

LAMMA IV

WITNESS STATEMENT OF THE DECKHAND

I, LEUNG TAI YAU, HKID No. [REDACTED], of [REDACTED]
[REDACTED], state:-

1. I am the Deckhand on LAMMA IV and was on duty on the night of her collision with SEA SMOOTH on 1 October 2012. I am a [REDACTED] and my date of birth is [REDACTED]

PERSONAL INFORMATION

2. I began working for Hong Kong Electric Company Limited ("HKEC") on 23 March 1982 as a deckhand and I have been sailing as a deckhand with HKEC since. Before this I was a fisherman.
3. I hold a Certificate of Competency No. 49591 as Master of powered vessels up to 60 tonnes, issued by the Hong Kong Marine Department on 22 May 1986, which is valid until 2018. I also hold a Certificate of Competency No. N24513/92 as Engineer of motor vessels up to 150 BHP, issued by the Hong Kong Marine Department on 21 August 1992, which is valid until 5 August 2018. In addition, I hold a Pleasure Vessel Operator Certificate of Competency, re-issued (my original license was lost overboard on 1 October 2012) by the Hong Kong Marine Department on 15 October 2012, which is valid until 5 August 2018. I also attended sea survival training in 1988 and fire-fighting training in 1991 at the Seaman's Training centre having been sent on courses by HKEC. I have also been shown records kept by my employer, HKEC of my attendance of various internal training courses including "Radar Observer Course for Marine Crew"

and "Marine Routine Maintenance & Boarding Safety" in 1998 and 2000 respectively but I do not have a strong recollection of attending such courses.

4. I am physically fit and completed my last company medical check on 9 August of last year. Company medical checks are done every 2 years. Starting this year 2013, all marine crew would have yearly check up and I had mine on 10 January 2013 and the result was normal.
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.

DUTIES

6. My normal working hours follow the roster but generally involve working from 8 a.m. to 6 or 8 p.m. Typically I work between 42 and 50 hours a week. We usually take rest at the jetty crew room when we are not sailing during our shift.
7. I may be required to work on board any one of the three HKEC owned vessels, LAMMA II, LAMMA IV and LAMMA V. LAMMA V is only used for pleasure trips but the other 2 are operated as ferries carrying company employees and contractors to and from the power station on Lamma Island. I probably work more frequently on LAMMA II than LAMMA IV because it is used more than LAMMA IV.
8. My duties on board involve tying up and untying mooring lines when entering and leaving port, counting the number of passengers on board before any sailing and

entering the number in the log book, looking after passengers when onboard, keeping a lookout at sea, and generally assisting the Coxswain and Engineer.

9. Routinely we have weekly (every Saturday) emergency training when we start the fire pump and test all the fire hoses. This is usually done in the morning around 10 a.m. and takes about 30 minutes to 1 hour. In addition on the last Friday of each month I (if I am on duty) would be responsible for performing demonstrations to the passengers on how to don a lifejacket properly. I do this on 2 morning sailings and do the demonstration on both main deck (both forward and back cabins) and upper deck passenger saloons. It would take me about 3 minutes to complete each demonstration, explaining how to wear and tie the strings properly. Normally it would take me less than a minute to properly don a lifejacket on myself, but passengers may require a longer time. On both Lamma IV and Lamma II there were lifejackets under every seat in the passenger saloons. There were also about 33-35 lifejackets stored in the crew room and another one in the wheelhouse on Lamma IV. The number of lifejackets on board exceeded the maximum number of persons the vessel was allowed to carry which was 232. Each lifejacket was put in a thin plastic bag and stored in an open velcro tape and nylon bag. The plastic bags are very thin and can be torn easily. I find the lifejackets easy to access. These bags are very thin and can be torn easily. We would do a visual check every time we get on board to make sure that the life-saving equipments, which also include the inflatable life raft and life buoys on the open deck were present and stored properly.

1 OCTOBER 2012

10. The company had organised a special event to mark National Day. This involved an excursion for employees and their families and friends on board LAMMA II and LAMMA IV to visit the Lamma Island power station, take dinner there and then be

taken to Victoria Harbour to watch the National Day fireworks display. My working hours were therefore changed that day and I began work at 12 noon instead of 8 a.m. My last duty had been on 29 September and 30 September had been a rest day. On this particular day I was assigned to LAMMA IV.

