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<p>1 Friday, 14 December 2012</p> <p>2 (10.00 am)</p> <p>3 MR McGOWAN: Mr Chairman, before Mr Shieh continues, we have</p> <p>4 provided all the documents we have available as were</p> <p>5 requested, and they're being provided to Lo &amp; Lo either</p> <p>6 as I speak or certainly will be before lunch today.</p> <p>7 THE CHAIRMAN: Thank you for that information, and thank you</p> <p>8 for the expedition with which our request has been met.</p> <p>9 Mr Shieh?</p> <p>10 MR SHIEH: Mr Chairman, may I now continue with Captain</p> <p>11 Pryke's examination. Perhaps Captain Pryke can be</p> <p>12 reminded of the oath.</p> <p>13 CAPTAIN NIGEL ROBERT PRYKE (on former oath)</p> <p>14 THE CHAIRMAN: Yes, you continue to give your evidence</p> <p>15 according to your oath, Captain.</p> <p>16 A. Thank you.</p> <p>17 Examination by MR SHIEH (continued)</p> <p>18 MR SHIEH: I hope the transcript projection has now been</p> <p>19 fixed so that we can look at Day 3, page 84 of the</p> <p>20 transcript.</p> <p>21 THE CHAIRMAN: Apart from that North Korean way of referring</p> <p>22 to the date, what is the calendar date of the transcript</p> <p>23 you wish us to look at?</p> <p>24 MR SHIEH: The calendar date is 12 December.</p> <p>25 THE CHAIRMAN: Thank you.</p>	<p>1 Question: Despite the sophistication of your radar,</p> <p>2 you cannot tell what the actual heading of any</p> <p>3 particular vessel is, can you?</p> <p>4 Answer: I agree that since the echoes of the radar</p> <p>5 can only calculate the COG and SOG, but the heading --</p> <p>6 but the radar is not able to tell the accurate heading</p> <p>7 of the vessels. But as for the AIS data, it can be --</p> <p>8 it can input the heading information and send them to</p> <p>9 us.</p> <p>10 Question: Yes, but that wouldn't appear on the</p> <p>11 radar picture; that would appear on the AIS information</p> <p>12 facility?</p> <p>13 Answer: Yes, it won't be shown on the radar label,</p> <p>14 but it will be shown on the AIS label.</p> <p>15 Question: Your radar system works on three-second</p> <p>16 sweeps; is that correct?</p> <p>17 Answer: Yes.</p> <p>18 Question: And if a vessel alters course, the system</p> <p>19 is going to take some time to catch that alteration of</p> <p>20 course or turn?</p> <p>21 Answer: Yes.</p> <p>22 Question: I don't know whether you can help us, Mr</p> <p>23 Yim, but how many sweeps of the system, the radar</p> <p>24 scanners, do you think are required for the system to</p> <p>25 catch up with an alteration of course?</p>
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<p>1 MR SHIEH: Perhaps I should start at page 82.</p> <p>2 Has Captain Pryke got the hard copy so he can</p> <p>3 actually start looking at the hard before the computer</p> <p>4 screen shows it up?</p> <p>5 A. Yes.</p> <p>6 Q. Page 82 at the bottom, the question was put by</p> <p>7 Mr McGowan to Mr Yim of Mardep:</p> <p>8 "And the computer system in the VTC centre produces</p> <p>9 the course and speed over the ground using historical</p> <p>10 information from previous radar sweeps?</p> <p>11 Answer: Basically the historical data was taken as</p> <p>12 a reference in the tracking system in predicting the</p> <p>13 position of the next scan, but it was not the -- but</p> <p>14 they don't solely rely on it because they would also</p> <p>15 measure the echo point and also take the error, and then</p> <p>16 multiply by a parameter to produce the next scan. And</p> <p>17 the historical data do have some influence, but they</p> <p>18 don't solely rely on it.</p> <p>19 Question: I'm not suggesting that it's totally</p> <p>20 historical, but it's a combination of position dots</p> <p>21 which have been joined up in the past, and a prediction</p> <p>22 of where the next ones are going to be, to give the</p> <p>23 course and speed information?</p> <p>24 Answer: Yes, basically the historical factor does</p> <p>25 have its influence.</p>	<p>1 Answer: I am not able to tell you how many number</p> <p>2 of scans is needed to catch the turn, because it depends</p> <p>3 on the rate of the vessels and whether it is an abrupt</p> <p>4 change in the course, and also whether the system --</p> <p>5 there is an initial setting to catch up such change that</p> <p>6 has been set in the system.</p> <p>7 Question: Yes. It's probably not a very -- it's</p> <p>8 not an unfair question, but not a very clear question.</p> <p>9 It will take some time for any radar, including the VTS</p> <p>10 system, to re-establish the particular after a vessel</p> <p>11 alters course, particularly if it comes round and makes</p> <p>12 a substantial alteration?</p> <p>13 Answer: I agree.</p> <p>14 Question: If a vessel is particularly manoeuvrable</p> <p>15 and can alter course rapidly without going forward an</p> <p>16 advanced distance, a lengthy advanced distance, that's</p> <p>17 going to be even more difficult to be caught on the VTC</p> <p>18 system?</p> <p>19 Answer: Basically I agree with what you said, but</p> <p>20 it is not about -- but it doesn't mean that it is more</p> <p>21 difficult. Instead, it needs more time and needs to</p> <p>22 make more scans to catch it up.</p> <p>23 Question: Yes. So there's going to be a delay</p> <p>24 between the alteration of course, and that alteration of</p> <p>25 course being reflected on the VTC information?</p>

<p style="text-align: right;">Page 5</p> <p>1 Answer: Agree. 2 Question: If that alteration of course is 3 accompanied by an increase or particularly a reduction 4 in speed, that again is going to require more time for 5 the picture to catch up? 6 Answer: It can be shown on the radar data, but it 7 takes more scans before it could be reflected on the 8 tracking data. 9 Question: Yes, and the consequence of that is that 10 there will be a delay in determining whether a vessel, 11 using the VTC radar system or any other radar system, 12 has in fact altered course? 13 Answer: Yes. 14 Question: And the same, certainly to a degree, if a 15 vessel has altered speed? 16 Answer: Yes." 17 Coming out from this series of questions, I wish you 18 to comment on two broad points which are raised in this 19 series of exchange. One is the difference between 20 showing the course of a vessel, and showing the heading 21 of a vessel by radar. That's the first point. The 22 second point I wish you to comment on is the suggestion 23 of a delay in the radar in showing the track data, 24 showing the data, the tracking data of an abrupt 25 alteration of course and speed.</p>	<p style="text-align: right;">Page 7</p> <p>1 10 because you're being pushed by the tide. So -- 2 Q. So you're moving sideways, for example? 3 A. Yes, you're being affected by something else. But 4 course over the ground, which is what radar will tell 5 you is what is actually happening. 6 Q. Thank you. There is a reference to AIS data in the 7 extract that I have just read to you. In this 8 connection, you remember yesterday I also asked you 9 about your choice of data in doing your plotting, 10 whether you would have chosen AIS over radar; do you 11 remember that? 12 A. Yes. 13 Q. Could I ask you to look at a document. It's an AIS 14 manual obtained from the ferry company. It is in police 15 bundle N(II). Hopefully, involved parties now have 16 a soft version. It's now being shown on the screen. 17 Police bundle N(II). It starts at page 4178-1. That's 18 the cover page of this document. It says, "Automatic 19 Identification System", the instruction manual for that 20 particular model, SI-30. This is a manual that was 21 obtained from Hong Kong &amp; Kowloon Ferry Holdings Ltd. 22 If you open it and turn to, let's say, pages 4178-2, 23 4178-3, it basically gives you instructions as to what 24 buttons to press and how to operate it. 25 The particular passage I wish you to look at is at</p>
<p style="text-align: right;">Page 6</p> <p>1 You see what I am ask you to comment upon, the two 2 broad points? 3 A. Yes, I think so. Basically radar gives you a definition 4 of something on the water or in the air or whatever. 5 There are various predictor devices that are attached to 6 different types of radar sets which try to tell you what 7 is happening now rather than what has happened in the 8 past. For example, ARPA radar is a device which is very 9 good for anti-collision warning, and a target will have 10 a stick attached to it allegedly telling you the actual 11 course that is being steered, the speed that the target 12 is moving at, and will very quickly show you a change in 13 course and speed. Every piece of information I have 14 used to plot is historic information. In other words, 15 there's no calculation of the future involved. So 16 I believe that what I have used is very accurate. 17 You can calculate what a target is doing, but it's 18 all based on historic data as far as radar is concerned, 19 yes. 20 Q. How about the suggested distinction between showing the 21 course of a vessel as opposed to showing the heading of 22 the vessel, in terms of radar echo? 23 A. Well, course over the ground is what is actually 24 happening. In other words, your compass heading might 25 be zero, but your actual course over the ground might be</p>	<p style="text-align: right;">Page 8</p> <p>1 page 4178-9, where it starts off with the word 2 "Caution": 3 "1. Ship's position received through the AIS might 4 be different from the actual ship's position. It is 5 desirable to always check visually with radar prior to 6 using AIS equipment for navigation data." 7 Do you see that, Captain Pryke? 8 A. Yes. 9 Q. Could you offer some comment on this and how it relates 10 to your testimony yesterday in connection with AIS data 11 vis-a-vis radar data? 12 A. Yes. I mean, I said I think yesterday that the radar 13 data, the radar footprint is absolutely correct, whereas 14 AIS is subject to a number of errors, some to do with 15 the equipment that's on board the ship, some to do with 16 how that equipment has been set up, and some to do with 17 atmospheric conditions relating to the satellites. 18 It's worth pointing out the front cover of this 19 document. 20 Q. Page 4178-1? 21 A. The definition of what this kit actually is. It's 22 an automatic identification system. This system came in 23 very soon after 9/11, because the Western world was 24 very, very concerned about terrorists using ships as 25 bombs. This was pushed through the IMO very quickly as</p>

