

(Translation)

12f

(Translator's Note : Words in *italics* are English in the original.)

Date : 2nd October 2012

Time for recording : From 1154 hours to 1233 hours (38 minutes)

Place : Video Interview Room CC 001

Persons Present : A- NG Koi-wah [DSPC 9779]
B- LO Pui-kay [Interviewee]
C- CHAN Tin-long [Interviewee's legal
representative]

File Number : MAR RN 12000195

Disk Number : AA 14380

Transcribed by : *T & H Transcription Services Ltd.*

3368-60

The following content is the transcript of a Police DVD

1. A : Today is the 2nd day of October 2012 and the time now is 54 minutes past 11 o'clock in the forenoon. I am Detective Senior Police Constable 9779, NG Koi-wah, now attached to Hong Kong Marine District Crime Squad. This is my warrant card. Would you please introduce yourself?
2. B : I am LO Pui-kay.
3. A : *Er* - what is the number of your identity card?
4. B : [REDACTED]
5. A : Uh, then *er*- the one beside is?
6. C : I, CHAN Tin-long (transliteration), from Ha Lee Man (transliteration) Law Firm, *er*- (my) identity card number is [REDACTED]

7. A : Then *er-* now I -- continue to interview you, LO Pui-kay, continue the investigation into a case of endangering the safety of others at sea, the reference number of this case is *MAR RN* 12 triple zero 195, then *er-* be *er-* before enquiring you of this case, I introduce this video interview room to you -- in Cheung Chau Police Station, *er-* now I *er-* introduce this room to you. Firstly, *er-* from -- this main door we just entered -- entered this room through this door. Here is a telephone, which is for -- that's for you to use, if you need to, but you have to *er-* ask, then *er-* ask me first. Then *er-* the two cameras above are used to record this video interview between us, then also -- there is also a *er-* microphone in the middle, then *er-* to record our *er-* conversation in this interview. *Er-* because it is a bit too high, then *er-* (I) hope that later when you answer my questions, (I) hope that you can speak a bit louder, alright?

8. B : Oh, alright.
9. A : Then *er-* the next one here is a set *er-* of video recording system, then *er-* earlier in front of you people I have put four *er-* brand-new disks, unwrapped in front of you people, and put inside this *er-* video recording system, right?
10. B : Mm, understand.
11. A : Then *er-* next on this side is a convex mirror which reflects the blind spots of our room, the positions that capture -- can't be captured by the cameras. Then *er-* the clock next shows our current *er-* time. Then in the above, this *CC001* is the number of this video interview room. Well, look, now the green light indicates that the video recording is in progress. Then *er-* alright, have anything (you) don't understand?
12. B : Don't have.

13. A : Uh, then *er-* look, earlier I also *er-* gave you -- a notice *er-* to person in custody, look, here is a copy, which is the same as this one, right?
14. B : Mm, right.
15. A : Uh, you already acknowledged receipt of it.
16. B : Right.
17. A : Then Ah LO Pui-kay, *er-* now then -- earlier I had also with you *er-* recorded a post-record with you *er-* on *er-* 1st October 2012, I -- mm, sorry, on 2nd October 2012, there *er-* inside Sea Smooth at Yung Shue Wan Pier, post-recorded the statement about the course of your arrest, right?
18. B : Right.
19. A : Uh, then now I will *er-* continue the investigation into this case, well now you have a lawyer with

you, are you willing to have this video interview with me? Are you willing -

20. B : Willing.

21. A : Uh, willing to continue -- continue the rec-

22. B : Willing to continue the video recording.

23. A : Uh, then *er-* later I will ask you some questions regarding this case, Uh, but I remind you, you are still under caution. You are not obliged to say anything but whatever you say will be recorded by us and may be given in evidence in future. Do you understand?

24. B : Understand.

25. A : Then Ah LO Pui-kay, [B : Right.] Ah LO Pui-kay, now I have some questions regarding *er- MAR RN 12000 -- 12 triple zeros 195*, this case of

endangering the safety of others at sea, have some questions to *er* ask you. Are you willing to answer the questions that I ask?

26. B : Not willing.

27. A : *Er-* there are some questions that I want to ask you. Will you answer?

28. B : Won't answer.

29. A : *Er-* for example if I ask for your residential address, you still won't answer?

30. B : As to where I live, I will answer.

31. A : Uh. Then *er-* then where do you live?

32. B : [REDACTED] [A : Uh.] [REDACTED]

33. A : [REDACTED]

34. B : [REDACTED] [A : Uh.] [REDACTED]
35. A : [REDACTED]
36. B : [REDACTED]
37. A : Then where is your workplace?
38. B : At Hong *er-* Hong Kong & Kowloon Ferry Holdings Limited.
39. A : Hong Kong & Kowloon Ferry Holdings Limited.
How long have you been working there?
40. B : Working there for four years.
41. A : Well, what is your post?
42. B : *Er-* mechanic.
43. A : Mechanic.
44. B : That's engineer.

