon amidships and an open sundeck aft. Access to the wheelhouse is by a sliding door from the passenger saloon, which has fixed seating for 63. Again the upper deck saloon is fitted with fixed and split sliding-type opening exterior windows. A hinged door at the aft end of the upper deck passenger saloon gives access to a large sundeck, which has a seating capacity for a further 14 passengers. A stairwell aft on the starboard side of the sundeck leads to the open aft main deck area. The licensed carrying capacity of the upper deck is 77.

11. LAMMA IV has a gross tonnage of 184.07 and a net tonnage of 119.92. Her principal dimensions and particulars are as follows:

LOA	27.21 metres
LBP	26.15 metres
Extreme breadth	6.81 metres
Maximum draft	2.20 metres

12. LAMMA IV is fitted with two marine diesel engines each at 2,100 RPM, and propulsion is by two outward turning fixed pitch propellers. Main engine speed is controlled remotely from the wheel house. When started the engines idle at about 680 RPM and the propeller shafts automatically clutch in when the engine controls are put in the ahead or astern direction as appropriate.

13. Steering is by twin semi-balanced rudders mounted aft of the propellers and controlled by electro-hydraulic steering from the wheelhouse. The option is available to steer by helmsman's wheel or by an electronic steering stick or "joystick". The difference is that the rudder directly follows the wheel whereas the joystick is a non-follow up (NFU) system. If the wheel is turned clockwise, or to the right, the rudders follow in that direction until the wheel stops turning. The wheel needs to be turned back anti-clockwise, or to the left, to bring the rudders back in that direction. With the joystick the rudders will turn to the right for as long as the joystick is held over to the right or until full helm is reached. When the joystick is released it will return to the middle position but the rudders will stay at the same angle until the joystick is turned to the left. The rudders will then continue in that direction until the joystick is again released to return to the middle position. The rudder indicator shows a limit of 40° either side of amidships but the rudders turn to a maximum of 35°. This is normal in my experience and does not in any way affect my navigation.
14. Auxiliary power is provided by a generator and back up batteries.
15. The original design speed for the vessel was about 25 knots but in the early years the engines were prone to high exhaust gas temperatures when running at full speed so the vessel has never really been operated at such a speed. The propeller blades were then trimmed to deal with the problem, which from recollection was about the time that the permanent ballast and fendering modifications were carried out to the hull. This, combined with running at slower speeds, eliminated the exhaust gas temperature problem but recently the propellers were damaged and at the last dry docking in July 2012 they were replaced with the original specification propellers. The engines were further down-rated to a maximum speed to 1,700 RPM, which gave the vessel a speed of about 15 knots. However, the new propellers caused high exhaust gas temperatures

again so in about September 2012 Mr. Tang Wing On, Marine Officer for HKEC, issued instructions that LAMMA IV's main engine speed should be restricted to 1,200 RPM only, which gave the vessel a speed of about 12 knots. No mechanical restriction or governor was fitted, which meant that engine speed could be increased above 1,200 RPM but operationally we would not exceed that speed during normal navigation.

16. A combination of the vessel's speed having been halved and fitting of the permanent ballast means that any heel when turning the vessel at normal full speed under full helm is negligible.

WHEELHOUSE NAVIGATION EQUIPMENT

17. LAMMA IV is fitted with the following bridge equipment and aids to navigation:

Furuno Navnet VX2 Marine Radar Model:1934-C-BB, with GPS antenna and sounder unit

Danforth Express magnetic compass with 5" dia. card and light

Motorola Maxtrax 800 T3 Trunk Radio

Standard Horizon VLH-3000 Loud Hailer

18. I regularly made use of radar in my navigation as all other coxswains in HKEC also do. I can no longer recall whether I received in-house training on radar but I have adequate working knowledge to operate the radar and make use of its information in my daily navigation. All HKEC's coxswains are required to operate the radar even in clear visibility to supplement navigation by sight, to familiarize the images and neighbourhood contours shown on the radar screen and to train for navigation during

poor visibility e.g. fog. The radar mentioned in Paragraph 17 above was not the original one supplied with LAMMA IV but one which was replaced in or around 2009. Compared with the old model, this new model had a number of additional features such as GPS and electronic map which I do not make use and am not as familiar with their operations, but overall I can use this radar fine.