<p style="text-align: right;">Page 9</p> <p>1 a way for nation states to be able to see what ships 2 were actually going around their coasts. That's what it 3 was originally for. 4 A lot of people have attached various other things 5 to it in the meantime, one of which is anti-collision. 6 Now, I think one of the reasons for this caution is that 7 people, officers on the bridges of ships, are using AIS 8 as an anti-collision device. It is not as good as 9 a radar anti-collision device, for the reasons I've 10 stated. It is subject to a number of errors. 11 Q. Thank you, Captain Pryke. 12 Can I now ask you to look at a video which is part 13 of a series of video which Mr Yim, the Mardep witness, 14 produced. Mr Yim produced four videos. I wish you to 15 look at the third one; that is to say, the one with 16 distance and bearing. 17 (Video played) 18 Feel free to ask for it to be paused and offer 19 whatever comment you wish to, because I understand you 20 wish to make some observations and comments on the 21 distance and bearing shown. 22 A. I can't actually see the timing on the screen. I'm sure 23 it's there. 24 Q. The timing is at the top. 25 A. Can we stop it there, please. Can we move it on just</p>	<p style="text-align: right;">Page 11</p> <p>1 But that is actually the moment when Coxswain Chow saw 2 the vessel ahead of him. 3 Q. Do you wish to play on? 4 A. And he had 30 seconds from then in which to avoid 5 a collision. 6 Q. Do you wish the video to be played on now? 7 A. Yes, please. Yes. 8 (Video played) 9 Yes, I don't think we need any more, do we? 10 Q. Are there any further observations or comments that you 11 wish to make of what we have seen from this video so 12 far? 13 A. I would just say I think this is as accurate a picture 14 that you will ever get of a collision. It has been 15 pointed out that the targets apparently hit on the 16 opposite bow to what they actually did, but there can be 17 various technical reasons for that. But this is as 18 accurate a picture as you will ever get of a collision, 19 I believe. 20 Q. Thank you. Captain Pryke, could I ask you to look at 21 a few topics about the equipment on board the vessel. 22 First of all, sound signals. Could I first ask you to 23 look at certain aspects of the Collision Regulations. 24 First of all, the Collision Regulations do contain 25 stipulations as to technical requirements about sound</p>
<p style="text-align: right;">Page 10</p> <p>1 a few seconds to 20:19:47. 2 Q. Using the time at the top, below "Settings"? 3 A. Yes, in the green, under "Settings". 4 Q. Yes, using that time. You want it moved back to 5 20:19:47? 6 A. 20:19:47. You've just gone past it. It's three seconds 7 before that. 8 Q. Perhaps we can move back more and let it play on, and 9 pause at -- yes. It's now 20:19:44. 10 A. That's it. That's it. 11 Q. Pause. 12 A. I think this is an interesting point, because the only 13 proper evidence we have is from the coxswain of the 14 Lamma IV, as to what actually happened. Because we have 15 no evidence from the coxswain of Sea Smooth. But this 16 is the point at which Coxswain Chow says that he saw Sea 17 Smooth. He said -- I've worked it out from the speed 18 and from what he said. He said he saw it at 3 cables. 19 I've worked it back, and that's broadly where the 20 coxswain says he saw the Sea Smooth. So it's very 21 clear. Unfortunately, that is only 30 seconds from 22 collision. So there's not much time. 23 From that point, Lamma IV did in fact alter course 24 slightly to starboard, but not very much. And from that 25 point, Sea Smooth continued to alter slightly to port.</p>	<p style="text-align: right;">Page 12</p> <p>1 signals; correct? 2 A. Yes. 3 Q. Can I ask you to look at the Collision Regulations, and 4 perhaps that can be shown on the screen. In terms of 5 bundles, it's in the expert bundle, page 229. That is 6 annex 3 to the Collision Regulations. 7 It's at the very end. I don't know whether we have 8 the bilingual version. It's only the English? We don't 9 have a bilingual version prepared? No. 10 Anyway, this is the English version of annex 3 to 11 the Collision Regulations. Captain Pryke, can you 12 identify for us the precise technical requirement about 13 intensity of sound signals required to be carried on 14 board a vessel such as the Lamma IV? 15 A. Yes. If we look at the table there, we see "Length of 16 vessel in metres" on the left, and what we're looking 17 for is 20 but less than 75 metres. Moving along, in the 18 final column, it says "Audibility range in nautical 19 miles". So a vessel of that size should have a foghorn 20 or a whistle that can be heard 1 mile away. 21 Then in the second column, if I read this correctly, 22 it is a decibel requirement of 130 dB. 23 Q. So that is what the Collision Regulations required, but 24 in relation to this particular vessel, I believe that 25 you have seen what appears to be a manual for the sound</p>

<p style="text-align: right;">Page 13</p> <p>1 signals. Can I ask you to look at police bundle O, and 2 turn to page 4391. This would appear to be the owner's 3 manual of a loudhailer system. 4 THE CHAIRMAN: This relates to Lamma IV? 5 MR SHIEH: This relates to Lamma IV. This is obtained from 6 Hongkong Electric Company Ltd, as one can see from the 7 index page. So it is believed to be relating to 8 Lamma IV. 9 THE CHAIRMAN: We have a description of the wheelhouse on 10 Lamma IV in one of the bundles, a photograph, which in 11 the index describes exactly this piece of machinery: 12 Standard Horizon loud hailer VLH-3000. 13 MR SHIEH: Yes. 14 Captain Pryke, you've had a chance of actually going 15 through this manual, have you? 16 A. Yes. 17 Q. From this manual, were you able to identify or locate 18 any information as to whether or not its sound intensity 19 complies, or decibel intensity complies with the 20 requirement stipulated by the Collision Regulations? 21 A. No, I couldn't find that particular detail. 22 Q. During your inspection of the Lamma IV, were you able to 23 see any indication or stamp in respect of approval by 24 the IMO on any sound equipment on board the Lamma IV? 25 A. I went on the wheelhouse roof to sight the actual</p>	<p style="text-align: right;">Page 15</p> <p>1 loudspeaker which is connected with the system that we 2 see on this manual? 3 A. That's right. It's not entirely clear to me. I mean, 4 I've no reason to believe that they didn't have a proper 5 whistle, and I don't know one way or the other, frankly. 6 Q. Right. You can't tell one way or the other? 7 A. No. 8 THE CHAIRMAN: The photographs, Mr Shieh, are in marine 9 bundle 1, beginning at page 124, for the photographs of 10 the wheelhouse -- 11 MR SHIEH: Yes. We've been looking at actually the photos 12 in the photo album. But thank you, Mr Chairman. 13 THE CHAIRMAN: The one that certainly helps me most is at 14 page 139. That gives you the legend showing where the 15 various bits of equipment are, and then each bit of 16 equipment is helpfully photographed individually. This 17 loud hailer is at page 144. 18 MR SHIEH: Captain Pryke, can you see that? 19 A. I don't know whether this was just used as a loud hailer 20 or whether it was acting as the ship's whistle. It 21 clearly had the ability to speak to the passengers, 22 speak to the crew forward and aft, et cetera. And it 23 did have a function, I think, as an automatic fog 24 signal. But whether that's officially the ship's 25 whistle, I have no idea.</p>
<p style="text-align: right;">Page 14</p> <p>1 loudspeaker that projects the sound signal, and on the 2 loudspeaker there's a sticker that says "IMO approved". 3 But that does not necessarily relate to this piece of 4 equipment. 5 Q. Because where that approval stamp appears is actually 6 a loudspeaker, and the loudspeaker -- 7 A. Yes. 8 Q. -- you reckon, may or may not be connected to this 9 particular piece of -- 10 A. And I also noted that on the wheelhouse console, I don't 11 know if you've found the pictures yet, but on the 12 wheelhouse console, I think it's the lower right-hand 13 button -- 14 Q. We're trying to locate any particular photographs of the 15 console so you can actually have a better look, or the 16 layout plan. I think we should have. But carry on. 17 A. There is another button there which said -- I can't 18 remember exactly, but it said either "whistle" or 19 "horn", which was totally unrelated to this piece of 20 kit. It appeared to be something built in to the 21 wheelhouse equipment. But there was no detail of that 22 at all. 23 Q. In other words, the fact that there is a loudspeaker 24 that you could observe with an "IMO approved" stamp may 25 or may not mean that that approval relates to the</p>	<p style="text-align: right;">Page 16</p> <p>1 Yes, the photograph I had in mind was page 141, the 2 top photograph, "Photo 3." 3 Q. Photo 3, yes. 4 A. The little silver button on the lower right-hand side 5 indicates that it is a horn or a whistle. 6 Q. Lower right side? 7 A. Yes. There. 8 Q. Yes. 9 THE CHAIRMAN: And is it labelled as such? 10 A. It is, yes. 11 THE CHAIRMAN: Do we have a better photograph that shows us 12 the actual label, which is legible for us? 13 MR SHIEH: We will try to locate one, Mr Chairman. 14 But, Captain Pryke, you remember from your 15 observation that that button actually says ""whistle" or 16 "horn"? 17 A. Yes. 18 MR SHIEH: We'll try to locate that, Mr Chairman. 19 A. So all I'm saying is it may be that that is the official 20 ship's whistle and the other piece of equipment is just 21 used a loud hailer. 22 Q. Thank you. 23 Could I follow up on that. For a loud hailer or 24 a loudspeaker installed on the Lamma IV -- I mean, 25 you've seen various loudspeakers on the Lamma IV during</p>

<p style="text-align: right;">Page 17</p> <p>1 your inspection?</p> <p>2 A. Yes.</p> <p>3 Q. Would you expect them to be heard, audible, astern?</p> <p>4 A. The ship's whistle normally is to produce a signal</p> <p>5 ahead, and as we see in the Rules in this case a mile</p> <p>6 ahead. I would not expect that signal to be anywhere</p> <p>7 near as loud astern of the loudspeaker.</p> <p>8 Q. Not that it would not be heard astern, but it's not</p> <p>9 expected to be -- it's intended to be projected forward?</p> <p>10 A. Exactly. Exactly.</p> <p>11 Q. Thank you.</p> <p>12 THE CHAIRMAN: Could we be shown a photograph of the speaker</p> <p>13 on top of the wheelhouse?</p> <p>14 MR SHIEH: Mr Chairman, I think the best way is whilst the</p> <p>15 team is looking up that picture, perhaps I can move on</p> <p>16 to other topics and then we'll come back to it after the</p> <p>17 team have located the picture on the top of the</p> <p>18 wheelhouse.</p> <p>19 THE CHAIRMAN: Please do. I know there is one that shows</p> <p>20 it, but it was quite difficult to find it.</p> <p>21 MR SHIEH: Yes. Efforts are being made. But can I move on</p> <p>22 to other topics so that the other issues can be explored</p> <p>23 first.</p> <p>24 Captain Pryke, we've looked at the sound system, the</p> <p>25 sound signal. I wish to now move on to look at the</p>	<p style="text-align: right;">Page 19</p> <p>1 MR MOK: Mr Chairman, I understand this is in the Police</p> <p>2 Technological Support Division. They are trying to</p> <p>3 retrieve the memory data from there.</p> <p>4 THE CHAIRMAN: Thank you. But presumably they would be in</p> <p>5 a position to give us the technical details now as to</p> <p>6 what the machine is.</p> <p>7 MR MOK: We'll make enquiries.</p> <p>8 THE CHAIRMAN: If contact could be made with them now, then</p> <p>9 we can be provided with it.</p> <p>10 MR SHIEH: Because Captain Pryke, without actually knowing</p> <p>11 the precise number, may not be able to assist further as</p> <p>12 to the precise characteristics.</p> <p>13 But, Captain Pryke, on the basis of the materials</p> <p>14 that you have seen, the operation manual, on the basis</p> <p>15 let's say the radar belongs to one of the several models</p> <p>16 of this, can you deduce or can you form any view as to</p> <p>17 the attributes of the radar on board the Lamma IV? For</p> <p>18 example, the broad functions it could operate as and</p> <p>19 whether it could be used, for example, as a chart</p> <p>20 plotter?</p> <p>21 A. Yes. My first observation is it's a very complex piece</p> <p>22 of kit. It has an ARPA, which is an automatic radar</p> <p>23 plotting device. It can show information from the echo</p> <p>24 sounder. Chart plotter. It's also apparently fitted to</p> <p>25 a GPS receiver and has an AIS interface.</p>
<p style="text-align: right;">Page 18</p> <p>1 radar system. Could I ask you to look at the radar</p> <p>2 manual. Police bundle O at page 4419.</p> <p>3 A. Yes.</p> <p>4 Q. That's a radar manual again obtained from Hongkong</p> <p>5 Electric. We can see on the cover sheet, page 4419,</p> <p>6 that it actually relates to a number of models.</p> <p>7 A. Yes.</p> <p>8 Q. But from your inspection of the Lamma IV, were you able</p> <p>9 to notice or identify the exact model number of the</p> <p>10 radar that was installed on the Lamma IV?</p> <p>11 A. No. When I went on board the Lamma IV, the radar had</p> <p>12 been removed.</p> <p>13 THE CHAIRMAN: We have a photograph of it, do we not, in</p> <p>14 that marine bundle 1, photograph 9 of that bundle? The</p> <p>15 legend tells us that it's a Furuno NavNet GPS chart</p> <p>16 plotter and radar.</p> <p>17 A. Yes, I don't think you can see the model number there.</p> <p>18 THE CHAIRMAN: Do we know where the radar device is,</p> <p>19 Mr Shieh?</p> <p>20 MR SHIEH: Yes, we do. If we can locate a photograph --</p> <p>21 because there is a space there where it's supposed to</p> <p>22 be, when I think Captain Pryke visited.</p> <p>23 THE CHAIRMAN: Who has possession of this device now?</p> <p>24 MR SHIEH: Can I enquire, because when Captain Pryke</p> <p>25 visited --</p>	<p style="text-align: right;">Page 20</p> <p>1 So it's an extremely complicated piece of kit. My</p> <p>2 first observation would be that for Coxswain Chow to</p> <p>3 have asked to go on a radar course was the right thing</p> <p>4 to do, and it was rather disappointing that his request</p> <p>5 was ignored.</p> <p>6 It appears from this documentation that you can show</p> <p>7 a radar display or alternatively a plotter display,</p> <p>8 which appears in the form of an electronic chart. There</p> <p>9 are various ways of displaying electronic charts and</p> <p>10 various forms of accuracy. I have no idea how good this</p> <p>11 was or wasn't as a chart.</p> <p>12 Q. On the basis of the manual that you had seen, were you</p> <p>13 able to observe whether or not, for example, it displays</p> <p>14 true motion mode or relative motion mode, or was capable</p> <p>15 of displaying?</p> <p>16 A. From what I can glean from this, it does show relative</p> <p>17 motion. Whether it shows true motion, I really don't</p> <p>18 know.</p> <p>19 Q. Relative motion is where the vessel itself is, let's</p> <p>20 say, in the middle --</p> <p>21 A. Yes.</p> <p>22 Q. -- and then it shows the motion of other vessels</p> <p>23 relative to it?</p> <p>24 A. Yes.</p> <p>25 THE CHAIRMAN: And that could be arranged as heading-up or</p>