45. A : Well, what are your working hours?
46. B : *Er-* going to work in the morning -- at 7.30, [A : 7.30.] 7.30 in the morning [A : Uh.] up to present. *Er-* if -
47. A : Usually -
48. B : That's usually -- by *er-* the next day the handing over of duty at 7.30, because I take over duty at 7.30, therefore, to hand over duty at 7.30 the next morning.
49. A : Mm. Then what you are required to do in your job?
50. B : *Er-* working at the engine room.
51. A : Engine Room [B : Uh.] That's -- that's the vessel's engine room.
52. B : Right, the vessel's engine room.

53. A : That's including what kind of work inside the engine room?
54. B : *Er-* including adding oil, testing oil, testing water, *er-* to monitor *er-* that's there are still some other electrical equipment.
55. A : Mm. Then if the vessel was underway, leaving the pier -- started leaving the pier, that's after a passenger had boarded the vessel, then what you were required to do in your post?
56. B : When leaving the pier, I would return to the main block, and then write down the number of people on the navigation log, because I -- I was the one to count the number of people, therefore, I had *er-* to write down the number of people, after writing it down, I remained sitting at my post to continue writing, writing -- till finished writing then I sat there to monitor *er-*

57. A : Where were you sitting, at which part of the vessel?
58. B : How to say it *er-* there that's -- in the above *er-* the shipmaster there was a, [A : Uh.] there was a chair, [A : Uh.] then behind was a -
59. A : That's inside the wheelhouse.
60. B : Right, inside the wheelhouse, a working table at the back, that's this similar working table, I did my writing on that table -- did my writing.
61. A : Did you need to *er-* steer -- did you take part in the steering process?
62. B : Didn't take part.
63. A : Then *er-* inside the vessel, you were responsible for the -- among (them) you were responsible for the Sea Smooth, right?

64. B : Mm, Mm.
65. A : Sea Smooth, when did you start working on Sea Smooth, responsible (for)?
66. B : *Er* - when I joined (the company), once joined (the company), I worked at Yung Shue Wan [A : Uh.] Pier for seven days to pull the ropes, thereafter, I was assigned to work on the vessel, starting as a sailor [A : Uh.] , working as a sailor for more than two years, then later I was promoted as mechanic, have been working as a mechanic for over a year.
67. A : That's being promoted to, [B : Yep.] the mechanic post.
68. B : Uh, promoted as mechanic, for over -- more than a year.
69. A : Then what qualification was required for the

promotion to the post of mechanic?

70. B : Because I have a certificate and, at that time there *er-* *w--* were three experienced mentors. [A : Uh.], mentor refers to the engineer who has worked for Hong Kong & Kowloon (Ferry) for a long time, [A : Mm.] then I worked under them for a few months, then *er-* when the management deemed that I could work on my own then I was given this post.
71. A : *Er -* look, you said you obtain the qualification, have the certificate, what kind of certificate do you have?
72. B : It's *over*[?].
73. A : What?
74. B : *Er -* that's above 150 horsepower, *over*.

75. A : 150 horsepower.
76. B : That's what they commonly called -
77. A : Over 150 horsepower?
78. B : That's over 150 horsepower.
79. A : Then *er-* what horsepower does a ferry like this
have, this type?
80. B : This one is 1,700-- over 1,700 horsepower --
1,700, it seems to have 1,750 horsepower.
81. A : 1,750 horsepower.
82. B : Round up to 1,700.
83. A : Then your certificate for over 150 horsepower, has
a limit or not [B : Mm --] up to which level?
84. B : No limit, no limit.

85. A : That's in a word, for the vessel over 150 horsepower [B : Right.] you can steer it.
86. B : Right, can work -- can work there as an engineer.
87. A : Can work as an engineer.
88. B : Right.
89. A : You have an engineers certificate.
90. B : Right, engineers certificate.
91. A : That's responsible for what have just said, adding -- testing water, adding oil [B : Right.], the electrical equipment [B : Right.] this kind of work.
92. B : Right.
93. A : Then you *er-* were promoted to this -- this -- should be approved by the Marine Department, right?

94. B : My certificate was approved by the Marine Department, I from Marine -- that's when taking the examination -
95. A : Taking the examination at Marine Department.
96. B : Not at -- not at Marine *er-* not taking the examination at Marine Department.
97. A : Uh.
98. B : That's at -- that's the place for taking the examination -- how to describe it?
99. A : The Licensing Division.
100. B : Right, taking the examination at the Licensing Division.
101. A : Uh, but -- after the examination (you) got a pass and would have this -- approved by the Marine Department?

102. B : Yep.
103. A : Then I want to ask you, you *er-* on 1st October 2012, reported duty as usual, starting from 7.30 in the morning, right?
104. B : Right, right -- as usual, [A : Uh.] at 7.30, I took over the duty.
105. A : Alright, that day's job was the same as you have mentioned, then till the incident happened that night, about 8.22 p.m. on 1st October, at the sea off the west side of the Shek Kok Tsui beacon, Yung Shue Wan, your vessel rammed into another vessel, that's Lamma IV, right, [B : Mm.] right?
106. B : Right.
107. A : Then at that time, where did your vessel set sail from?