19. As mentioned, the wheelhouse is situated at the forward end of the upper deck. It extends across the width of the vessel and is about 2 metres in length at its mid point and then narrows slightly towards the sides. 5 forward facing windows give an uninterrupted view forward and there is a sliding window on both port and starboard sides. The two outboard forward facing windows are hinged at the top and may also be opened but the middle window, and the 2 each side, are fixed. Aft facing bridge wing mirrors are fitted to aid visibility when berthing.
20. A fixed coxswain's chair is situated on the centre line aft of the main wheelhouse console and behind the steering wheel. The NFU joystick is mounted on the front of the console at the coxswain's left hand and the main engine controls are mounted on top of the console at the coxswain's right hand next to the whistle button. Engine RPM indicators are also mounted on the console in front of the coxswain as are cabin and restroom light switches. There is also a switch for the searchlight mounted on top of the wheelhouse, and the rudder indicator and compass. On the right side of the console is the radar. On the left side of the console is the Loud Hailer system and to the left of that a clear space where the log book is kept. The trunk radio handset is situated on the right side of the console opposite the Loud Hailer system.

21. The trunk radio system is used for communicating with the control room at the coal yard, the Marine Officer's office at Lamma Power Station and other HKEC vessels. It can also be used to make outside phone calls. It is backed up by battery power.
22. The Loud Hailer system can be used for making announcements in the passenger saloons and main deck as well as to the mooring stations forward and aft. As an additional feature it has a siren function and can emit different sounds such as fog and anchor signals. For manoeuvring signals, however, the main whistle is always used. The Loud Hailer system is also backed up by battery power.
23. A circuit board is mounted on the aft bulkhead on the port side of the wheelhouse where the navigation light and alarm panel is situated. There is a bench seat against the aft bulkhead on the starboard side of the wheelhouse with a small table next to it.
24. As required by the Hong Kong Marine Department, LAMMA IV undergoes annual survey for the re-issue of her Operating Licence. The last renewal survey was undertaken on 8 May 2012 and Operating Licence made valid until 7 July 2013.

LIFESAVING APPLIANCES AND TRAINING

25. A 10-man inflatable liferaft is situated on the sundeck, which can be launched manually or released automatically when submerged to a certain depth by hydrostatic release unit. This is taken away by shore contractors and serviced annually during the vessel's dry docking. In addition there are 8 stacks of lifebuoys on the sundeck each approximately 8 lifebuoys high. These may be launched manually or can float free as required. A further two lifebuoys are situated on the foredeck fitted with lifelines.
26. All cabin passenger seats are equipped with lifejackets stowed in thin plastic bags and then outer thin nylon bags underneath the seats. The thin plastic bags keep the

lifejackets clean and free from insect bites, and can be easily torn off to access the lifejacket. A further 33 to 35 lifejackets are kept in a cupboard in the crew's space and another one in a drawer under the radar in the wheelhouse. The total number of lifejackets onboard was 232 and more than the number of total passenger capacity (224) and total carrying capacity (232).

27. Routinely a demonstration is given to passengers on donning the lifejackets properly by the deckhand on the last Friday of each month. He does this twice in the morning on different sailings from Ap Lei Chau when more passengers are on board travelling to work. The demonstration is given in both the upper and lower fore and aft passenger saloons. In addition there are lifejacket donning instructions posted in each of the main and upper deck passenger saloons.
28. We also hold weekly emergency drills when the fire pump is run and fire hoses tested. All safety equipment is checked in accordance with the Launch Safety Check List, which is signed off by me, the Engineer and Marine Supervisor. If anything needs repairing we submit a written request to the Marine Supervisor or Marine Officer.

HKEC AND MARINE OPERATIONS

29. HKEC owns and operates three vessels, LAMMA II, LAMMA IV and LAMMA V. LAMMA II and LAMMA IV are passenger launches used to carry HKEC's employees and contractors between Ap Lei Chau, Central, Tsim Sha Tsui and HKEC's power station on Lamma Island. LAMMA V is a pleasure craft.
30. As part of my employment with HKEC I am required to take charge of any of the vessels as required but the majority of my time is spent on board either LAMMA II or LAMMA IV according to the roster. In common with the other crew members I wear

uniform white shirt and dark blueish black trousers when on duty and a white boiler suit during cleaning and maintenance duties.