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<p>1 north-up on the chart plotter? 2 A. Yes. It looks -- yes, there's a picture of the chart 3 plotter where it shows it in north-up position. That 4 indicates that you could also have it head-up. 5 THE CHAIRMAN: Thank you. 6 MR SHIEH: Mr Chairman, there is a photograph in police 7 photo album V, page 300. Alternatively, police 8 album IV, page 177. 9 THE CHAIRMAN: You're addressing the issue of the location 10 of the speaker on the wheelhouse? 11 MR SHIEH: The speaker, yes. 12 THE CHAIRMAN: Am I right in recalling, Captain Pryke, that 13 the speaker is on the starboard side of the wheelhouse, 14 above where the coxswain would be? 15 A. Yes, exactly. 16 MR SHIEH: Mr Chairman, we think we have located what might 17 be seen as the loudspeaker. Because if we look at 18 page 300 -- 19 A. Oh, yes. You can see it. 20 Q. -- you can see the back of the loudspeaker. 21 A. Yes, just there. That's it. 22 Q. The white object. 23 THE CHAIRMAN: Thank you. 24 MR SHIEH: We can also see it in police album IV, page 178. 25 Mr Chairman, you can see that on the top left-hand</p>	<p>1 monitoring the radar, but I feel he, in the regime in 2 which he worked, did nothing significantly different 3 than any of his colleagues would have done. 4 Q. But how about the keeping of a lookout, which you said 5 yesterday was something which actually could have been 6 done at a much earlier point in time? 7 A. My feeling is that the safety regime on both the vessels 8 left something to be desired, and it wasn't necessarily 9 all the fault of the crew that were on board at the 10 time. 11 Q. Thank you. No doubt we will revisit that issue when we 12 move on to what we call part 2 of the Inquiry, Captain. 13 A. Yes. 14 Q. Can I ask you to look at the next topic, that is to say 15 the radio handset on board the vessel. Can I ask you to 16 look at the relevant manual, again in police bundle O, 17 page 4653. One may call it a manual, one may call it 18 an instruction sheet concerning the trunked mobile radio 19 on board the Lamma IV. It says "Operating Procedures of 20 Trunked Mobile Radio"; can you see that, Captain Pryke? 21 A. Yes. I certainly don't pretend to be an expert on this 22 sort of equipment, but what I believe this is -- what 23 "trunked mobile" means is that you have specific calls, 24 a group of people within the system, that you can call, 25 one of which I believe in evidence was the coxswain of</p>
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<p>1 corner, also the white object. 2 THE CHAIRMAN: Yes. 3 MR SHIEH: Did that appear to you, Captain Pryke, to be 4 where you would expect to find a loudspeaker which would 5 project the sound signal in compliance with COLREGs? 6 A. Yes. On a vessel type of this type, yes. 7 Q. That was not the loudspeaker where you found the IMO 8 approval stamp? 9 A. Yes, on that speaker there is a sticker that says "IMO 10 approved". 11 Q. On that one? Thank you. Whilst we wait for the precise 12 model number of the radar which used to be on board the 13 Lamma IV, is there anything else you wish to add or 14 supplement in respect of the radar system or the radar 15 manual before I move on? 16 A. Yes. I've stated that we only have the report from one 17 of the coxswains, and I'm sure everybody knows why. But 18 I felt that Coxswain Chow on the Lamma IV gave a very 19 good report of everything that he imagined or thought 20 was going on at the time. And I'm sure that it's by and 21 large very accurate. 22 I said yesterday that he shouldn't have accelerated 23 until he knew exactly what was going on in the vicinity, 24 and I stand by that. But I don't want to be too harsh 25 on him. I feel that certainly somebody should have been</p>	<p>1 the Lamma V. 2 Q. You mean II? 3 A. Was it II or V? Sorry, II. Lamma II. So it was 4 an intercompany group of call arrangements, I believe. 5 I don't know. But that's what it looks like to me. 6 Q. Thank you. Captain Pryke, you remember in your report 7 you discussed the possible influence of -- 8 THE CHAIRMAN: Before you move on to another topic, can we 9 just confirm from the photographs of the wheelhouse of 10 Lamma IV, which is marine 1, that this piece of 11 equipment is what's shown in photograph 11? It's 12 marine 1, page 145. 13 MR SHIEH: Yes. The left-hand side. 14 A. Well, it certainly looks like it, but I couldn't be 15 sure. 16 Q. Appearance-wise, would you say, Captain Pryke, it looks 17 like -- 18 A. Appearance-wise, it looks as if that is it, yes. 19 Q. We'll try and see whether or not there were any 20 specifications such as brand number or model number. 21 It's called MaxTrac 800T3 Radio, but the sheet doesn't 22 identify it as such. But appearance-wise, certainly, 23 Mr Chairman, it looks like that set. 24 THE CHAIRMAN: Yes. 25 A. Yes, unfortunately on page 4653 it doesn't actually give</p>

<p style="text-align: right;">Page 25</p> <p>1 the name, does it? 2 MR SHIEH: The name is given on the photograph, but the name 3 doesn't appear on the sheet and therefore we can only 4 rely on appearance to judge whether or not they depict 5 the same device. 6 THE CHAIRMAN: Do we not have a manual for this Motorola 7 MaxTrac 800T3? 8 MR SHIEH: I think we enquire from Mardep or the Police 9 whether or not they have seized them, and also with the 10 owners, whether or not they have kept them. 11 THE CHAIRMAN: No doubt if this is fitted on Hongkong 12 Electric vessels, they'll have a manual. 13 MR SHIEH: As I say, this is more an instruction sheet for 14 those operating it. 15 THE CHAIRMAN: Yes. 16 MR SHIEH: The equipment will have come from the supplier 17 with some kind of manual. 18 THE CHAIRMAN: Yes. 19 Mr McGowan? 20 MR MCGOWAN: Enquiries are being made, sir. 21 MR SHIEH: Whilst a number of enquiries are going on about 22 model numbers of the radar and also the manual of the 23 radio, which may not come in time for Captain Pryke to 24 be able to meaningfully comment on, could I just move on 25 to the next topic?</p>	<p style="text-align: right;">Page 27</p> <p>1 those bundles to see whether or not they contain the 2 Lamma IV manual which Mr Mok -- 3 THE CHAIRMAN: Can you assist as to where in the bundle this 4 Motorola manual is? 5 MR MOK: We'll track it down. 6 THE CHAIRMAN: Thank you. 7 MR SHIEH: That's the Motorola MaxTrac in relation to the 8 radio set, but in relation to the radar model, we're 9 still waiting. 10 THE CHAIRMAN: Yes. 11 MR SHIEH: But could I move on to ask Captain Pryke to deal 12 with a discrete point, before perhaps we come back, 13 whilst enquiries are being made at the back? 14 THE CHAIRMAN: Yes. 15 MR SHIEH: That is the influence or lack of influence of 16 anchored vessels in the vicinity. 17 You remember, Captain Pryke, at paragraph 24 of your 18 report -- if you wish to refresh your memory, you can 19 look at your report. Paragraph 24, expert bundle, 20 page 10. You said: 21 "I do not consider that the presence on the anchored 22 vessels should have contributed to the collision." 23 A. Yes. 24 Q. And the reason of that, if you look above a few lines, 25 based on your review of information supplied by Mardep</p>
<p style="text-align: right;">Page 26</p> <p>1 THE CHAIRMAN: I'm sure we can get the answer from the 2 Police technical unit within a matter of minutes. 3 As to the manual, that's another matter. 4 But no doubt -- I know that this material is 5 available on the internet through Motorola, if it can't 6 be found from Hongkong Electric. 7 MR SHIEH: In fact, a number of websites offer manuals for 8 various types of equipment. 9 MR MOK: Mr Chairman, I have before me a table of a number 10 of documents which has been produced to the Commission. 11 One is called the manual of Motorola MaxTrac 800T3 12 radio. It came from Reed Smith Richards Butler in 13 relation to the Lamma IV. 14 THE CHAIRMAN: Wonderful. Can you give us the reference as 15 to where you find that? 16 MR MOK: That I think came with a letter to the Commission 17 either yesterday or the day before yesterday. 18 MR SHIEH: We received I think two huge bundles from the DoJ 19 yesterday. 20 MR MOK: It's amongst them. 21 THE CHAIRMAN: No doubt someone can look at it right now. 22 MR SHIEH: Because last night two bundles did arrive 23 containing a plethora from materials, some of them from 24 the Sea Smooth but in Chinese, with no translation as 25 yet. We have prioritised the matter. We'll look at</p>	<p style="text-align: right;">Page 28</p> <p>1 on the positions of the anchored vessels in the North 2 Lamma Anchorage, you said: 3 "... the lights exhibited by the three vessels in 4 the North Lamma Anchorage would have appeared behind the 5 lights of Sea Smooth between 20:18 hrs and 20:20 hrs and 6 may well have caused a slight delay in the sighting of 7 Sea Smooth. Nevertheless the fast approach of Sea 8 Smooth and in particular the flashing yellow light at 9 her masthead would have made her approach very clear. 10 The radar picture would have given a very clear 11 indication of Sea Smooth from around 20:15 hrs." 12 Then you express your opinion. That's what led up 13 to your opinion. 14 A. Yes, indeed. As I've said before, I think this is 15 nothing unusual to have anchored vessels in these 16 positions. It just underlines the necessity to keep 17 a good watch on radar, as well as visual. 18 Q. The information that you looked at in relation to 19 anchored vessels is the information which we can find in 20 the expert bundle at page 292 onwards, up to page 299. 21 Various radar snapshots at various points in time from 22 19:20 down to 21:00. But Mr Yim of Mardep, at the 23 request of the Commission, produced a second statement 24 giving more specific details about vessels in that 25 vicinity at around about 20:15.</p>