108. B : From Central Pier 4.
109. A : Sailed from Central Pier 4 to Yung Shue Wan,
Lamma Island, right?
110. B : Right.
111. A : At that time -- what scheduled time should the
vessel depart?
112. B : 8 o'clock, Uh, that's -
113. A : Departed at 8 o'clock.
114. B : 8 o'clock in the evening.
115. A : 8 o'clock. Then *er-* who steered the (vessel)?
116. B : The captain.
117. A : Who was the captain?
118. B : LAI Sai-Ming [transliteration].

119. A : Alright, look, you set sail from Central, look, at that time, besides LAI Sai-Ming responsible for steering this vessel, right? Right?
120. B : Right.
121. A : Then were there other colleagues present, also the staff employed by Hong Kong & Kowloon Ferry Holdings Limited?
122. B : There were two sailors.
123. A : Sailors. What were their names?
124. B : WONG Tai-yau [transliteration], [A : Yep.]
WONG Yung-shing [transliteration].
125. A : Alright, what kind of duty did these two sailors responsible for?
126. B : *Er* - responsible for pulling the ropes.

127. A : Pulling ropes, what else?
128. B : Cleaning.
129. A : Cleaning.
130. B : Cleaning the toilet.
131. A : Pulling ropes, Uh, what else?
132. B : No more.
133. A : Then alright, look, usually when a vessel set sail,
went out to sea, that's to operate, the four of you,
there were four people on board, right?
134. B : Right.
135. A : Then *er-* who needed to take part in this steering
process?
136. B : The captain.

137. A : Only he alone.
138. B : Right.
139. A : Then he alone was responsible for watching the radar, [B : Yep.] watching all *er-* everything, [B : Right.] and also steering the vessel, [B : Right.] no other people assisted him, [B : Yep.] during this steering process?
140. B : Right.
141. A : That's for the rest of you three, you together with Ah WONG Yung-shing and WONG Tai-yau wouldn't take part in this steering process?
142. B : Right.
143. A : That's you people wouldn't assist him *er-* to watch *er-* the light signals, *er-* the fairway, the radar?

144. B : Right.
145. A : Right?
146. B : Right.
147. A : That's you people wouldn't take part in it?
148. B : Wouldn't.
149. A : Would you people keep in touch with the pier
there?
150. B : What?
151. A : That's er -
152. B : Your question-
153. A : There w-- was-- the radio -
154. B : Orr, yes.

155. A : Or that, h-- had kept in touch or not?
156. B : Had.
157. A : While (the vessel) was underway?
158. B : *Er-*
159. A : Would or wouldn't -
160. B : When the pier sent a message, he would answer the pier.
161. A : Who was responsible for answering?
162. B : *Er-* the captain was responsible for it.
163. A : Did you people need to do it?
164. B : We didn't need to.
165. A : Did it require a licence or not?

166. B : I have no idea, because I-- I don't have a licence.
167. A : You don't have a licence.
168. B : Uh, I don't have a licence.
169. A : You haven't -- have you operate this radio [B :
Haven't.] transmitter before -- haven't.
170. B : Haven't, I haven't. Because I don't have a
licence.
171. A : Do you know if it requires a licence or not?
172. B : I myself?
173. A : Requires or not -- do you know if this radio
system needs a licence or not?
174. B : T-- they should need a licence.
175. A : Need a licence?

176. B : Uh.
177. A : Therefore, you haven't touch it completely?
178. B : Right.
179. A : Alright, let's go back to *er-* 1st October 2012, then at that time, you said (the vessel) set sail from Central at 8 o'clock, Central Pier 4, right?
180. B : Right.
181. A : Alright, usually -- how long would (the journey) to Lamma Island take?
182. B : Properly [A : You -] *er-* properly speaking, it took 24 to 25 minutes, it was a-- approximately the time to reach -- that's to berth at the pier.
183. A : Orr, that's *er-*
184. B : Being berthed, berthed, and to disembark.

185. A : Approximately -- to disembark?
186. B : Uh.
187. A : That's -
188. B : Usually this was the time being required -
189. A : For reaching Yung Shue Wan Pier.
190. B : Uh, around 2-- 24 minutes, [A : Uh.]
approximately around this range.
191. A : Then in other words, about 22 minutes later, you
almost arrived *er-* there at the vicinity of Yung
Shue Wan.
192. B : Should be about 21 to 22 minutes that [A : Mm.] --
that's near the scene, was there after 21 to 22
minutes, [A : Mm.] because we *er-* already
arrived there (and) usually our practice was like
that, [A : Mm.] having arrived there, the three of us

would go down to go through the normal operation

[A : Mm.], I then -- went down to the gangway,
to prepare to lower down the gangway.