31. As a coxswain my immediate line manager within HKEC is the Marine Supervisor, Johnson Chan, who reports to the Marine Officer, Tang Wan-On. I have not worked since the collision but understand that Johnson Chan has now left the company.
32. The normal duty crew is a team of 3 who work a shift pattern. The vessels serve a round-the-clock service set to a published schedule but my normal working hours are normally from about 08:00 to 18:00 or 20:00. In total I work 168 hours every 4 weeks, which averages out at about 42 hours a week. Sometimes I will work about 50 hours if overtime is required to cover absence due to illness or holidays but where that happens my hours are adjusted to keep to 168 hours every 4 weeks. In all cases, I consider I have had adequate rest before reporting to a shift. We usually rest in the jetty crew room when we are not sailing during shift.
33. LAMMA IV is principally used on the Ap Lei Chau/Lamma Island service. Generally speaking a trip from Ap Lei Chau to Lamma Island (or vice versa) takes about 20 minutes. During rush hour on a normal working day we carry about 150 to 170 passengers. Between passages my crew team, especially the deckhand, is responsible for the routine upkeep and cleanliness of the vessels during my period of duty. During vessel cleaning, we keep an eye on whether the screws of the seats are loosened which do happen occasionally. If the screws can be easily tightened to restore a firm seat attachment to the deck, we handle this ourselves. If this or anything else cannot be handled by us we submit a written request to the Marine Supervisor or Marine Officer to be referred to the maintenance team for follow up.

34. The power station at Lamma Island has a private pier within its own typhoon shelter, which has two berths and only HKEC vessels and their authorised sub-contractors are permitted to use them. Recommended tracks between Lamma Island and Central and Ap Lei Chau are set out in the Operations Manual. The usual passage to Ap Lei Chau starts with setting a course of about 353° once clear of the breakwater when engine speed will be increased to 1,200 RPM. It takes about 4-5 minutes to reach a position off No. 98 Beacon off Shek Kok Tsui by which time we should have reached our maximum speed of about 12 knots. There are no speed limits applicable in this area but there are restrictions in the area north of No. 98 Beacon although not so as to affect LAMMA IV. On passing No. 98 Beacon I will alter course to about 060°, which places the Lamma Patch SW Buoy ahead. When reaching a position north of Pak Kok Tsui I will change the course to about 090° which will take the vessel towards the entrance of Aberdeen typhoon shelter to berth at the ferry pier at South Horizons. All courses and speeds will be varied as necessary depending on traffic as well as tidal and weather conditions.

1 OCTOBER 2012

35. I was to begin my duty at about 12 noon. It was National Day public holiday and my duty was to take charge of LAMMA IV to take part in a HKEC organised excursion for employees and their families and friends. The excursion involved a visit to the Lamma Island power station where the passengers would disembark, take a tour of the power station and then have dinner. They would then board either LAMMA IV or LAMMA II (depending on their final destination - LAMMA IV would disembark passengers at Central and LAMMA II at Ap Lei Chau) and I would transport them to Victoria Harbour where they could watch the National Day fireworks display. My

roster had me off duty on 29th and 30th September so I had 2 days rest before coming on duty.

36. I boarded LAMMA II at Ap Lei Chau at about 11:30 and then transferred to the company's private pier at the power station where I boarded LAMMA IV at about 12 noon. My other crew members were Mr. P.S. Leung as engineer and Mr. T.Y. Leung as deckhand, both of whom had transferred from Ap Lei Chau on LAMMA II with me. I regularly work with T.Y. Leung and although I normally work with another engineer, P.S. Leung was well known to me.
37. Upon boarding LAMMA IV I discussed with the other crew members the schedule for the day. Our schedule was to first go to the public pier in Tsim Sha Tsui, then to the public pier in Central and finally to South Horizons pier at Ap Lei Chau before returning to the power station on Lamma Island. We would be picking up the employees and their families and friends who were taking part in the company's organised event.
38. Before leaving the power station I checked the bridge equipment. I tested and pressed the horn button. I heard the normal horn sound. I then walked around the vessel with T. Y. Leung checking that the operating licence was on display, that the life jackets were in place under every saloon seat and that all floatation devices, including the inflatable liferaft, were in place. This is part of the usual handover process. I then walked along the pier to check the draft, which would indicate if there was any damage to the vessel. I then returned to the wheelhouse and checked with P. S. Leung that the engines were ready to start before testing them ahead and astern.
39. We left the power station at about 12:45 and after calling at Tsim Sha Tsui, and Central we left Ap Lei Chau with about 180 passengers on board. Among them were

