

COMMISSION OF INQUIRY
APPOINTED PURSUANT TO SECTION 2 OF THE COMMISSION OF
INQUIRY ORDINANCE (CHAPTER 86) ON 22 OCTOBER 2012

3rd SUPPLEMENTAL WITNESS STATEMENT OF
WONG WING CHUEN

I, WONG WING CHUEN, Senior Surveyor of Ships, Local Vessels Safety Section, Marine Department, 23/F, Harbour Building, 38 Pier Road, Central, Hong Kong, do say as follows: -

1. I am a Senior Surveyor of Ships in the Local Vessels Safety Section (“LVS”), Shipping Division of the Marine Department (“Mardep”). I am the same Wong Wing Chuen who made the Witness Statement dated 14 January 2013, the Supplemental Witness Statement dated 23 January 2013 and the 2nd Supplemental Witness Statement dated 8 February 2013.
2. I make this 3rd Supplemental Witness Statement on behalf of the Director of Marine (“Director”).
3. The purpose of this 3rd Supplemental Witness Statement is to explain the existing regime of maritime safety concerning local high speed ferries and the system of control. I will also address items (12) and (14) of Messrs Lo & Lo’s letter dated 28 January 2013.
4. In this 3rd Supplemental Witness Statement I will adopt the definitions and nomenclature in my previous Witness Statements.

High Speed Ferries

5. The specific term or concept of “High Speed Craft” (“**HSC**”) was not in use in Hong Kong before the implementation of the Cap. 548 on 2 January 2007. Before 2 January 2007, passenger-carrying vessels were classified as “dynamically supported craft” (“**DSC**”) or “non-dynamically supported craft” (“**non-DSC**”). Under section 2 of Cap. 548, a DSC is defined to mean a passenger-carrying vessel that is operable :-
 - (a) on or above water and the weight of which, or a significant part thereof, is balanced in one mode of operation by other than hydrostatic forces; or
 - (b) at speeds such that the function $V/(gL)^{1/2}$ is equal to, or greater than, 0.9 where, in consistent units, "V" means maximum speed in m/s; "g" means the acceleration force due to gravity; and "L" means the waterline length in meters.
6. In simple term, a DSC is an indication that the vessel in question could attain a relatively fast speed as calculated by the formula set out in paragraph 5(b) above. There is now produced and shown to me marked “**WWC-21**” a copy document showing the calculations.
7. The construction of a DSC has to meet the requirements set out in the “Dynamically Supported Craft Code”. Based on the formula set out in paragraph 5(b) above, “Sea Smooth” was not a DSC and was classified as a non-DSC.

8. After the implementation of Cap. 548, new passenger-carrying vessels are classified as HSC or non-HSC. Under section 2 of the Merchant Shipping (Safety) (High Speed Craft) Regulation (Cap.369AW), a HSC means a craft capable of a maximum speed in metres per second equal to or exceeding $3.7\Delta^{0.1667}$ where Δ = displacement corresponding to the design waterline (m³).
9. A local vessel which is an HSC as determined by the formula in paragraph 8 above has to meet the construction standards as stipulated in Chapter XI of the CoP [Marine11/29/3527+]. Those construction standards are adopted from but are not the same as the construction standards applicable to the high speed crafts operating between Hong Kong and Macau, which are governed by the International Code of Safety for High Speed Craft since these vessels are vessels on short international voyages.
10. Based on the formula in paragraph 8 above, “Sea Smooth” would have been an HSC. There is now produced and shown to me marked “WWC-22” a copy document showing the calculations. But since “Sea Smooth” was constructed prior to the coming into force of Cap. 548 and its Regulations, it did not have to comply with the construction requirements in Chapter XI of the CoP.

Regime of maritime safety concerning local high speed ferries and the system of control

11. As explained above, a local high speed ferry constructed after 2007 is subject to regulatory control on safety over and above those applicable

to local vessels and those requirements are set out in Chapter XI of the CoP. The content of Chapter XI are adopted from the HSC Code as appropriate to local conditions, and includes intact and damaged stability criteria, seating construction standard and safety belts standard, structural fire protection for engine room, passenger cabin and wheelhouse, fire detection and fixed fire-fighting appliances, remote control alarm and safety system for engines, directional control system, wheelhouse layout and masthead light requirement, radar installation and failure mode effect analysis (FMEA) requirement. Also, the operational and safety performance of the vessel have to be demonstrated in accordance with annex 8 of the HSC Code. Every high speed local ferry should be provided with an operating manual, route operating manual, training manual and maintenance manual in accordance with section 18.2 of HSC Code. For the Commission's information, there is no requirement that a yellow flashing light be installed on a non-DSC, a HSC or a non-HSC. Mardep's policy is to require such light to be installed on DSCs only. Since "Sea Smooth" is not a DSC, it is not required to be installed with a yellow flashing light.

Item (12) and Item (14) of Messrs Lo & Lo's letter dated 28 January 2013

12. Mardep has issued instructions (letters, website & Marine Department Notice) to coxswains of the passenger-carrying vessels to inform the Vessel Traffic Centre via Very High Frequency ("VHF") channel 12, 14 or 67 (call sign "MARDEP, HONG KONG") or dial 999 in case of emergency. Under Cap. 548G, Schedule 3, Table 1, a ferry vessel that plies outside the Victoria port is required to be fitted with VHF. To

enhance communication, mandatory installation of VHF on all Class I vessels would be explored.