193. A : You were responsible for lowering the gangway?
194. B : To berth at the pier, right. The other two -
195. A : Were you the only one to do it?
196. B : Right, because it was the job of an engineer.
197. A : Orr [B : Uh.], not the job of a sailor?
198. B : Must be done by the engineer, not the sailor. The
sailor -- because -- my post is to do this job, [A :
Mm.] for the sailors, one went to pull the bow rope
and the other went to pull the stern rope, [A : Orr,
that's to pull -], we separated -- the types of jobs,
199. A : Then went to moor the vessel, to offer assistance?

200. B : Uh.
201. A : Then *er-* alright, you said one of your duties was
er- to count the number of people after setting
sail -- the number of people, it would be in the
log -- record in the navigation log, right?
202. B : Right.
203. A : Then had you done this that day?
204. B : Had.
205. A : Then can you remember how many people were on
board that day as you counted?
206. B : All of them? Or just the -
207. A : Then how did you do it usually?
208. B : Usually, had *er-* on our vessel, it was written on
the plate that -- the maximum seating capacity

was 180-- 381.

209. A : 381.
210. B : But we never allowed a full seating capacity [A :
Yep.], the maximum (passengers) allowed were
around 374, [A : 374.] then I would -
211. A : Stop (people) boarding.
212. B : Would stop (people) boarding, not allow to board
(the vessel), because we also included the children
in the count.
213. A : Uh. Then when did you start counting?
214. B : *Er-* after lowering down the gangway to let
passengers disembark [A : Uh.], then let passengers
embark, I then -- we -- were standing on the
gangway, right [A : Uh.], to do the counting like
this.

215. A : That's you p-- pressed the head counter?
216. B : Right, to press the head counter, yep.
217. A : That's in other words, would you miss some while doing the head count?
218. B : *Er-* sometimes would, [A : Uh.] c-- can't definitely say no omission, sometimes would have.
219. A : Uh, that's not -- actually that day's number was not very accurate.
220. B : *Er-* the -- the 95 (people) just on that voyage was accurate, it was because?
221. A : Because of what?
222. B : Usually when we did the counting, we were be-below at the gangway entrance, gangway entrance, then many -- that's there were many people, crowded with many.

223. A : Right, right.
224. B : Then I concentrated on counting, I had to do it like this, like this, look like this [A : Uh.], but on the previous voyage, a Filipino female, she -- I didn't know what she mean, [A : Mm.] I felt that she seemed to -- that's -- whether thinking that I was leering at her or what [A : Mm, Mm.], she didn't see that I was pressing the head counter, then -- I in order to -- afraid that -- she might misunderstand, then on the next voyage I stood above, above the, above the gangway, that's she walked up [A : Mm.], the people on the gangway were separated [A : Mm.], that's only with a few in groups, not crowded together, then I could see -
225. A : That's you intercepted in the middle.
226. B : No, I was on the above, by looking down, I could see the people walking past me, [A : Uh.] I then kept on counting, then I could count clearly,

including *BB* there were 95, that's d-- d--
during that voyage.

227. A : That's very accurate, you sure?

228. B : Very accurate, (I) am sure on that occasion,
basically was -- that's I can't say hundred percent
sure, [A : Mm.] but at least there were 90, it
wouldn't be -- the difference ranged from one to
two only -- the difference was very small.

229. A : Look, you -- you *er-*

230. B : Because I felt that it was [A : Uh.] -- w-- was,
because I, why we -- our practice was that we
wouldn't just rely on the above number, [A : Mm.]
because the above number, children -- kids
wouldn't go past the machine, [A : Mm.]
wouldn't go past the machine then the number we
saw was not accurate, [A : Yep.] therefore -- we
did the counting, did the counting below, [A : Uh.]

but I am not sure if the counting was hundred percent correct or not, [A : Mm.] I d-- also daren't to give you a correct answer to say that it was hundred percent sure, [A : Okay.] but I had done my best and there wouldn't be a big difference.

231. A : That's you were the only one who did the counting?
232. B : Yep, I was the only one who did the counting.
233. A : Look, I want to ask, look, the maximum seating capacity written on the vessel was 381 people.
234. B : Yep.
235. A : Usually, you would stop (taking passengers) when the number reached around 374, [B : Yep.] and wouldn't allow people to embark?

236. B : Right.
237. A : How did you stop (taking passengers)?
238. B : That's er- that's look, I intercepted, after we had counted to certain number and watched the situation, intercepted, he/she also (indistinct).
239. A : Carried out interception on the gangway to prevent him/her from going up.
240. B : Right, preventing him/her from going up.
241. A : Did you -- then at that time he/she actually -
242. B : There were three of us, right, because [A : Uh.] we also had a sailor to assist me, that's to assist (us) to watch the passengers.
243. A : That's not the sailor on board this vessel.
244. B : Not right, the sailor on board the vessel, our sailor,

that's I was counting the people [A : Uh.], my sailor offered assistance by standing at the front side of the gangway, that's -- that's if -

245. A : That's after the vessel had stopped completely, they would go to assist you.

246. B : Not right, to assist us to watch the people, if the vessel had -- suddenly there was a wave [A : Mm.], the gangway would jerk [A : Mm.], when it jerked, (we) had to stop them from stepping on (the gangway), to stop them, [A : Mm.] because in this way his/her feet would be trapped inside, [A : Mm.] moreover, there were kids, in case of anything, to tell him/her *er-* not to move forward at the moment, not to move when there was a big wave, you could move forward when it was normal and calm [A : Mm.], then we would stop them because we were afraid that his/her foot might be trapped inside.