2 designated recreation staff, Lai Ho Yin (boarded at Tsim Sha Tsui) and Leung Kwok Wai (boarded at Ap Lei Chau), who were wearing T shirts with HKEC logo and whose job it was to assist in the organisation, control and handling of the passengers. I was not aware of the identity of these designated recreation staff beforehand, but I knew that at least one would approach me at our first stop at Tsim Sha Tsui, as Lai Ho Yin did that day and introduced himself as one of the event leaders. I did not know Lai Ho Yin before but have known Leung Kwok Wai for years from the days when he was a coxswain for HKEC's pleasure vessels (which have since been sold). Lai Ho Yin and Leung Kwok Wai were to liaise with T.Y. Leung on all event or passenger matters concerning LAMMA IV. I was not then aware of the identity of the other members of the working team onboard LAMMA IV though I later came to be aware that Chan Wing Hang (whom I knew and had been a seaman before joining HKEC) was one of them, but in any case on LAMMA IV we were to communicate with Lai Ho Yin as the contact point.

40. I berthed LAMMA IV at No.2 berth at the power station at about 3 p.m. After all the passengers disembarked I and the other crew members took a rest and waited on board while the passengers had their tour of the power station and dinner. We expected them back at about 8 p.m. In the meantime we had our dinner. We did not consume any alcohol. Company policy prohibits all staff from alcohol during duties.
41. The passengers began returning to LAMMA IV from about 7:30 p.m. onwards. Shortly before 8 p.m. I checked the draft to prepare for departure. While P.S. Leung carried out his checks of the engine room and T.Y. Leung counted the passengers, I checked the bridge equipment and switched on the radar. I confirmed that the steering was fully functional by turning the rudders fully hard to port and starboard through

amidships and when P. S. Leung reported to me that the engines were in order I tested them both ahead and astern.

42. The HKEC employees who were the designated recreation working team members were distributed between LAMMA II and LAMMA IV. The team leader on LAMMA II was Leung Kwok Wai who then discussed our departure time with Lai Ho Yin. By 8 p.m. there were a few female passengers who were already showing signs of sea sickness. Leung Kwok Wai and Lai Ho Yin were concerned that if we left at 8 p.m. we would arrive at the site of the fireworks display in Victoria Harbour too well ahead of the start of the display. Although the weather was fine and visibility was good conditions in the harbour were invariably not so good with choppy seas, which it was felt might be uncomfortable for the passengers waiting around. They therefore decided it would be best to wait for another 15 minutes before leaving, and that decision was communicated to me through T. Y. Leung. As the voyage was to take some 40 minutes, we would still have plenty of time to get to the fireworks display time ahead of the start of the display. The decision was communicated to the passengers some of whom then got off the vessel while we waited.
43. Between 8:00 p.m. and 8:15 p.m. I remained in the wheelhouse awaiting departure instructions. Once everybody was back on board, T.Y.Leung had counted 124 passengers. There were more passengers on board LAMMA IV than LAMMA II because more people wanted to disembark in Central than at Ap Lei Chau.
44. At 8:15 p.m. I received Lai Ho Yin's instructions, passed to me through T.Y.Leung, to set sail and accordingly I gave instructions to the crew to start letting go the ropes forward and aft. I then checked that the navigation lights remained switched on and were all working. The individual switches for the steaming lights are routinely left in

the on, or up, position and the main switch is used to switch them all on or off. A white light illuminates on the panel for each individual navigation light when they are on. An alarm would sound if any of the lights were not working and the individual indicator light would extinguish. I then switched off the upper deck passenger saloon lights and the deck lights on the outside of the main deck so as not to interfere with my forward visibility. All wheelhouse windows were closed. The main deck passenger saloon lights were left on but where the outside windows are tinted with shading paper the lights did not affect my forward visibility. The sliding door from the wheelhouse to the upper deck passenger saloon was open and I noticed that quite a lot of passengers went outside to the sundeck or downstairs once I turned off the lights but I saw Lai Ho Yin stayed and was standing by the wheelhouse door. For a pleasure cruise of this type, it is not very practical to require all passengers to remain in their seats and some passengers do stand and move around different parts of the ship. I had to focus on navigation and I relied on T.Y. Leung and Lai Ho Yin (and his working team) to take care of passenger matters. I believe T.Y. Leung would alert me if there is any concern about passengers concentrating in any one space in exceedance of the license limit of 77 passengers for the upper deck and 147 passengers for the main cabin.