<p style="text-align: right;">Page 29</p> <p>1 Mr Chairman, that statement has been included in 2 marine bundle 8, page 1877-7 onwards. 3 THE CHAIRMAN: Thank you. 4 MR SHIEH: It's been emailed to the parties. It's been 5 emailed this morning. 6 Marine bundle 8, page 1877-7. I believe a copy has 7 been circulated by email to the involved parties. I'm 8 not sure whether the paginated versions have found 9 themselves in the bundles yet. 10 Mr Chairman, I think we'll deal with whether we need 11 formally to call Mr Yim to confirm this later, but at 12 this moment perhaps we can simply operate on the basis 13 of what is written here because strict rules of evidence 14 don't apply anyway. 15 THE CHAIRMAN: No, they don't. We'll deal with it de bene 16 esse. 17 MR SHIEH: Yes. Mr Yim here gave the legend, so to speak, 18 of how to explain or decipher the AIS labels we can find 19 on various ships, because Mr Yim gave evidence that, 20 depending on the data transmitted from different vessels 21 on their own AIS system, more or less information could 22 be found in the relevant AIS label for a particular 23 vessel. So he gave this legend of how to decipher the 24 various items. I think if you look at the table at 25 page 1877-11, I think the Department of Justice</p>	<p style="text-align: right;">Page 31</p> <p>1 A. Yes. 2 Q. You can see two vessels at North-west Lamma Anchorage, 3 the Chaplet and Eternity Ocean? 4 A. Yes. 5 Q. And then three vessels at North Lamma Anchorage, and the 6 ship names and information are given? 7 A. Yes. The confusion, incidentally, in the report is that 8 there is a third target in the North-west Lamma 9 Anchorage, but it wasn't actually at anchor. So there 10 are three targets there, but only two ships at anchor. 11 Q. Right. But looking at this information, in fact the 12 information sheet from the VTC also gave a number of 13 internet links to photographs of the vessels. But for 14 intellectual property reasons, it hasn't actually 15 produced the photos. 16 THE CHAIRMAN: What's the point of being told the link? 17 MR SHIEH: To expect the user to be able to click on the 18 links themselves. 19 THE CHAIRMAN: What is the intellectual property issue? 20 MR SHIEH: I have no idea. Perhaps Mr Mok can assist. If 21 it's on the internet, it's presumably open to viewing by 22 the public. I've looked at it myself. I printed them 23 out myself. Captain Pryke has looked at the pictures 24 himself. 25 THE CHAIRMAN: I'm not surprised. Is there any reason why</p>
<p style="text-align: right;">Page 30</p> <p>1 emphasised that while the text of Mr Yim's statement 2 represents Mr Yim's evidence, in respect of the 3 additional sheets attached to Mr Yim's statement, they 4 do not strictly form the evidence which Mr Yim 5 personally puts forward, but simply consists of 6 information supplied by the VTC. 7 Is that correct? 8 MR MOK: Yes. 9 MR SHIEH: So from the Government's point of view, they wish 10 to draw a subtle distinction between evidence which 11 Mr Yim can personally speak to on the one hand, and 12 information actually supplied by VTC as the relevant 13 Government entity on the other. So the sheets after the 14 two pages of statement are actually VTC materials or 15 interpretation or collation of the relevant materials. 16 THE CHAIRMAN: Yes. Thank you. 17 MR SHIEH: Captain Pryke, to cut a long story short, we 18 don't actually need to replay or to home in on the 19 actual radar snapshots, because I think what the VTC 20 have done is to look at five vessels which were anchored 21 in two anchor areas, basically the North-west Lamma 22 Anchorage and the North Lamma Anchorage, at 20:15. You 23 can see the relevant vessel names and also their 24 characteristics at page 1877-11. 25 Do you see that, Captain Pryke?</p>	<p style="text-align: right;">Page 32</p> <p>1 we shouldn't look at them? 2 MR SHIEH: I'm not aware of any but perhaps Mr Mok can 3 indicate what the concerns are. 4 MR MOK: I don't see any reason why. I don't know why it 5 is. Maybe it's just -- 6 MR SHIEH: Caution. Usual caution. 7 MR MOK: -- caution on the part of the -- 8 THE CHAIRMAN: If something is on the internet like this, 9 how can it possibly be -- 10 MR MOK: I think the concern is just reprinting it. 11 Obviously everyone can look at it. 12 MR SHIEH: I've got print-outs. Perhaps I can ask the 13 secretariat to print it out or make copies. 14 THE CHAIRMAN: Throwing caution to the wind, let's do that. 15 MR SHIEH: Captain Pryke, while the copying is being done, 16 looking at the dimensions, length and breadth, the data 17 of the relevant vessels, does it cause you to in any way 18 review or revise or change the opinion that you have 19 given in respect of the influence or the relevance or 20 irrelevance of anchored vessels in relation to the 21 incident? 22 A. No, not at all. I would imagine that this is not 23 an unusual circumstance to be found in these two 24 anchorages. I should think it's quite a common 25 occurrence.</p>



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1 Q. I suppose you could say that's why we need radars. 2 A. That's why we need radar. Of course it's also true that 3 if your vision is impaired, you go slower. That is part 4 of the rule of the road. 5 MR SHIEH: Mr Chairman, we are waiting for the colour copies 6 of the photographs, and we are waiting for information 7 about the radar model. 8 THE CHAIRMAN: Yes. 9 MR SHIEH: I have more or less completed the areas I wish to 10 explore with Captain Pryke in respect of his report. 11 Perhaps while we wait for that information, is it 12 possible for us to take the mid-morning break at this 13 stage? 14 THE CHAIRMAN: Mr Mok, can you help us as to how soon this 15 information is likely to arrive? 16 MR MOK: We do have the information, and the reason we 17 haven't given it is that the model number does not seem 18 to correspond with the manual. So may I just give the 19 number first, and then we'll double-check whether this 20 is correct. 21 THE CHAIRMAN: Just give me a moment. This is the radar 22 machine? 23 MR MOK: That's the radar. 24 THE CHAIRMAN: Yes. The model? 25 MR MOK: It's Furuno NavNet, and then the number is RPU-015.	1 MR SHIEH: Yes, they have. 2 THE CHAIRMAN: Very well. 3 MR SHIEH: Yesterday evening. 4 THE CHAIRMAN: Thank you for that. Please thank those 5 witnesses for making themselves available at short 6 notice to assist the continuity of the hearing. 7 MR SHIEH: Certainly. 8 MR McGOWAN: We haven't got, or we didn't have last night, 9 the translations of all those particular witnesses' 10 statements. I don't know whether those have been 11 supplied today? 12 THE CHAIRMAN: I've been given some myself this morning. 13 MR McGOWAN: Hopefully they'll have reached us as well. 14 THE CHAIRMAN: They are, as one might expect, simple 15 chronicles of the event. 16 MR McGOWAN: Yes. 17 THE CHAIRMAN: We'll take a break now, Captain Pryke, for 18 20 minutes while we see if we can get the material that 19 will enable you to deal with the outstanding matters. 20 If you, of course, need some time to go through the 21 material, you'll let us know and we'll accommodate you 22 as is appropriate. 23 We'll take 20 minutes. 24 (11.02 am) 25 (A short break)
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1 As I said, it doesn't seem to correspond with any of the 2 numbers on the manual. That's why we're trying to 3 double-check this number. 4 THE CHAIRMAN: Thank you very much for that. 5 Very well. As you suggest, Mr Shieh, we'll take 6 a break now. 7 MR SHIEH: Could I inform the Commission as to the roadmap? 8 THE CHAIRMAN: Yes, please. 9 MR SHIEH: It has been contemplated that the passenger 10 witnesses could start next Monday, because that was what 11 they've been told in their witness summonses. But 12 because there's a possibility that Captain Pryke might 13 finish early today, yesterday it was decided that we 14 would put a few passenger witnesses from Lamma IV on 15 standby. Obviously we do not know how long each of them 16 will take, so as a matter of judgment call, it was 17 decided to put five of them on standby who were kind 18 enough to come at short notice. 19 So if Captain Pryke were to finish and we run short 20 today, we would immediately proceed, subject to perhaps 21 a short adjournment for various parties to sort out 22 their papers and to review the statements, to start with 23 the passenger witnesses. 24 THE CHAIRMAN: The proposed passenger witnesses have been 25 identified to the other parties, have they?	1 (11.24 am) 2 THE CHAIRMAN: Yes, Mr Shieh. 3 MR SHIEH: I wonder whether Mr Mok is able to assist in 4 relation to where in the latest documents supplied the 5 Motorola radio speaker manual could be located. 6 MR MOK: Mr Chairman, I think in relation to the Motorola, 7 it is the same two sheets which we probably already have 8 got in the system. 9 In relation to Furuno, the radar system, I think the 10 Police have rechecked the entire equipment, and that is 11 the only number that they are able to locate. It may be 12 that there is no specific manual for this particular 13 model, and it may be shared with the other models. But 14 it really is for the owner to clarify this for us. 15 THE CHAIRMAN: Thank you for your help. 16 MR SHIEH: Mr Chairman, it's not unknown that sometimes, 17 manuals don't actually capture each and every model on 18 the market. 19 THE CHAIRMAN: Yes. 20 MR SHIEH: But I agree that it's something which perhaps the 21 owners may assist with. Because, after all, the manuals 22 were supplied by the owners to us as being probably what 23 is regarded to be the relevant manual. 24 THE CHAIRMAN: Mr McGowan, can you assist us any further? 25 MR McGOWAN: We will certainly search for it, sir.