247. A : That's if you (found) having enough passengers, you would tell them to intercept the people, stop them from embarking.
248. B : Right, to s-- stop (them) from embarking.
249. A : Then they -- because (they) had to walk a distance if (they) returned to the pay area of the pier, right.
250. B : H-- he/she -- right, he/she there -
251. A : Told them to go back and wait.
252. B : Right, right, to go back and wait, right. That's -- but this was not, not often.
253. A : That's on the -- 1st October 2012, at 8 p.m., at Central Pier 4, you did count the number of people, there were 95 people, [B : Mm, Mm.] boarded the vessel. Well, alright, then you went on board,

then as (you) said you would write down on the navigation log -- for record, [B : Yep.] Then did you do this job that day?

254. B : Yes, I jotted down 95 people.
255. A : Yes, (you) jotted down 95 people?
256. B : Right.
257. A : Then alright, after you had jotted it down, you also -- what other job did you do then?
258. B : *Er-* after jotting it down, (I) wrote other things, that's -- still had other things to write.
259. A : What kind of things did you write?
260. B : *Er-* we had the -- that's -- how to say it, that's the -- I wrote -- the way of writing was different, what I wrote was after every two -- two journeys then -- that's two journeys -- setting

sail from Central [A : Mm.], to write down the -- amount of oil, the nautical miles having sailed, these kinds of things, [A : Uh.] were being written down on the navigation log.

261. A : Orr, that's these things had to be -- [B : Uh, had to be written down.] you needed to write them down according to rules.

262. B : Uh, needed to write.

263. A : Well, alright, I want to ask you, that day you then *er-* at 8-- about 8.22 p.m., after the vessel rammed into another vessel, the Lamma IV, did you people know there was a vessel collision?

264. B : Because the three of us were n-- not, I together with two sailors were already below, so (we) didn't know there was a vessel collision.

265. A : Because the vessel -

266. B : (We) knew it had slowed down, stopped, that's people had fallen down, but we didn't know if it had collided -- we didn't -- that's didn't know if it had collided with a vessel or collided with other thing, didn't know what it had collided with, but (we) heard a bang sound.
267. A : That's (you) knew the vessel had collided with -- collided with something.
268. B : Yes, collided with something, had collided with something.
269. A : Uh.
270. B : A bang sound then, [A : Uh.] those people fell down, many of them fell down, [A : Uh.] then it was already very chaotic.
271. A : Then at that time, you were standing near the gangway?

272. B : Right, I was at the gangway's -
273. A : Was there only one exit on this vessel?
274. B : Two exits [A : Uh.], including the three exits at the stern.
275. A : Uh, but -
276. B : Four exits, four exits.
277. A : But each time after berthing, there was only one exit, right?
278. B : One exit, right, one exit.
279. A : Then I want to ask, at that time, look, you were standing near the gangway, then (you) saw people falling down.
280. B : I also fell down.

281. A : Orr, you also fell down.
282. B : Right, I also fell down, I fell and lay on the floor,
[A : Uh, Uh.] the s-- situation already upon
collision -
283. A : Then did you -- did you go to find out what
happened?
284. B : Then -
285. A : Then the entire vessel s-- suddenly the -- [B :
Right, after lying down -] people fell down, then
you also fell down, [B : Right, all people fell down.]
then you knew it had collided with something, then
had you gone to the control room, the wheelhouse
-- to s-- see what happened?
286. B : In the first place, in the first place at that time, [A :
Mm.] I then -- of course went to see if any people
were injured.

287. A : Right, Uh.
288. B : Because there *er-* there were some Yung She Wan -- Yung She Wan passengers, [A : Uh.] he/she might be acquainted with each other, then he/she joined together to offer assistance *er-* told the people to sit [A : Uh.] -- sit down, (asked them) if they were injured or not, [A : Uh.] Uh, then went to check, check all, [A : Mm.] one by one, that's after checking the lower deck then went to check the upper deck, [A : Uh.] after checking the upper deck, it was found that -- I found that one (passenger) injured his/her head, [A : Uh.], then *er-* after asking them all there was no report of people falling overboard [A : Mm.], that's after asking them all, for example, all the neighbours said nobody falling overboard, n-- no others, [A : Mm. And nobody was seriously injured.
289. A : Then had you counted the number of people again?