45. The radar was set up on the one-nautical mile range on a head-up relative motion display. I checked its function and that the speed, position and depth of water were displayed in the bottom left corner of the screen.
46. After letting go the forward ropes T.Y. Leung came up to the wheelhouse and wrote the passengers numbers and weather conditions in the log book then left the wheelhouse to check on the passenger spaces. After letting go the ropes aft P.S.

Leung remained aft to check that there was nothing in the water that fouled the propellers while I manoeuvred LAMMA IV off the pier.

47. We had been facing south with our starboard side alongside No. 2 berth, which meant that I had to turn LAMMA IV to the north to face the exit of the typhoon shelter. I turned the vessel to starboard using the steering joystick and both engines and noticed that LAMMA II at No.1 berth to the south of No. 2 berth was in the process of letting go her mooring ropes. As we headed towards the typhoon shelter entrance I set the engines to about 1,000 RPM and checked the radar. I could see the echo of LAMMA II at the berth and that of No 98 Beacon off Shek Kok Tsui. There were no moving targets within the one-nautical mile range. In my opinion the one-nautical mile range is sufficient when operating at 12 knots. At larger range scales the picture becomes cluttered and shrunk and confused with excessive targets in and around the anchorages and in the Lamma Channel.
48. We were making a few knots as we passed the breakwater at which point I put the engines to 1,200 RPM. Looking at the speed indicator on the radar I could see our speed increasing. I was steering the vessel manually using the joystick, which I prefer to using the wheel. The wheel is large and cumbersome and takes several turns to put the helm hard over while the travel on the joystick is short and there is helm response within a second of joystick being moved.
49. I settled on a course of about 350° to 353°, which would bring us to a position to pass about 1 to 1½ cables off No 98 Beacon. During a flood tide there can be some swirling around the headland and rocks off Shek Kok Tsui and No. 98 Beacon, which can affect navigation. It was 2 hours before high water and there would only be a weak northerly tidal flow as we left the power station so I considered this course to be

safe. There were no other vessels ahead or around the immediate vicinity and I could see the usual glow of the anchored vessels in the North West Lamma Anchorage ahead.

50. After sailing for about 3 minutes P.S. Leung came into the wheelhouse after completing his engine checks and stood on the starboard side. I noticed on the speed indicator on the radar that we had picked up to 12 knots. This meant we were about 6 cables from the typhoon shelter astern although I did not specifically measure the distance on the radar. Visibility was good and I was now navigating by line of sight.
51. I clearly recall that it was at this time I saw for the first time the yellow flashing light of a high speed craft dead ahead of us. I now know this vessel was the SEA SMOOTH. She appeared to be adjacent to No. 98 Beacon so I estimated its range to be about 3 cables. I could see SEA SMOOTH's white masthead light and both its red and green sidelights so I knew that it was heading straight towards us. As we were approaching nearly end on I followed the collision regulations by sounding one short blast on the whistle and turned to starboard. I was quite sure that I sounded the whistle as I heard it myself. I was aware of the rocks off Shek Kok Tsui but could see that SEA SMOOTH was approaching at speed, which I estimated to be about 20 – 25 knots, so I put the joystick hard over to starboard. There was only a one-second delay as the rudder indicator showed the helm being applied and another second passed before LAMMA IV began turning. This was quite normal and did not affect my navigation in any way. About this time I heard T. Y. Leung shout that there was a vessel coming at speed on our port side and I realised he must have just arrived in the wheelhouse as well. This would be normal practice for the deckhand to come to the wheelhouse after checking on the passenger areas to keep a lookout.