13. Under Chapter IIIA paragraph 21.5 of the CoP [**Marine11/29/3473**], “a vessel’s emergency lighting, navigation lights for vessels of length exceeding 24 metres, fixed fire extinguishing system, fire detection and alarm system and public address system should be provided with emergency power supply of sufficient capacity.” This provision requires the vessel to be provided with back up electricity supply for emergency service when the main source of electricity supply is interrupted.

14. Currently, the Certificate of Survey issued by Mardep stipulates the minimum safe manning of crew, which must include at least a person holding a coxswain certificate of competency and a person holding an engine operator certificate of competency. The certificated coxswain is to take charge the vessel while the certificated engine operator is to take charge of the engines. As the specific duties of the coxswain and engine operator are already dictated by the regulations, and the other duties of a general nature such as mooring and unmooring operation could easily be undertaken by the engine operator or other crew members on board, Mardep would not separately issue manning certificates to identify the areas of normal responsibility of each of the crew members on board. To cater for emergency, the Mardep will require passenger-carrying vessels to have a muster list on board setting out the emergency procedures to follow and stipulating the responsibilities of each member of the crew in case of emergency. The

emergency procedures will cover man overboard, fire, collision, grounding and abandon of ship.

Item (9) of Messrs Lo & Lo's letter dated 28 January 2013

15. A ferry vessel operating a franchised service or a licensed service as defined in the Ferry Services Ordinance (Cap. 104) and plying outside the boundaries of the Victoria Port is required to be fitted with a radar of the approved type and to have on board, at all times when under way, a radar operator who has successfully completed a radar training course approved by the Director for the operation of the radar. Also, a radar is required to be installed on local high speed vessel as required in Chapter XI of the CoP. In view of the Lamma IV incident, Mardep proposes to extend the requirement of radar to Class I ferries and launches carrying over 100 passengers except those operating in the Specified Sheltered Waters (defined in Schedule 2 of Cap. 548D) where the vessels run on shorter voyages or the traffic is slower or lighter and of lower risk. There is no requirement of electronic chart to be installed for local vessels as such requirement only applies to international voyages when the coxswain or captain is less familiar with the conditions of the international waters or foreign ports. (The VHF and Automatic Identification System requirements are addressed in the Witness Statement of Chung Siu Man.)

Reporting of Marine Accident to Mardep

16. Section 57(1) of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) provides that where a local vessel that is involved in the

following incidents, the owner of the vessel, his agent or the coxswain shall report the occurrence to the Director, orally or in writing furnishing full particulars, within 24 hours after the occurrence:-

- (a) a local vessel is involved in a collision with another vessel, a port facility or other property;
 - (b) a local vessel sinks or becomes stranded or disabled;
 - (c) a person is killed or seriously injured on board a local vessel as a result of an accident;
 - (d) an explosion or fire occurs on board a local vessel;
 - (e) damage is caused by a local vessel to a port facility or other property; or
 - (f) a person, cargo or equipment is lost overboard from a local vessel.
17. Under s.57(2) of Cap. 548, the owner of the vessel, his agent or the coxswain who fails to comply with the above reporting requirement without reasonable excuse, or makes a report or furnishes any particulars which he knows to be false in a material particular, commits a criminal offence.
18. This statutory duty is emphasized in paragraph 5.1, Chapter XII of the 2006 Code of Practice [**Marine11/29/3532**].
19. Mardep has established a reporting system. Through public information on its website and announcements through the Marine Department Notices, the public has been informed of the various

statutory requirements for making such reports. The various reporting requirements are publicized in the following webpage:

<http://www.mardep.gov.hk/en/publication/elawr.html>

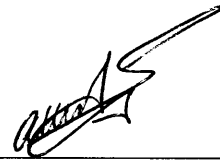
20. There are three channels for the reporting of marine accidents:
 - (a) Calling Mardep telephone enquiry and an officer will handle it;
 - (b) Visiting the Harbour Patrol district offices and the officer-in-charge will note down the incident on the standard reporting form; and
 - (c) Complete the report form and send it to Mardep by fax or e-mail.

21. In the web site of Mardep, the contact points for services are provided under the Sub Title “About us” - “Services Quick Connection” (<http://www.mardep.gov.hk/en/aboutus/qckcnect.html>). A person who has involved in a marine accident may either call the General Enquiry, Emergency Services or the Marine Investigation to report the incidents. If the person makes the 999 call and reports a marine accident, the report will be directed to Marine Police which will inform the Vessel Traffic Services of Mardep.

22. If there is any change to these reporting requirements, the public will be informed through Marine Department Notices. In 2011, the public has been informed of the changing of the accident report form via MDN 37/2011. A copy of MDN 37/2011 is annexed at “**WWC-23**”. A copy of the report form (M.O. 822) together with the explanatory note is annexed at “**WWC-24**”.

23. If any person who is involved in a marine incident fails to report to Mardep, he runs the risk of being prosecuted. From 2008 to 2012, there were 40 cases of prosecution for failing to report marine accidents under s.57(1) of Cap. 548.
24. I confirm the contents of this 3rd Supplemental Witness Statement to be true to the best of my knowledge, information and belief.

Dated this 14th day of February 2013



WONG WING CHUEN