290. B : Then -- the p-- previous way of doing, that's the next thing to do was to walk back -- walked down again -- walked down to the above again [A : Mm.], Uh, walked down below, then there was already water -- water on the vessel, before the collision -- at the time when everyone was very scared -
291. A : That's the vessel -- you had walked to the lower deck for inspection?
292. B : Not right, to inspect -- to inspect -- to inspect the lower deck first [A : Uh.], then went to the upper deck to inspect, [A : Uh.] after inspecting the upper deck, then went to inspect -- the people were leaving -- very chaotic, [A : Mm.] then of course I went down again -- that's going down to the lower deck [A : Uh.] to see, [A : And saw the vessel taking in water.], [indistinct] some people then -- took out the lifejackets

[indistinct].

293. A : Uh.

294. B : Then we -- of course -- seeing that it was in a state of total chaos, total chaos, of course telling him/her to sit down first, [A : Uh.] then -- I sat down and viewed (the situation) carefully to find out what happened first, [A : Uh.] then -- to get -- seeing that f -- that's everyone was fine [A : Uh.], then *er-* seeing that the vessel started to tilt [A : Uh.], that's -- the -- bow there had water coming in.

295. A : Tilted to which side?

296. B : Tilted to the portside, because water coming in from the portside.

297. A : The portside?

298. B : Uh, the portside, left side, that's the left side.
Then once found that *er-* it tilted [A : Mm.] and
took in water, then didn't have to say (we) in the
first place -
299. A : Did (you) know which part had water coming in?
300. B : At the bow.
301. A : Which part of the bow?
302. B : The bow window, water flooding in from the
window.
303. A : The window at the bow?
304. B : Right, the bow, front cabin, front window.
305. A : Front window?
306. B : The second front window -- Uh, front window.

307. A : Uh, had water coming in?
308. B : Uh, then we shouted subsequently -
309. A : Had a lot of water or not?
310. B : Once seeing that the vessel had water coming in and tilted [A : Uh.], then (we) in the first place helped *er-* that's to help the passengers put on the lifejackets.
311. A : Mm.
312. B : Pushing to wear the lifejackets first [A : U-U-Uh.], because I didn't know what would happen to them.
313. A : That's all -- all the way doing this.
314. B : Right, not -- [A : Uh.] right. Then -
315. A : Well, but how long did it last, this -- this process?

316. B : I think, d-- don't know how many minutes -- I not-- I can't tell around how many minutes, helping -- at that time it was already [A : U-U-Uh.] too pressing, that's [A : Mm.] the passengers also helped (others) to put on, that's to help those -
317. A : Also helped the other p-- passengers to put on -
318. B : A -- some regular passengers, then helped him/her -- also helped him/her to put on [A : Uh.], then I also -
319. A : That's to help each other?
320. B : Right, to help each other, all joined together at that time, also helped some foreigners, who didn't know, didn't know how to take out the lifejackets, to pull out (the lifejackets).
321. A : Uh.

322. B : Alright, to get -- to get some -- some put on,
some didn't put, [A : Uh.] already very chaotic.
323. A : Uh, Uh.
324. B : Like that [indistinct], then -- the others *er-*
the others -- others passengers had said going to,
shouted down [A : Mm.] *er-* had to sail ashore,
he/she said to sail ashore as it was already very
close [A : Mm.], then I-I-I was then -
325. A : But was the vessel still moving at that time?
326. B : Not right, already stopped completely, not moving.
327. A : Stopped there?
328. B : Stopped there, not moving.
329. A : Stopped and not moving?
330. B : Uh, already not moving.

331. A : W -- we -- that's at that time subsequently looking at people [A : Uh.], couldn't see it when looking outside, very dark, couldn't tell the difference.
332. A : Then -- right, Uh, I have just asked you, did you go up, the vessel had stopped, the people had settled down, right? Then did you go up to the wheelhouse -
333. B : The wheelhouse, didn't go, didn't.
334. A : Did (you) go up there?
335. B : Not going yet, but -- but -- but to finish all the jobs and then, [A : Right.] put on the lifejacket, [A : Uh.] then I together with the sailor [A : Uh.] Ah WONG Tai-yau, the two of us went up to the wheelhouse, and to tell the master, telling him that nobody -- none of them -- nobody falling overboard, Uh [A : Uh.], s-- saying that two

people were injured. That's they said there were one or two people injured, he/she said not [A : Mm.] -- didn't know if he/she was injured badly or not, I then walked up, walked up to the wheelhouse with Ah WONG Tai-yau, at that time, the master was calling the Marine (Department).

336. A : Talking about the --

337. B : Yep, talking to the Marine (Department), then I was standing there.

338. A : Alright, then after he had finished talking, did you ask him what (the vessel) had rammed into, what happened, did you ask him?