52. LAMMA IV was now turning quickly to starboard and a few seconds later I could see No. 98 Beacon through the port side outboard window of the wheelhouse front but also the green sidelight of SEA SMOOTH. This indicated to me that she was turning to port. I gave a quick flick of the searchlight switch but didn't have time to check the direction it was pointing. The quick flash was intended to indicate that we were turning to starboard. SEA SMOOTH was now about 200 metres off. I was now very nervous and don't have a clear recollection of my next actions. I believe I next put the engine controls forward and increased engine speed to about 1,300 – 1,400 RPM to increase the rate of turn to starboard but then it seemed a collision was unavoidable so I stopped LAMMA IV's engines in order to reduce the impact.
53. The port bow of SEA SMOOTH struck the port aft of LAMMA IV. There was a loud bang and the vessel rocked. I have no clear recollection but estimate that it was about a minute from the time I first saw the yellow flashing light of SEA SMOOTH until the collision. My heading was about 050° to 060° when we were hit and we were stopped in the water. I could see the light on No 98 Beacon out on our port bow. My last recollection was of the helm being hard to starboard to the utmost right, and the engine controls brought down to neutral.
54. I recall looking at my watch and seeing that the time was nearly 8:20 p.m. It was obvious that the collision was very serious and I immediately sent P. S. Leung and T. Y. Leung to check the damage while I used my mobile phone to call the police on 999. When the police answered I told them that we had been hit by another vessel near Yung Shue Wan and requested rescue services. I knew in fact that the collision had happened near Nga Kau Wan but I was concerned that the police would not know where that was and so I told them we were near Yung Shue Wan because this is a ferry port and should have been well known to the police. I was asked by the officer

on the phone whether any persons were injured and so I rushed out through the upper deck saloon and onto the sundeck to check. I saw injured people lying on the floor and told the police. I looked out to the port side for the other ship but couldn't see her. I then rushed back into the wheelhouse and called LAMMA II on the trunk radio handset to ask them to come and help. By now I could hear P. S. Leung shouting from the main deck passenger saloon that water was flooding into the engine room so I shouted back for lifejackets to be distributed quickly to the passengers. I had no time to make any record in the log book as to what had happened or the exact position of the collision. By now I was only concerned about the safety of the passengers and I yelled out to them to put their lifejackets on.

55. LAMMA IV very quickly began to tilt by the stern and I estimate it was less than 30 seconds after the collision when the generator stopped. Seconds later the battery power failed and all the lights went out. Passengers were screaming and I tried to shout above them telling them to put on their lifejackets. After about another 30 seconds the deck was angled about 45°-50° and from my position at the wheelhouse door I saw the first seats begin to tumble back towards the stern and passengers falling with them into the water that had now started to flood into the upper passenger deck. LAMMA IV was sinking quickly by the stern. There was no list to either port or starboard.
56. Seconds later LAMMA IV had reached an angle nearly vertical with the bow pointing towards the sky. I couldn't hold on to my position at the wheelhouse door any longer and fell down into the upper passenger saloon and into the water that had now reached the stairwell to the main deck passenger saloon. As I tried to grab the stairwell rails I felt excruciating pain in my right arm and realised my elbow had dislocated. I felt as though I had also broken some ribs. I realised I had lost my mobile phone in the fall

and called out to ask if anybody had a mobile phone I could use. A lady passenger handed me her phone and I again dialed 999. I was in such pain I don't recall exactly what I said to the police on this occasion but think I asked them to confirm that help was coming.

57. With the vessel now vertical I held on to the railings around the stairs leading down to the main deck passenger saloon using my left arm and tried to calm the passengers. They were calling to me telling me to call the police but I told them I had and that rescuers were coming. In the darkness I couldn't tell how many passengers were around me but I called out to tell those near the windows to look out for rescue boats and to bang on the windows to attract their attention when they arrived.
58. The water level appeared to stabilize at about the fourth window from the front of the upper passenger deck saloon. It was about 8:40 p.m. when the first inflatable boat from the fire department arrived and a few moments later I heard windows being smashed in the main deck. The water level then began to rise again and I called out to the passengers to move and look away from the windows because the rescue services were now breaking windows to get people out.
59. A fire officer then broke a window on the port side of the upper passenger saloon near the waterline and water flooded in again raising the level of water inside. I called to the passengers to wait until the water level had stabilized again and then swim out. Windows were then broken on the starboard side by the fire service and passengers began swimming out from that side. Each time windows were broken the water level rose again until it had reached the wheelhouse. The last survivors in the upper passenger saloon were myself, three female passengers and a male passenger. Two of the female passengers were wearing lifejackets but the rest of us weren't. We entered

the wheelhouse and a window was broken on the port side to the left of the main console by one of the fire officers. I waited until the four passengers had been helped out by the fire officers and after calling out to ensure there were no more passengers inside I too was helped out through the window.