<p style="text-align: right;">Page 37</p> <p>1 THE CHAIRMAN: Thank you. 2 MR SHIEH: In relation to what was believed to be the manual 3 for the radio, Mr Mok has indicated that it referred 4 actually to the same instruction sheet. 5 THE CHAIRMAN: Yes. 6 MR SHIEH: No doubt if further enquiries turn out that there 7 is actually a thicker booklet-like sort of manual, then 8 we can take it from there. But at the moment, on the 9 basis of the materials before us, there doesn't seem to 10 be any other document called a manual different from the 11 instruction sheet we have seen. 12 Over the mid-morning break, we have been able to 13 make copies of the photographs available on the internet 14 of the five vessels which were anchored at the two 15 anchorage areas. I wonder whether or not -- and copies 16 have been given to my learned friends, and hopefully 17 there is a set available for Captain Pryke. 18 I understand that the photographs have been copied 19 by photocopying, but in terms of scanning, they have not 20 yet been scanned. So what is now proposed to be done is 21 to project the internet photographs onto the screen. 22 THE CHAIRMAN: Very well. 23 MR SHIEH: Perhaps we can do it quickly, because unless 24 Captain Pryke wishes to home in on a particular 25 photograph, all we need is a broad depiction of what the</p>	<p style="text-align: right;">Page 39</p> <p>1 (ii) the traffic density including concentrations of 2 fishing vessels or any other vessels; 3 (iii) the manoeuvrability of the vessel with special 4 reference stopping distance and turning ability in the 5 prevailing conditions; 6 (iv) at night the presence of background light such 7 as from shore lights or from back scatter of her own 8 lights; 9 (v) the state of wind, sea and current, and the 10 proximity of navigational hazards; 11 (vi) the draught in relation to the available depth 12 of water." 13 I think whoever wrote that Rule had this sort of 14 situation in mind. 15 Q. (iv) would be particularly relevant to the issue of 16 background anchor lights? 17 A. Exactly, yes. 18 MR SHIEH: Mr Chairman, you asked for a better photograph in 19 respect of the silver button which shows "horn". We 20 have gone through the albums. There are numerous 21 depictions of that button, but unfortunately any attempt 22 to actually look at the word written under the button is 23 almost invariably hampered by reflection. I have seen 24 photographs taken by private cameras which actually show 25 the word I think "horn" more clearly. We shall look</p>
<p style="text-align: right;">Page 38</p> <p>1 vessels look like. So perhaps the various pages can be 2 shown. I think the first one is the vessel the Chaplet. 3 Captain Pryke, this is what the vessel the Chaplet 4 looks like. 5 A. Yes. 6 Q. Next. Eternity Ocean. That's the Eternity Ocean. 7 Next I think we can look at the Bungo Princess. 8 That's the Bungo Princess. 9 Next we take a look at the Fesco OB. 10 And lastly, we look at YM Inventive. That's the 11 fifth vessel, YM Inventive. 12 Captain Pryke, having looked at photographic 13 evidence or photographs of the five vessels anchored at 14 the two anchor areas that evening, do you wish to say 15 anything about whether they alter or do not alter your 16 views as to the effect of anchored vessels that you have 17 already given evidence on before the mid-morning break? 18 A. Yes. It makes no difference at all. In fact I think it 19 would probably be helpful if I just quote from Rule 6 of 20 the Collision Regulations about safe speed. 21 Q. Yes. 22 A. "In determining a safe speed the following factors shall 23 be among those taken into account: 24 (a) By all vessels: 25 (i) the state of visibility;</p>	<p style="text-align: right;">Page 40</p> <p>1 into that and see whether or not we can actually produce 2 photographic evidence and insert that into the bundle. 3 But in terms of the existing photographic material in 4 the bundle -- we'll keep looking, obviously, but the 5 ones I have seen were all hampered by reflection so we 6 could not actually see the word too clearly. 7 THE CHAIRMAN: Yes. 8 MR SHIEH: But that is something that no doubt can be 9 attended to. The vessel is always there, and if push 10 comes to shove, one goes up there again and takes a 11 picture. 12 THE CHAIRMAN: That route is obviously available to us. 13 MR SHIEH: Yes. But obviously these are matters that could 14 very well be agreed because if the owners take a look 15 and say, "We agree that it says this word there", that 16 could be resolved. 17 Captain Pryke, I have finished exploring what I have 18 in mind as being topics I wish to explore with you on 19 top of what you have written. 20 Are there any other matters that you wish to 21 supplement or expand or develop? 22 A. No. I know there is a second part to this Inquiry, and 23 other matters will come out then. But I'd just like to 24 say that I do feel some sympathy for the master of the 25 Lamma IV, because I believe that he is probably a very</p>

<p style="text-align: right;">Page 41</p> <p>1 genuine coxswain and he was not helped by the safety 2 management system that surrounded him. 3 THE CHAIRMAN: Well, as you say, Captain Pryke, the second 4 part of the report we ask you to make will be addressing 5 those kinds of issues, and you'll be in 6 a better-informed position to clarify exactly what it is 7 you have in mind at a later stage. 8 MR SHIEH: Thank you, Captain Pryke. I have completed my 9 questioning of you. Perhaps you'll wait here, because 10 there may be issues arising from what you have said that 11 other parties may wish to apply to question you on. 12 Mr Chairman, Mr Commissioner, I have no further 13 questions for Captain Pryke. 14 THE CHAIRMAN: Thank you. 15 Mr McGowan? 16 MR McGOWAN: Yes. Mr Chairman, I would make an application 17 to ask Captain Pryke some questions dealing with both 18 matters in his report and also matters that he has 19 spoken of in evidence which were not in his report, or 20 were in amplification of his report. 21 MR SHIEH: Mr Chairman, I'm sorry, before my learned friend 22 proceeds further, obviously if he obtains leave to ask 23 questions, there would be an issue arising out of when 24 my learned friend expects his questioning to be 25 completed because if, for example, he expects to be</p>	<p style="text-align: right;">Page 43</p> <p>1 dealt with in a slightly different way. 2 A. Sorry, I didn't quite catch what you said. 3 Q. Yes. There are matters that you have given oral 4 testimony about which were not covered in your report or 5 not covered in so much detail in your report. 6 A. Right. 7 THE CHAIRMAN: Mr McGowan, before we go any further, having 8 a soft-spoken voice is a virtue in many people but not 9 an advocate. May I ask you to manoeuvre one of the 10 microphones closer to you so we can pick you up. 11 MR McGOWAN: Thank you very much. Is that better? 12 THE CHAIRMAN: Thank you. 13 MR McGOWAN: I hope now that everybody can hear me. If my 14 voice is dropping, I'm sure someone will remind me of 15 that. 16 Captain, if I can just deal with one or two fairly 17 short matters first. The picture that we've had 18 displayed of the VTC radar is of course not the picture 19 that would be available to the captain of either of the 20 vessels? 21 A. That's right. 22 Q. And they'd be using much less sophisticated equipment? 23 A. (Witness nods). 24 THE CHAIRMAN: Can I ask you, Captain Pryke, to give an oral 25 response for the purposes of the transcript.</p>
<p style="text-align: right;">Page 42</p> <p>1 short, then obviously we will continue to liaise with 2 the standby passenger witnesses. But if there's any 3 chance that he's going to finish, let's say, by 4 4 o'clock or 3.30, then we would either wish to call the 5 witnesses and ask them not to come, or tell fewer of 6 them to come. 7 THE CHAIRMAN: I understand. 8 MR SHIEH: So it may assist. 9 THE CHAIRMAN: Let's take things step by step. 10 Yes, Mr McGowan, we give you leave to question the 11 witness. 12 MR McGOWAN: Thank you very much indeed, sir. 13 THE CHAIRMAN: As to the second matter, how long, if you're 14 able to, do you anticipate being? 15 MR McGOWAN: Well, that is as ever a very much more 16 difficult question to answer. I would certainly 17 anticipate being the rest of the morning, and I'd have 18 thought some part of the afternoon. 19 THE CHAIRMAN: Very well. Thank you for the indication. 20 Examination by MR McGOWAN 21 MR McGOWAN: Captain Pryke, I, as you know, am representing 22 the master and crew of the Lamma IV and also the 23 Hongkong Electric Company. 24 You raised a number of matters in your oral evidence 25 which were either not in your written report, or were</p>	<p style="text-align: right;">Page 44</p> <p>1 A. Yes, that is correct. The shore-based VTS radar is of 2 a different type than the shipboard radar. It doesn't, 3 for anti-collision purposes, give any better a picture. 4 For anti-collision purposes, the shipboard radar -- 5 well, it's what it's designed for. 6 MR McGOWAN: Yes, we accept that. But what we've been 7 seeing during the hearings of the Commission is not what 8 the captains of either of those two vessels would have 9 seen on their radars? 10 A. No, that's true. 11 Q. Just a couple of matters leading on from that. The 12 Lamma IV was licensed as a passenger launch, as you've 13 indicated in your report, not a passenger ferry? 14 A. (Witness nods). 15 Q. I'm sorry, you're nodding again. 16 A. Yes. Sorry. 17 Q. That difference in registration means that different 18 levels of equipment are required on board? 19 A. Yes. 20 Q. In particular, there's no actual requirement for 21 Lamma IV to have a radar? 22 A. No. I understand that. 23 Q. Neither is she required to have a VHF? 24 A. Yes, I understand that. 25 Q. I think we well understand your comments at the latter</p>

<p style="text-align: right;">Page 45</p> <p>1 stages of yesterday afternoon about how things could be 2 improved, but dealing with the licensing regime as it 3 was and currently is, that's the position, isn't it? 4 A. Yes. But it's also fair to say that I don't know of any 5 ferry company that uses the lowest common denominator 6 for equipping its ships. 7 Q. Yes. Hongkong Electric isn't actually a ferry company, 8 of course, is it? 9 A. Yes. 10 Q. Perhaps I can deal with the VHF first. The VHF had no 11 actual -- or the lack of a VHF had no effect on the 12 collision itself, did it? 13 A. Well, it's very difficult to say. I mean, in these 14 sorts of circumstances where local vessels are plying 15 an area on a regular basis, I would have expected them 16 both to have been listening on channel 14 and both to 17 have said, "I am leaving now", or, "Shall we go green to 18 green, shall we go red to red?" These are the sorts of 19 things that happen on a daily basis. 20 Q. They're also the sort of things that the IMO, the Hong 21 Kong Mardep and so on, discourage masters from doing, 22 don't they? 23 A. They are discouraged if you are not sure what is 24 intended and who you're speaking to. But having said 25 that, the whole point of the exercise is to be sure what</p>	<p style="text-align: right;">Page 47</p> <p>1 sort of thing that goes on. 2 Q. He wouldn't know which ferry that would be, would he? 3 The name of the ferry? 4 A. Well, then if he was replied to, one imagines that the 5 person replying would have said the name of the ferry. 6 Q. Mardep never spoke to either of the two vessels or tried 7 to speak to either of the two vessels, did they, in the 8 period before the collision? 9 A. No. Clearly Mardep wouldn't have been able to speak to 10 Lamma IV. 11 Q. No. But it made no attempt to speak to either of them? 12 A. As far as I'm aware, no. 13 Q. Thank you. So I would suggest that effectively the lack 14 of VHF on the Lamma IV had no bearing on the collision 15 itself. 16 A. In the circumstances, no. 17 Q. In fact, if the coxswain had had it and tried to use it 18 when he first saw the ferry, that might have been 19 a distraction from what he was trying to do? 20 A. No. Well, I mean -- I don't agree. I've been around 21 ferries since 1970 and VHF radio is used all the time by 22 all ferrymen, and it doesn't cause collisions. 23 Q. Were these the sort of ferries we're talking about in 24 this particular case, small vessels, or larger vessels, 25 vehicle ferries, this kind of thing, Captain?</p>
<p style="text-align: right;">Page 46</p> <p>1 the other ship is doing. 2 Q. Yes. 3 A. And it's well understood that VHF radio is used a lot in 4 confined waters. Pilot to pilot, for example, it's done 5 all the time. 6 Q. Yes. Again, we accept that. But the use between people 7 who aren't pilots is not encouraged, is it? 8 A. Well, you could argue that these coxswains are in fact 9 pilots. They're operating in pilotage waters all the 10 time. 11 Q. There have been various notices published by the Marine 12 Department, for example, in discouraging the use of VHF? 13 A. Yes, it has been discouraged. In the United States, for 14 example, it is encouraged positively. So there are 15 various thoughts. But it is done all the time, and 16 providing it's done carefully and properly, there is 17 nothing wrong with it. 18 Q. In this particular case, if the coxswain of Lamma IV had 19 had a VHF radio and had been listening to channel 14, 20 that wouldn't have helped him in any way, would it? 21 A. Well, I mean, it's very difficult to think what would 22 have been going on in his mind. But if he was regularly 23 used to using channel 14, he may well have said, you 24 know, "There's a ship due at the ferry berth. I'll just 25 call him up and see where he is." I mean, that's the</p>	<p style="text-align: right;">Page 48</p> <p>1 A. I have run both types, little local ones and big 2 cross-channel ones, and the same applies to both. 3 Q. Moving on to the matter we were dealing with just before 4 and after the break, which was the shipping in the 5 anchorages. We've been supplied now with the 6 photographs. 7 A. Yes. 8 Q. They are quite high ships, aren't they? High freeboard? 9 A. Yes. 10 Q. High freeboard would not only obscure visual 11 considerations, ie the sighting of either of the two 12 vessels visually; it would also have an effect on radar 13 pictures on both of the ferries, wouldn't it? 14 A. Momentarily, I suspect, yes. 15 Q. In particular Sea Smooth actually seems to navigate 16 through the anchored ships which are up on the 17 north-west, before she finally sets her course to the 18 south? She almost weaves her way between them? 19 A. Yes. And she would have been visible between ships. 20 Q. Well, I think that would be only momentarily, wouldn't 21 it? 22 A. Yes. When a lookout or a coxswain or a pilot looks at 23 a radar, he doesn't just look for one or two sweeps; he 24 studies the screen for some considerable time. I don't 25 believe that it would not have been possible to alert</p>