339. B : No, w-- we were l-- looking at him.

340. A : Uh, then after he had finished talking, how long he had been talking?

341. B : Should have talked for a few minutes.
342. A : Uh, talked for a few minutes, [B : Uh.] the vessel was still not in motion.
343. B : Stopped, not moving, stopped there.
344. A : U-Uh, then after a few minutes -- he had finished talking, then did you ask him? Did you ask him what happened?
345. B : I didn't ask. Not yet, at that time, I not yet -- asked, I-- I didn't -- I didn't ask him what happened, then -- I only said, hey, very chaotic down there, well the passengers kept on saying *er-* to steer back there like that, then -
346. A : Then why you people didn't go to take a look -- you were at the sea --
347. B : I then -- I then -- I then -

348. A : Or you people might have rammed into a small boat, and needed you people to help, did you people go to -- try to find out what your (vessel) had rammed into?

349. B : Then I -- I then -- [A : Uh.] walked outside, [A : Uh.] because it was very near to the plate [A : Uh.], then at the time he was calling the Marine (Department) and talking, [A : U-uh.] I had to walk to the outside, then I looked to the outside, it was really very close to the stone to the plate, [A : Uh.] next to the light there was a plate, [A : Uh.] then I said to watch out for the plate, then he was making the call [A : Uh.], then I-I-I then informed Ah Tai-yau and let Tai-yau inform the master, [A : Mm.] because he was talking, it was also very chaotic, then I said very close to the plate, hey, (we) better retreated a little, due to the east current, [A : Mm.] that's I didn't know what current it was [A : Mm.], in a word, I found it very too close and was

dangerous.

350. A : Would rammed into it?

351. B : W-- would be pressing against the plate there,
[A : Uh.] then I told him to reverse a bit, like that,
that's it, yep -- I said to him, telling (him) to
reverse a bit, I said be careful there was a plate, just
like that.

352. A : But you didn't ask (him) right from the beginning
what (the vessel) had rammed into?

353. B : Right.

354. A : You didn't ask?

355. B : Right, didn't ask, I actually didn't know what, [A :
Uh.] I didn't know what -- I didn't know what
happened.

356. A : That's you didn't ask?

357. B : Right.
358. A : Then did he -- the master who -- this LAI Sai-Ming, did he tell you what (the vessel) had rammed into?
359. B : Didn't.
360. A : Then did he said anything?
361. B : No.
362. A : Well he, then you told him it was very chaotic below, [B : Right.] then also -- only saying again the plate -- the plate was very close, told him to retreat a little, [B : Right.] then also -- who steered the boat to leave?
363. B : The master.
364. A : The master.

365. B : Uh.
366. A : Then why (he) had to steer the vessel away?
367. B : Because I-I-I also was not clear, for this-- I can refuse to answer?
368. A : Yes.
369. B : Mm.
370. A : That's the vessel set sail again, then did you know -- the reason for setting sail again?
371. B : Because his -- the following -- Orr, I choose not to answer.
372. A : Mm. Then alright, there *er-* during the whole process, till the vessel set sail again, how long did the whole process take?
373. B : Taking two minutes to reach the pier, two-- two

minutes -

374. A : Really, from the vessel stopped after collision, you said the vessel, then until the vessel started moving again, this period, how long was it?
375. B : Should be f-f-five -- around five, six min, [A : Mm.] the time was around five -- five to six minutes.
376. A : Mm. Then after setting sail, (it) then returned to Yung Shue Wan Pier, right?
377. B : Right.
378. A : Then what happened next?
379. B : Thereafter, to disembark passengers, that's the passengers --
380. A : Then you said one of them was injured, right.

381. B : The -- all of them went away, t-- the injured (passenger) also went away, [A : Uh.] because they were too scared, [A : Uh.] shoes -- some even went away without putting on their shoes, he/she was too scared to -
382. A : Uh, they -- they all left the vessel.
383. B : Right, all of them left the vessel, wearing the lifejackets.
384. A : Then did you ask them if they needed to see a doctor or not?
385. B : Wearing the lifejackets, without taking off the lifejackets, wearing them to the pier, all going up there and left.
386. A : Uh, all going up there, [B : Right.], then did they take off (the lifejackets)?

387. B : Then they were at the pier, told them at the pier -- having gone up there [A : Uh.], because he/she had gone up there, he/she was not scared anymore [A : Uh.], of course not scared after arriving there, [A : U-Uh.] then told him/her to put down all the lifejackets at the pier, we then went to get them back.
388. A : Mm.
389. B : Just like that, then you people know everything that happened afterwards.
390. A : Alright, you said -- look, you said after the collision, did you go to count carefully -- because as you said it was very chaotic, then you asked if there was anyone falling overboard, right?
391. B : Right.
392. A : Well, for the people who had fallen overboard

couldn't answer you.

393. B : Not right, he/she -- he/she -
394. A : Then did you count again yourself the number of people also stood at 95 people?
395. B : At t-t-that time, when it was time to ask, when going up -- [A : Uh.] when it was time to go up to the street [A : U-Uh.], didn't have time to count, -
396. A : Really, [B : because I, that's -- I -- I didn't count.] your vessel had stopped?
397. B : Right, had stopped and berthed at the pier, [A : Uh.] once lowering the gangway down -
398. A : Not right, what I said was that it was very chaotic after the collision, the vessel had stopped there at the sea, right.
399. B : D-- didn't count to check the number of people.