60. I stood on the superstructure front of LAMMA IV and the fire officers wanted me to get into their craft but I could still see people in the water around the vessel so refused to leave until I was told that all passengers had been rescued.

61. I could see P.S. Leung helping people climb into a liferaft, which I assumed was from LAMMA IV and had automatically released and inflated as the stern of the vessel sank. Other passengers were being pulled into fire and police launches until about 9:10 – 9:15 p.m. when I could see no more persons in the water. I then accepted assistance from the fire officers who transferred me to a police launch and transferred to Yung Shui Wan. Even then I still didn't know what ship had collided with us. It was only after I had been taken to Yung Shue Wan ferry pier that I saw the SEA SMOOTH damaged and assumed that this had been the vessel that had collided with LAMMA IV.

62. I was taken to Queen Mary Hospital and admitted for treatment for my arm and a broken rib. I was discharged from hospital on 6 October 2012.

THE COLLISION REGULATIONS

63. I have been asked whether I should have realised that the approaching high speed craft was bound for Yung Shue Wan and therefore should have anticipated its turn to port in a position where the vessels met. My response is that there are many high speed craft operating in Hong Kong waters and that it would be dangerous to make

such an assumption. In fact the collision regulations specifically say that assumptions should not be made when determining if risk of collision exists. My primary obligation is to follow the collision regulations that specify the action that should be taken to avoid collision in given circumstances. In this case I could clearly see SEA SMOOTH's red and green sidelights ahead indicating that it was a head-on or nearly head-on situation. In such circumstances both vessels are obliged to turn to starboard and I cannot explain why SEA SMOOTH did not follow this simple rule.

MARINE DEPARTMENT NOTICE NO 131/2012

64. During my last day on duty prior to 1st October, on 28th September, I had met with Johnson Chan and Tang Wan On to discuss the day's events. Although I was aware that Marine Department Notice No 131/2012 had been issued it wasn't specifically discussed at this meeting. As was the normal practice Johnson Chan had placed a copy of the Chinese version in a "crew to read" file in the crew room on the pier at the power station and had another placed on file in the wheelhouse of both LAMMA II and LAMMA IV about a week earlier. Instructions are given to the duty crew at the time to read it and draw the attention of the relieving crew to it. The file on board containing any newly issued Marine Department Notices is also handed over to the relief crew at a change of shift.
65. I noted the obligatory sections dealing with specified zones in Victoria Harbour for the fireworks display and opening times of the landing facilities. I had been duty coxswain for a similar event arranged on 1 July 2012 so these details were well known to me. The rest of the notice was advisory. Indeed, from experience such as the similar activity on 1 July 2012, I myself am also aware that these advisory measures are not strictly adhered to by most ships watching fireworks.

66. Concerning the passenger list no specific instructions had been given by the company in this regard and I thought the recreation team leaders, Leung Kwok Wai and Lai Ho Yin, would have had a list of the passengers. Similarly no specific instructions had been given by the company regarding a lifejacket demonstration, which was part of our usual routine as mentioned at Paragraph 27. There were passengers on board who were familiar with LAMMA IV because they traveled every day on board and I had seen T. Y. Leung showing the location of lifejackets earlier in the day whenever passengers had asked. There were also easily noticeable pictures and diagrams of donning instructions posted in the passenger saloons and escape routes.
67. Concerning children's lifejackets I didn't know for sure there were children involved in the day's activity (although from experience there might have been) until they boarded that day. In any event LAMMA IV is not an open boat and I would not expect children to wear lifejackets all the time. Children have access to our regular lifejackets (which would not be as fit but could still be worn), lifebuoys and life raft, which met with the Marine Department's licensing requirements. Indeed, we had more number of lifejackets than the "one for each passenger" as required.

Statement of Truth

I confirm that the contents of this statement are true to the best of my knowledge and belief.

(Signed)

CHOW CHI WAI

6-2-2013

DATE