<p style="text-align: right;">Page 49</p> <p>1 yourself to the fact that there was another vessel 2 coming. 3 Q. But the presence of those vessels would have some effect 4 on the radar picture as well, wouldn't it? 5 A. Without looking back at the track, I'm not sure. But 6 I would have thought as Sea Smooth bore round from 7 Central towards the anchorage, there may have been 8 a slight blotting of her echo, yes. But I wouldn't have 9 thought it lasted for long. 10 Q. And of course, as she was coming from Central, her 11 passage from Central would also be obscured by Lamma 12 itself, the north coast of Lamma? 13 A. Initially, yes. 14 Q. The evidence of the master of Lamma IV was that he did 15 actually look at his radar before he set off from the 16 anchorage. 17 A. (Witness nods). 18 THE CHAIRMAN: Can you take us to that? 19 MR McGOWAN: Yes. It's on page 40 of the Captain's expert 20 report. 21 THE CHAIRMAN: Which bundle? 22 MR McGOWAN: The expert report bundle. 23 THE CHAIRMAN: Thank you. 24 MR McGOWAN: As far as possible, sir, I'll try and refer to 25 that rather than dodging back between other bundles.</p>	<p style="text-align: right;">Page 51</p> <p>1 the Lamma Channel and all those? 2 A. (Witness nods). 3 Q. Which would have been a very cluttered picture? 4 A. Yes. But as we discussed yesterday, the Rules say that 5 you should scan ahead. You would probably use the 6 3-mile range and then reduce it as you're moving out. 7 Q. Yes. If he'd used the 1.5-mile range, would that have 8 been acceptable? 9 A. Once he'd established that there wasn't anything to 10 worry about on the 3-mile range, yes, going down to the 11 1.5-mile range would have been acceptable. 12 Q. That would have not picked out Sea Smooth at that 13 particular time, would it? 14 A. Well, it doesn't mean you can't keep going up a range to 15 check that there's nothing else coming. 16 Q. And ferries and small craft in these sort of waters are 17 used to passing each other at close distances, aren't 18 they? 19 A. Apparently so, yes. 20 Q. And at operating speed? 21 A. Yes. 22 Q. So the sort of distances that were being quoted 23 yesterday of 350 metres or 400 metres or half a mile or 24 so on are not really applicable in Hong Kong waters? 25 A. I don't know what you mean by "not applicable".</p>
<p style="text-align: right;">Page 50</p> <p>1 THE CHAIRMAN: These are notes of an interview conducted of 2 Chow Chi-wai on 7 November this year? 3 MR McGOWAN: Yes. He agreed to assist on the investigation 4 of this offence -- sorry, this incident. 5 If you go to page 6, which is at page 40 of your 6 bundle, you can see that -- 7 THE CHAIRMAN: Would you read out the relevant -- 8 MR McGOWAN: Yes, I'm going to do that. 9 Captain Chow said: 10 "(I) had checked the radar (picture) when my vessel 11 left the typhoon shelter but shortly afterwards, 12 I reversed the vessel by visual contact. Therefore, 13 (I) did not notice the radar picture." 14 He did then say he did not check the radar picture 15 before the collision. 16 A. Yes. 17 Q. But at least he did look at it before he set sail, in 18 rather the way you described it should be done before 19 leaving the berth. 20 A. Yes. I suspect he just glanced at it rather than 21 studied it. 22 Q. What range do you think he should have been using at 23 that time? 24 A. It's hard to say. Probably 3 miles initially. 25 Q. So he'd have had the entire picture of the anchorage,</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Well, those aren't the sort of safety distances within 2 which certainly small Hong Kong traffic operates. They 3 operate much closer to each other than those figures. 4 A. Safe is safe whether you're in Hong Kong, Singapore or 5 Sydney. It makes no difference. 6 Q. They do operate within -- the safety operating 7 distances, passing distances are much closer? 8 A. What you're saying is ships pass each other very close, 9 and I'm sure that's true. Of course, it can be safe to 10 do so if you're absolutely sure what the other man is 11 doing. 12 Q. You dealt with the matter of tide in your report, 13 Captain. 14 A. Yes. 15 Q. You considered neither tide nor wind would have had any 16 effect? 17 A. No. 18 Q. You have included in your report a number of tidal 19 stream diagrams which appear -- 20 A. Yes. 21 Q. The actual atlas is at page 189, and then material 22 derived from it thereafter. Which of the various tables 23 do you say is the applicable one for the time and place 24 of collision? 25 A. If I remember rightly, it was two hours before high</p>

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1 water.

2 THE CHAIRMAN: Can I ask you to come closer to the

3 microphone.

4 Two hours before high water?

5 A. Two hours before high water, I think it was.

6 MR McGOWAN: So that would be the table at page 196; is that

7 correct?

8 A. Yes, that's my understanding.

9 Q. Which direction was the tide going in the north of Lamma

10 from that?

11 THE CHAIRMAN: Hasn't the Captain dealt with this in the

12 report?

13 MR McGOWAN: He said it had no effect.

14 THE CHAIRMAN: Doesn't he deal with the direction of the

15 tide, going north-west up the Lamma Channel and north on

16 the west side of Lamma?

17 A. Yes, that's right. North to the west side of Lamma and

18 north-west in the Lamma Channel.

19 MR SHIEH: Paragraph 11, Mr Chairman.

20 MR McGOWAN: Thank you very much.

21 That would have some effect on the Lamma IV, would

22 it not?

23 A. I doubt it, no.

24 Q. What was the --

25 A. In terms of collision avoidance, it would have had no

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1 effect whatsoever.

2 Q. No, no, Captain, that's not what I meant. The effect of

3 the tide would increase the speed over the ground,

4 wouldn't it?

5 A. Well, according to this chart, not really, no. The

6 highest number it gives in the north-west Lamma Channel

7 is 0.7 of a knot, and it doesn't give any numbers to the

8 west of Lamma Island. So we can assume that they're

9 probably less than that.

10 Q. Yes. That would certainly have the effect of increasing

11 its apparent speed over the ground, wouldn't it, with

12 the tide behind it?

13 A. Not in any significant way, I wouldn't have thought.

14 Q. If the Sea Smooth was coming into the tide, again, that

15 would tend to decrease her apparent speed over the

16 ground? Sorry, her apparent speed, ie her speed over

17 the ground?

18 A. I wouldn't have thought so. I mean, I measured the Sea

19 Smooth doing 24.5 knots in the last two minutes before

20 the collision. So I don't think the tide affected that

21 significantly at all.

22 Q. What I mean, in case there's any confusion, is that the

23 speed over the ground would be more than the actual

24 speed through the water.

25 A. Yes, very slightly, yes.

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1 Q. I'd just like to take you to one or two of the things

2 you said yesterday, Captain, in the course of your

3 evidence. It's in the transcripts. Can I take you

4 first to transcript page 83 of Day 2. Down at line 14,

5 you talk about the effect the lights might have had on

6 the sighting of Sea Smooth.

7 A. Yes.

8 Q. The times you gave for that are between 20:18 and 20:20.

9 A. Yes. This was based on some radar evidence we were

10 given about those ships in the anchorage from the Marine

11 Department, I think.

12 Q. Yes. That would actually have been applicable

13 throughout, wouldn't it, from before 20:18?

14 A. Well, the Sea Smooth passed the ships in the anchorage

15 around about 20:17.

16 Q. And then they were behind her as she came down?

17 A. Yes.

18 Q. And 20:20 is just about 20 seconds before the time of

19 the collision?

20 A. That's correct.

21 Q. On the next page, Captain, at lines 16 and 17 you talk

22 about checking the radar before leaving the quay.

23 A. Yes.

24 Q. And that is what should be done.

25 You return to that particular point at page 94,

Page 56

1 lines 5 and 6. Again, there you say:

2 "Well, if you're asking me what Lamma IV ought to

3 have done, Lamma IV ought to have looked at his radar

4 before he left the berth and as he was creeping out of

5 the typhoon shelter, he should not have increased to

6 full speed ..."

7 He did, would you agree, on his evidence or his

8 statement which you've accepted, look at the radar

9 before he left the berth?

10 THE CHAIRMAN: I can't hear you, Mr McGowan.

11 MR McGOWAN: I'm sorry.

12 On the evidence or what he said in his statement to

13 the Marine Department, he did check his radar before he

14 left the berth?

15 THE CHAIRMAN: We've established that already, Mr McGowan.

16 MR McGOWAN: Right.

17 He appeared, I would suggest, to have a clear

18 passage ahead of him?