400. A : You didn't count, you just asked if anyone had fallen overboard, right?
401. B : Right, right, just asked.
402. A : Did anyone answer you?
403. B : T-- they -- that's they were -
404. A : Firstly, did anyone answer you, you said you asked if anyone had fallen overboard, those who had fallen overboard couldn't answer you.
405. B : Falling overboard.
406. A : Right, falling overboard, those who had fallen overboard surely couldn't answer you. Then those who were there on board surely also wouldn't answer you, then did anyone really answer you?
407. B : No.

408. A : No. Then did you yourself go to count the number of people again?
409. B : I-- I won't answer -- I won't -- I choose not to answer you.
410. A : Alright, look, (I) have just asked you some questions, you -- in these questions you, look, let me recap some of them to you. Then you are residing at [REDACTED] the address -- don't want to repeat in detail, [A : Mm.] because here also has *er-* [REDACTED] [REDACTED] Then *er-* I asked for you occupation, then you replied engineer, that's being -- employed by Hong Kong & Kowloon Holdings Limited, for four years. Then *er-* at the beginning (you) had been working as a s-- sailor for more than two years, thereafter you were promoted to engineer, [B : Mm.] Then *er-* later because you passed the examination -- obtained a

certificate, then this engineers certificate was for vessel [B : Over.] over 150 horsepower, you could steer it. Then usually your job was *er-* responsible for counting the number of people, in the log *er-* and recorded it in the navigation log, then sat down in the wheelhouse to write it down, then also responsible for adding oil, electrical equipment, testing water, the work at the engine room, and so on. Then *er-* during the steering process, you didn't take part in it, during *e--* each voyage, Uh. Then you were responsible for the gangway, when the vessel was disembarking or embarking passengers, you were responsible for standing at the gangway, responsible for the passengers' disembarking and embarking, and counting number of people. Then I ask you again, on 1st October 2012, then you at the time when the incident happened, that day you were *er-* setting sail from Central Pier 4 at 8 p.m., heading towards Lamma Island, then in average the journey took

about 24 to 25 minutes, then when the incident happened, you then -- then this vessel *er* - the Sea Smooth was steered by captain LAI Sai-Ming. Then you together with the other two sailors, Ah WONG Tai-yau and WONG Yung-shing, didn't take part during the whole steering process, any kind of operation therein, that's including watching the radar, the fairway, [B : Yep.] Uh, the steering wheel, those were completely not your business.

411. B : Right.

412. A : The radio system also needed your -- because you didn't have a certificate, [B : Right.] you never touched it. Then your vessel had a maximum seating capacity of 381, [B : Right.] then usually when reaching the capacity of 374, you would stop taking (passengers).

413. B : Right.

414. A : Then that night when the incident happened the -- the scheduled vessel, you had counted the number of people [B : Right.] *er-* the accuracy was almost 90 percent, there were 95 people, right?
415. B : Right.
416. A : Then *er-* when it was almost *er-* at that time, you were already standing at the gangway, preparing to -- get -- to handle *er-* preparing for the vessel -
417. B : To lower down the gangway.
418. A : To lower down the gangway when reaching the pier, [B : Right.] however, suddenly the vessel seemed to have rammed into something, [B : Right.] then all the people fell down, and you yourself also fell down.
419. B : Right.

420. A : Then when standing up again, it was very chaotic, then you asked the people if there was anyone falling overboard, then you didn't answer me that whether you had counted the number of people again. Then, you found that the vessel was taking in water, and one of the passenger was injured, and you found the vessel tilted a bit, on the portside, that's a bit tilting to the left hand side. Then -- you also went to the wheelhouse there, together with Ah WONG Tai-yau went up to the wheelhouse to report to master WONG Sai-Ming [sic], Uh, then during that period of time, you also found that the vessel was getting too close to -- the plate, then you told him to steer a little away quickly, because the vessel had stopped so it was scared that it would *er-* be pressing against the plate. Then later, you didn't ask him what (the vessel) had rammed into, right? Then after the vessel had stopped for a period of five to six minutes, it set sail again, then didn't know why it

set sail again, you didn't know why it set sail again. During the whole incident, you only saw Ah WONG Sai-Ming [*sic*] talking through the radio. Having finished talking, a-- after five to six minutes later, the vessel set sail again, and the passengers requested to hurry -- saying the pier was very close, then hurrying ashore. Then later -- all the people rushed ashore, nobody requested to see a doctor, right? Thereafter, police arrived for investigation, together with the Marine Department, right? Well, do you have anything to add? That's *er-* among the questions answered by you.

421. B : D-don't have.

422. A : Don't have?

423. B : Don't have.

424. A : Uh, then if don't have, then our video interview

will *er* - end. Then *er*- now the time is 33
minutes past 12 noon on 2nd October 2012, our
video interview will end, understand or not?

Understand or not?

425. B : Understand, understand.

426. A : Uh.

(Translated by NG Lee-lan PTR 1)