11. I boarded LAMMA II at Ap Lei Chau at about 11:30 a.m. and arrived at the power station on Lamma Island on time and ready for work. After checking in I started working with the Coxswain of LAMMA IV, Chow Chi Wai, and Engineer, Leung Pui Sang. We discussed the day's event and then together with the Coxswain I carried out checks of the safety equipment on board to see that all seats were equipped with life jackets and that the floatation devices on board were all accounted for and in place. There are 63 lifebuoys on the sun deck together with the inflatable liferaft. In addition there are 2 lifebuoys on the foredeck. Everything was in order.

12. We then sailed to the public pier near the clock tower in Tsim Sha Tsui and took on board about 40-50 passengers at about 1:30 p.m. Among them was a company staff named Lai Ho Yin. He introduced himself to us as one of the organizers. I forgot whether he was wearing a company logo T-shirt or not. He was holding a piece of paper in his hand and he counted the numbers of people on board. I also counted and wrote the numbers on the log book which I believe was lost overboard due to the collision. Lai was the last one to get on board at Tsim Sha Tsui and he asked us to depart. We then went to Pier no.9 in Central and about 60-70 more passengers boarded. We then sailed to South Horizons pier in Ap Lei Chau where we picked up 71 more passengers. I worked on other company organized cruise trips before but not for fireworks displays. I knew there would be quite a number of participants including some children and elderly but I was not aware of the exact number before they went on board or how many children/elderly there would be. These passengers were led by a team of HKEC

recreation staff and other working staff for the excursion. We sailed from Ap Lei Chau at about 2:35 p.m. and arrived at HKEC's private pier at the power station on Lamma Island at around 2:55 p.m. All passengers disembarked and were due to come back on board at about 8 p.m. Us 3 crew members stayed and rested on board or around the pier. We had our dinner in the jetty crew room. We did not consume any alcohol. After dinner I took a walk around the pier up to no.1 berth and I remember that I took a look at the Lamma IV and I saw that her navigation lights were on (both red and green lights and white masthead light).

13. The passengers began boarding again at about 7:30 p.m. and at about 8:00 p.m. I counted 124 on board. Counting is done manually without use of a counter or clicker. The firework display was not due to start until 9 p.m. so we discussed with the recreation team (one of them was Leung Kwok Wai, whom I knew and was on LAMMA II) delaying our departure because we thought the waters in the display area in Victoria Harbour might be too choppy for some of the passengers. We therefore delayed sailing until 8:15 p.m. Some of the passengers went back onto the pier, which meant I had to count them back on board again. With everybody back on board I then went forward to untie the forward mooring lines as instructed by the Coxswain. The wheelhouse and upper deck cabin lights were switched off when we set sail. The main deck cabin lights remained on.
14. After untying the lines I made my way to the wheelhouse to make a record in the deck log regarding the number of passengers on board and the weather conditions as is the normal practice. I entered the main deck passenger saloon through the starboard door and closed it after me. I checked the port side door was closed and then went upstairs. The passengers moved around after the vessel set sail. I estimated there were about 20 odd passengers in the forward end of the main deck passenger saloon and about 20 odd

in the aft end. The rest were on the upper deck with about 50 odd but definitely not over 60 in the passenger saloon (as I recall there were 63 seats but not all were occupied and there were some empty seats) and about 20 odd on the sun deck. Generally, during the normal sailing, there would only be a few people who would sit at the sun deck. Very rarely would all the seats on the sun deck be occupied. Normally I would not expect a lot of people sitting or standing on the sun deck and I would, if that happens, ask them to go back to the cabins and get seated, but since this was a fireworks display excursion, naturally people would want to sit on the sun deck to see the fireworks. After making the entry in the log book I then went back into the upper deck passenger saloon to check on the passengers and that the air conditioning was working well.