19 A. I mean, if I can try and help here. It seems to me that

20 he was manoeuvring his ship out of the typhoon shelter,

21 and it seems to me that he wasn't looking at the radar

22 when he was doing the manoeuvring. So it's quite clear

23 to me that somebody else should have been looking at the

24 radar. Leaving the quay like that, not knowing what was

25 ahead, having all these lights around him that he didn't

<p style="text-align: right;">Page 57</p> <p>1 know where anything was, it's a two-man job, frankly. 2 There should have been another person assisting and 3 looking at the radar and advising him if there was 4 anything going on. 5 Whether that's common practice or not is neither 6 here nor there. That's what should have happened. 7 Q. Thank you. You go on to discuss at pages 100 and 101 8 the alterations of course of Lamma IV. You demonstrated 9 the alteration of Lamma IV, and you go on to talk about 10 the changes in heading or her course as depicted on the 11 VTC; that's at page 101, line 7. 12 A. Yes. 13 Q. You came up with a figure I think of an alteration of 14 some 13 degrees of her course in your report. 15 A. I mean, I didn't come up with it. It's just read 16 directly off the digital radar readings. 17 Q. Of the VTC equipment? 18 A. Of the Police. 19 Q. Sorry, yes. The common radar -- 20 A. Yes. 21 Q. Right. Do you agree that you couldn't, from that, tell 22 the heading of the Lamma IV at that stage? 23 A. I think, as I've said before, the radar imprint 24 historically gives you a good idea -- well, gives you 25 a perfect picture of what actually happened. So in</p>	<p style="text-align: right;">Page 59</p> <p>1 by using full or hard to starboard? 2 A. Yes, and, you know, I believe he's an honest man. 3 Nevertheless, I don't think that happened. 4 Q. Have you looked at anything else which might support 5 that? 6 A. Well, it's very difficult. I've thought long and hard 7 about what effect the coming together of the two vessels 8 had, and if you think back to the Sea Smooth hitting the 9 port quarter of the Lamma IV, that would tend to throw 10 the bow round to port. So it could well be that there 11 was a huge alteration to starboard and at the point of 12 collision, it came back again. Do you follow what I'm 13 saying? 14 Q. Yes. 15 A. That is entirely possible. I don't know. 16 Q. You have, of course, seen the damage? 17 A. Yes, yes. 18 Q. Have you tried to do any analysis of the damage to see 19 if you could detect what the headings of the two vessels 20 were on impact? 21 A. My colleague the naval architect, who has also been 22 appointed by the Commission, is doing some work on that 23 as we speak. 24 Q. So that's yet to be done? 25 A. Yes.</p>
<p style="text-align: right;">Page 58</p> <p>1 order to see what the course was at 20:20:20 or any 2 other particular point, if you look further on, now that 3 we have the historical data, you can actually see what 4 the course was. 5 Q. Well, you can see what the course over the ground was -- 6 A. Yes, exactly. Exactly. 7 Q. -- geographical position to geographical position to 8 geographical position. 9 A. Yes, that's right. 10 Q. But you can't actually tell from that -- 11 A. The ship's head. 12 Q. -- the ship's head. 13 A. Yes. 14 Q. Particularly for a vessel which is not fitted with AIS? 15 A. I'm not clear what that's got to do with anything. 16 Q. Well, you might have a better idea of what the heading 17 of Sea Smooth was -- 18 A. You might have a confusing idea from AIS as well. 19 Q. Maybe, but there would be a projected heading on AIS. 20 A. I know what you're saying, but my expert opinion is that 21 the actual course compared to the course over the ground 22 was not significantly different. 23 Q. That's based on the radar information? 24 A. Yes. 25 Q. The captain of the Lamma IV said that he altered course</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. In the circumstances, do you agree that might provide 2 a more accurate assessment of what the heading of 3 Lamma IV was at the point of impact? 4 A. No, I don't think it's got anything to do with the 5 heading, frankly. What I'm saying is what I have no 6 idea about is how much the collision actually altered 7 the course of Lamma IV at the point of collision. It 8 may well be that there was this great alteration to 9 starboard at the last minute, and then when the 10 collision happened, it pulled the bow back round to 11 where it was. Because according to all the radar 12 evidence, she never went further to starboard than 13 I think 002 at collision point. 14 Q. But that again would not necessarily reflect her 15 heading, would it? 16 A. I've tried to explain it as best I can. 17 Q. Yes, I'm not saying you haven't, Captain. What I'm 18 suggesting to you is that you can't use the radar 19 information to say definitely what she was doing at the 20 time of collision. 21 A. I think if this grand alteration to starboard happened, 22 it happened very, very late. And too late to really 23 make any difference. 24 THE CHAIRMAN: Just give me a moment, please. 25 Thank you.</p>

<p style="text-align: right;">Page 61</p> <p>1 MR MCGOWAN: The alteration of the Lamma IV, as you've very 2 fairly said, was constrained to a degree by the amount 3 of sea room she had and the position of the rocks. 4 A. Yes. 5 Q. She did alter to starboard, there's no doubt about that? 6 A. Yes. 7 Q. She came round, even on the radar pictures, quite a long 8 way? 9 A. Using the term "altering to starboard" is rather 10 difficult, because her course changed almost degree by 11 degree over about a minute, I think. So it wasn't what 12 the Rules describe as a bold alteration; it was 13 a gradual alteration. 14 Q. But it was a sufficient alteration to avoid the 15 collision if Sea Smooth had not altered course to port, 16 wasn't it? 17 A. Absolutely. 18 Q. I think I don't need to go back over Mr Yim's evidence 19 on that. 20 The Lamma IV's alteration to starboard should have 21 been apparent to Sea Smooth? 22 A. That's a very difficult question. It was a small 23 alteration. When you say "apparent", you're talking 24 about in terms of vision of the navigation lights, and 25 in order to, let us say, extinguish the starboard</p>	<p style="text-align: right;">Page 63</p> <p>1 A. Exactly, yes. 2 MR MCGOWAN: Well, the cut-off point is between 1 and 3 3 degrees on the opposite side of the bow, isn't it? 4 THE CHAIRMAN: I'm sorry, I didn't get that question. 5 MR MCGOWAN: The cut-off point is between 1 and 3 degrees on 6 the opposite side of the bow, and it goes round to 7 22.5 degrees abaft the beam? 8 A. No, it's from right ahead to 22.5 degrees abaft the beam 9 for each side light. 10 Q. Yes. 11 A. In other words, if you're heading directly opposite 12 another vessel, you need to alter course over 13 22.5 degrees to lose sight of one of the side lights. 14 Q. Surely that's what you'd need to do to lose both of 15 them? 16 A. I beg your pardon? 17 Q. I'd suggest you don't need to go that far round. 18 An alteration of 15 degrees should extinguish one of the 19 side lights, Captain. 20 A. If the two vessels are heading on exactly reciprocal 21 courses, I would have thought you had to do the full 22 22.5. You'd have to draw it to make sure, but that's my 23 impression. 24 Q. Let's return to that interesting point, if necessary, 25 later.</p>
<p style="text-align: right;">Page 62</p> <p>1 navigation light so that he would only see the port 2 light, you would need an alteration of 25 degrees. Do 3 you follow what I'm saying? Because the side lights 4 have a field of vision of 22.5 degrees abaft the beam. 5 Q. And this was the head-on -- 6 A. So when the two vessels are coming head-on or nearly 7 head-on, they see both side lights of each other. So 8 there needs to be an alteration between them of at least 9 22.5 degrees before you cease to see one of the side 10 lights. So at night-time, that's a good indication of 11 whether somebody is altering course. 12 Q. Wouldn't the movement -- well, the actual side lights 13 are supposed to shine from ahead round to 22.5? 14 A. Abaft the beam. 15 Q. Abaft the beam. So you'd only need an alteration of 16 half that to extinguish the sight of one of the side 17 lights, wouldn't you? So an alteration of something 18 over 10 degrees, certainly 15 degrees, would extinguish 19 the sight of one of those lights? 20 A. No, not if you're on a reciprocal course. You would 21 need to do the full 22.5 to extinguish it. 22 THE CHAIRMAN: Otherwise you're presenting the same two 23 lights, the green and red? 24 A. Exactly. Exactly, yes. 25 THE CHAIRMAN: And therefore not apparent by sight?</p>	<p style="text-align: right;">Page 64</p> <p>1 It also should have been apparent on the Sea Smooth 2 radar; do you agree with that? 3 THE CHAIRMAN: The alteration of the course to starboard by 4 Lamma IV? 5 MR MCGOWAN: Yes. 6 A. That's a difficult question. I mean, if somebody was 7 permanently monitoring the radar on the Sea Smooth using 8 an ARPA device, they may have spotted such a small 9 alteration. But I think it's very unlikely they would 10 have spotted it. 11 Q. In your report, and I'll take you to it -- it's 12 paragraph 29, line 4 -- you say that a small alteration 13 of course by Sea Smooth would have avoided the 14 collision. 15 A. Absolutely. 16 Q. And that wouldn't have needed to be anything like the 17 10, 15 degrees or more that you suggest? 18 A. Well, at that late stage it would have been hard over. 19 But what I'm meaning to say here is that even at the 20 very last moment, she could have altered course to 21 starboard and avoided the collision. It's a tragedy. 22 I don't understand why it didn't happen. 23 Q. That would have been an alteration of course which was 24 less than the Lamma IV's course, even on your own -- 25 sorry, based on even the radar picture?</p>



<p style="text-align: right;">Page 65</p> <p>1 A. I mean, I don't think it's about more or less. It's 2 about -- there is something right in front of you, and 3 you go to starboard to miss it. I mean, it's -- the 4 closer it was, obviously, the more in terms of degrees 5 you would have had to go to miss it. But at 20 yards, 6 let's say, if he'd altered course 10 degrees, he'd have 7 missed it easily. 8 Q. While a vessel is turning, does the course over the 9 ground be over- or underestimated in relation to her 10 actual heading? 11 A. Sorry, I don't understand that. 12 Q. If a vessel is turning, would her course over the ground 13 be more or less than the actual heading? 14 A. The heading may well be a lot more than the course over 15 the ground at a certain stage of the turn. Is that what 16 you -- 17 Q. Yes. 18 A. Yes. 19 Q. You would agree with that? 20 A. Yes. But obviously the course over the ground does 21 catch up in the end so that it comes correct. 22 Q. That would be effectively after the turn had stopped? 23 A. Yes, that's right. 24 Q. And the evidence seems to be that the Lamma IV was 25 continuing to turn right up to the time of the</p>	<p style="text-align: right;">Page 67</p> <p>1 Q. Yes. And her speed at the time of the collision might 2 also have been less than that shown on the radar plot? 3 A. Yes, for the time, for the exact moment it may have been 4 less. But in following traces, the trace would have 5 caught up with what the speed was doing. 6 Q. Again, if there had been no interruption by the 7 collision? 8 A. Exactly. I am not sure what effect on the speed of 9 Lamma IV the collision would have had in itself, 10 regardless of what the captain did. But presumably it 11 would have slowed it down considerably. 12 Q. Yes. I think that's probably something we're agreed on, 13 Captain Pryke. 14 You have dealt in your report at paragraph 28 with 15 the particular criticisms -- this is on page 11 of the 16 expert bundle -- of Lamma IV. 17 A. Yes. 18 Q. You quote a breach of Rule 8 of the Collision 19 Regulations. 20 A. Yes, Rule 8. 21 Q. That's up on the screens. Rule 8(a) reads: 22 "Any action taken to avoid collision shall, if the 23 circumstances of the case admit, be positive, made in 24 ample time and with due regard to the observance of good 25 seamanship."</p>
<p style="text-align: right;">Page 66</p> <p>1 collision? 2 A. I believe that to be the case, yes. 3 Q. And what effect would you say a significant reduction of 4 speed would have on the radar plot? 5 THE CHAIRMAN: I'm sorry, I can't hear you again, 6 Mr McGowan. 7 MR MCGOWAN: I'm sorry. I'm trying to look at the witness 8 as well as everyone else. 9 If there was a substantial reduction in speed, would 10 that appear immediately on the radar plot? 11 A. Not instantly, no. 12 Q. And that again would be something that would take time 13 to -- 14 A. Yes, indeed. 15 Q. -- indicate. So it is possible that the Lamma IV was in 16 fact much further round to starboard, or her heading was 17 much further round to starboard, than the radar shows? 18 A. Yes, I think it's -- whether the collision had an effect 19 on that is very important. Because purely from the 20 point of view if you say it was further round, then the 21 subsequent radar plots would have shown that. But they 22 didn't. 23 Q. That was interrupted by the collision itself, wasn't it? 24 A. Exactly. So the collision may have affected that. But 25 I don't know.</p>	<p style="text-align: right;">Page 68</p> <p>1 A. Yes. 2 Q. Would you agree that Rule 8 also has to be read in 3 conjunction with Rule 2 -- 4 A. Yes. 5 Q. -- which says: 6 "(a) Nothing in these Rules shall exonerate any 7 vessel, or the owner, master or crew thereof, from the 8 consequences of any neglect to comply with these Rules 9 or of the neglect of any precaution ..." 10 And it goes on in (b), which I'd like to take you 11 to, to say: 12 "(b) In construing and complying with these Rules 13 due regard shall be had to all dangers of navigation and 14 collision and to any special circumstances, including 15 the limitations of the vessels involved, which may make 16 a departure from these Rules necessary to avoid 17 immediate danger." 18 A. Yes, I understand that. 19 Q. I'm sure you do. Did you read the two Rules together? 20 Should they be read together in these sort of 21 circumstances? 22 A. You're suggesting that because of the point I made of 23 her not having as much sea room, that that did constrain 24 her alteration of course to starboard? 25 Q. Yes, that's right. That is a circumstance?</p>