15. Having done rounds of the upper and main deck passenger saloons, which took about 2 to 3 minutes I made my way back to the wheelhouse to help keep a look out. The upper deck passenger saloon was dark at that time and I noticed that many of the passengers that had been there before had either gone below (I remember some passengers/children saying that they were not comfortable with the lights out) or out onto the sun deck, but there were also people who came inside from the sun deck.
16. We had cleared the typhoon shelter by the time I had completed my rounds and I noticed we were west of Yung Shue Wan. The wheelhouse door was open. I saw Lai Ho Yin standing outside the wheelhouse when I was heading there. As I entered the wheelhouse I spoke a few words to the Coxswain saying that everything in the cabins was normal. I then stood behind the Coxswain. He said to me there was a vessel ahead coming directly at us. I immediately noticed through the first window to the left of the middle window a catamaran sailing towards us at high speed. I could see its flashing yellow light, red and green sidelights and white masthead light. I estimate it was about 300 meters distant and heading straight at us. I said to the Coxswain that a ship was moving towards us at high

speed on the left. I noticed he steered LAMMA IV to starboard (but I could not see whether he was using the steering wheel or the joystick to turn) in an attempt to avoid that ship but I don't know if he was already turning or turning in response to my warning. It was a hard and noticeable turn as I could see that we were turning right relative to the Shek Kok Tsui lighthouse. However the other ship struck our port side astern and the whole ship shook. It was dark in the wheelhouse so I did not see whether the Coxswain had decelerated by pulling the control lever or pressed the horn button on his right.

17. I immediately ran back through the upper deck passenger saloon onto the sun deck and saw that many passengers had fallen and were injured. I also saw the other ship which hit us. She was not too far away from us and not moving. I asked the other passengers to take care of the injured ones and ran down to the main deck passenger saloon to check the passengers there. The port side false ceiling had collapsed and there were injured passengers there as well and so I again told the other passengers to look after them. I then ran back up the main staircase to the upper deck passenger saloon.
18. When I ran up the stairs, the LAMMA IV has started to tilt by the stern and all the lights went out. The Coxswain was standing inside the cabin outside the wheelhouse and he yelled to the passengers to wear lifejackets. When I looked back towards the stern the other ship was about 100 feet away from us. I went to the upper passenger saloon and saw that the water level was rising quickly into the saloon trapping passengers inside.
19. I saw children at the last row on the port side. I instinctively went there immediately to help them wear lifejackets. There was a girl and a boy aged respectively about 7/8 and 5 accompanied by a man who I believed to be their father. I took out two lifejackets under the seats and I helped the girl stand on the seat so that I could put on the lifejacket for

her. I told the man to do the same for the boy. The man did not get a lifejacket for himself. At this point, some people came inside the cabin from the sun deck. I helped the girl fully put on and tie the lifejacket in less than a minute. The ship kept tilting at the time and water kept flooding in from the sun deck and also through the staircase from the main deck as the vessel kept sinking. The man donned a lifejacket on the boy but had not yet tied the strings so I took over and finished tying his lifejacket in about half a minute. The lifejackets fitted on both children alright. I was facing the back of the ship and at this point, I started to hear the chairs behind me falling row by row. There were about 3 people still sitting on the row of seats right behind me and those seats fell as well and collapsed on my right leg. The water was rising quickly and soon reached above my chest. The children whom I helped to wear lifejackets were floating in the water. The upper deck doorway to the sun deck which was initially opened had been closed because of the water flooding in. As my leg was trapped I asked the man to push off the chairs for me. I opened the second from aft window on the port side to help the two children outside, then the man. I had to stand on the collapsed chairs at that time.

20. After I helped the 2 children and the man out, I saw another girl about 4 to 5 years old without a lifejacket near me trying to escape and she was drowning and yelling for help. I immediately grabbed her and I thought for a second whether I should stay with her inside or swim out. I then decided to go out otherwise we will all be drowned. I know how to swim. I did not wear a lifejacket. If I did, I would not be able to climb through the window. I pushed the girl out first and I then went out to help her. I held her in my right arm and I also caught hold of the girl with a lifejacket whom I helped previously with my left arm. The man grabbed the boy. I then saw a liferaft which was opened and ahead of us about 100 feet away. I believed it was the liferaft from the Lamma IV. No one was on the liferaft at that time and we swam there. The current was quite fast and

we had to swim a rather long way as the raft was also drifting. The man and I then helped the kids to get on the raft. I then simply held onto the raft by the side in the water. Eventually there were altogether about 5 to 10 people who got onto the raft, some holding lifebuoys, some wearing lifejackets, some without anything. We were eventually saved by the Marine Police or Firemen.

STATEMENT OF TRUTH

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

Signed

LEUNG TAI YAU

6-2-2013

DATE