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1 A. That is a circumstance, but, I mean, the problem with it  
2 is that you are -- if you're not at anchor or tied up  
3 alongside the quay, you're obliged to avoid collision.  
4 It may be that in this case, she should have slowed down  
5 earlier.  
6 Q. But he did alter course, and he did stop his engines,  
7 didn't he?  
8 A. Well, I refer you to Rule 8:  
9 "(b) Any alteration of course and/or speed to avoid  
10 collision shall, if the circumstances of the case admit,  
11 be large enough to be readily apparent to another vessel  
12 observing visually or by radar; a succession of small  
13 alterations of course ... should be avoided."  
14 Q. Yes. And that, like Rule 8(a), says "if the  
15 circumstances of the case admit", Captain, doesn't it?  
16 A. Yes. I mean, let's be clear: he could at -- coxswain of  
17 Lamma IV claims to have seen the Sea Smooth at 3 cables.  
18 That's 30 seconds before collision. I believe that is  
19 probably true. So that was at 20:19:47. At 20:19:47,  
20 he could easily have made a bold alteration of course to  
21 starboard and slowed right down. There was nothing  
22 stopping him doing that. He obviously had to be careful  
23 not to get too close to the shore, but if he'd slowed  
24 right down and made a really big alteration to  
25 starboard, it was entirely possible at that stage.

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1 Q. The time of 20:19:47 I think is based on the fact that  
2 that's when the two vessels were 600 metres apart, or  
3 3 cables apart?  
4 A. 3 cables apart. That's his evidence.  
5 Q. Yes, that was his estimation of the distance.  
6 A. Yes.  
7 Q. He said that, having seen the vessel coming towards him,  
8 he did make an alteration of course.  
9 A. But I think it wasn't such an alteration as Rule 8 had  
10 in mind.  
11 Q. Well, it would take time for that to take effect,  
12 wouldn't it?  
13 A. No. I should say that's a very manoeuvrable vessel. It  
14 wouldn't take time at all.  
15 Q. He alters the course to starboard. He doesn't say he  
16 then went midship at any stage, does he?  
17 A. No.  
18 Q. His evidence or statement to the Marine Department says  
19 he altered his course to starboard and he was still  
20 turning to starboard at the time of the collision.  
21 A. But what I said and what I still say is that the factual  
22 evidence of the radar imprint does not support a large  
23 alteration of course to starboard.  
24 Q. But it does --  
25 A. For whatever reason.

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1 Q. Yes, but it does indicate that he was altering to  
2 starboard?  
3 A. Yes.  
4 Q. We don't know how far his heading went.  
5 A. I don't know how far --  
6 THE CHAIRMAN: I think we've traversed that topic,  
7 Mr McGowan.  
8 MR MCGOWAN: Yes.  
9 What I'm suggesting to you, Captain, is that in the  
10 circumstances -- the coxswain of Lamma IV did all that  
11 was practicable in the circumstances of the case to  
12 avoid collision. He did come to starboard, he did stop  
13 his engines.  
14 THE CHAIRMAN: Let's just deal with the question that was  
15 posed. He did all that was practicable in the  
16 circumstances.  
17 MR MCGOWAN: In the circumstances.  
18 A. No, I'm afraid not.  
19 Q. But he did alter course --  
20 A. Yes, he did.  
21 Q. Sorry, let me put it a slightly different way. If he  
22 did alter course substantially, that is what he was  
23 required to do?  
24 THE CHAIRMAN: I can't hear you again, Mr McGowan.  
25 MR MCGOWAN: If he altered course substantially, ie came

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1 hard over and carried on coming round to starboard, that  
2 would be what was required by Rule 8 in terms of the --  
3 A. Yes, probably together with a reduction in speed.  
4 Q. Yes, and if he stopped his engines as well, that would  
5 also be consistent with what he's required to do by  
6 Rule 8?  
7 A. Yes.  
8 MR MCGOWAN: Thank you, Captain.  
9 Mr Chairman, I have made reference to a calculation  
10 of an assessment of the damage to see what the speed and  
11 angle of blow might have been. I understand that's in  
12 hand, and I'd like to reserve our position on asking  
13 Captain Pryke to --  
14 THE CHAIRMAN: On that issue?  
15 MR MCGOWAN: On that issue, until later.  
16 THE CHAIRMAN: Yes, you may do so.  
17 MR MCGOWAN: Thank you. I'm sorry, I've obviously got my  
18 estimate of time wrong, but I've finished now with  
19 Captain Pryke. Thank you very much.  
20 THE CHAIRMAN: Thank you.  
21 Mr Sussex?  
22 MR SUSSEX: Mr Chairman, I shall obviously wish to question  
23 Captain Pryke. But as I indicated the other day, I am,  
24 I'm afraid, not yet ready to question Captain Pryke.  
25 I'm waiting for views from experts and I would ask that,

<p style="text-align: right;">Page 73</p> <p>1 as was contemplated, for example, when the Commission 2 ruled on whether or not this matter should start on 3 Wednesday, I had asked that I be permitted to question 4 Captain Pryke when he returns I think in the middle of 5 January. 6 There is considerable material that I wish to cover 7 with Captain Pryke, but at the moment it is mutating and 8 it is the subject of expert input, and I'm frankly not 9 yet ready. 10 THE CHAIRMAN: Thank you. 11 Very well. Mr Sussex, we grant you leave to 12 question Captain Pryke, and if you're not ready to 13 cross-examine at all, then we will permit you to 14 question Captain Pryke in due course. 15 MR SUSSEX: I'm very grateful. 16 MR MOK: Mr Chairman, I would like to reserve my questions, 17 if any, to after seeing the Police expert report, which 18 is not yet ready. 19 THE CHAIRMAN: When is that going to be ready? 20 MR MOK: I think hopefully it's the end of December. 21 THE CHAIRMAN: Mr Mok, we'll reserve the issue of whether or 22 not to grant you leave to permit you time to see this 23 report, and if you wish to make an application, having 24 seen it, then you can do so. 25 MR MOK: At that time. Of course, thank you.</p>	<p style="text-align: right;">Page 75</p> <p>1 Q. You took intervals. 2 Here, we can see that plot 5 and plot 6, where they 3 are, plot 5 for Lamma was 20:19:29, and plot 6 was 4 20:20:01. So 20:19:47 falls in between. 5 A. Yes, that's true. 6 Q. So it is actually not represented by a particular plot 7 or dot on the actual plotting that you have done? 8 A. That's correct. 9 Q. That's what I'm proceeding to do, to try and ask you to 10 identify on the plot that you have done where 11 approximately that point in time or the position of 12 Lamma IV, that it would have been in. 13 Turn to page 361. First of all, page 361 is the 14 final version of the plot that you have done? 15 A. Yes. 16 Q. We looked at it yesterday. Could you assist. We can 17 see at the bottom 6L at around 20:20, and then 5L would 18 be around 20:19:29. 19 A. It's very roughly halfway between 6L and 5L. So in 20 other words, between 20:19:29 and 20:20. 21 MR SHIEH: Could the cursor point to 20:20, yes, and then 22 move a bit down. That's 20:19. 23 Somewhere in between, somewhere around here? 24 A. Yes, around there. Yes. 25 Q. How about the point about being constrained by the</p>
<p style="text-align: right;">Page 74</p> <p>1 THE CHAIRMAN: Mr Shieh? 2 Further examination by MR SHIEH 3 MR SHIEH: Captain Pryke, there are a few areas I would like 4 to clarify with you. 5 Can I pick up one of your last answers in relation 6 to 20:19:47. 7 A. Yes. 8 Q. That was when you suggested that the master of Lamma IV 9 could still have made a hard turn to starboard; would 10 you describe it this way? 11 A. Yes. What I'm saying is that was in his statement, that 12 he saw the vessel at 3 cables aft, and at the combined 13 speed, 3 cables would have taken 30 seconds. So I just 14 worked back 30 seconds from the collision. 15 Q. Could I ask you to look at the last plot that you have 16 done in the expert bundle at page 361. 17 A. Yes. 18 Q. Before we do that, perhaps we should look at the Marine 19 Police data in the same bundle, page 286. 20 Captain Pryke, we established yesterday that when 21 you did your plotting, and this is the radar track 22 report of the Lamma IV, that when you did your plotting, 23 obviously you didn't actually do a plot every three 24 seconds? 25 A. No.</p>	<p style="text-align: right;">Page 76</p> <p>1 presence of rock if Lamma IV had turned starboard at 2 that point in time? 3 A. If she had gone harder starboard at that point and 4 reduced speed, I believe she could have avoided the 5 collision. 6 THE CHAIRMAN: How much room to starboard did she have at 7 20:19:47 to make such a manoeuvre before she might be 8 compromised by depth? 9 A. One minute at full speed. 10 THE CHAIRMAN: How quickly was the vessel capable of 11 reducing speed? 12 A. Well, of course, I mean, what I think in practical terms 13 she would have done would be to have continued on and 14 done a round turn. 15 THE CHAIRMAN: 360? 16 A. Yes. I don't think she would have probably stopped in 17 time otherwise. But the further you go round to 18 starboard, the more room you have. 19 THE CHAIRMAN: And she had water in which to do that at that 20 point? 21 A. Yes, she did. 22 THE CHAIRMAN: Yes, Mr Shieh. 23 MR SHIEH: Did you take into account the fact that Sea 24 Smooth was actually turning port or about to turn to 25 port in your suggestion that had she manoeuvred the way</p>

<p style="text-align: right;">Page 77</p> <p>1 it did, it would have avoided the collision? I know 2 it's a little bit hypothetical. 3 A. If Sea Smooth had carried on doing exactly what she was 4 doing, and Lamma IV had done as I suggest, the collision 5 would have been avoided. But clearly it was far easier 6 for Sea Smooth to avoid the collision than it was for 7 Lamma IV. 8 THE CHAIRMAN: By obeying Rule 14? 9 A. Exactly. 10 MR SHIEH: Could I now return to some of the questions 11 you've been asked at an earlier point in time in 12 Mr McGowan's questioning. 13 Mr McGowan asked you about the requirement or lack 14 of requirement for a vessel like Lamma IV to carry 15 radar. 16 A. Yes. 17 Q. Does it make any difference whether or not there is 18 a legal requirement to carry radar, in view of Collision 19 Regulations Rule 7(b)? Do you need the actual text of 20 Collision Regulations Rule 7(b)? Radar equipment should 21 be used if fitted. 22 A. Yes. I mean, clearly the wording of that makes it very 23 clear that that Rule applies to a vessel which has radar 24 fitted and operational. 25 Q. Yes. The wording is:</p>	<p style="text-align: right;">Page 79</p> <p>1 bundle 1, tab 1. Or would this one do as well, Captain 2 Pryke? 3 A. We'll try the first one. 4 Q. Miscellaneous bundle 1, tab 1, page 1. 5 Captain Pryke, have you found the chart that you 6 were looking for? 7 THE CHAIRMAN: Would you like to look at the admiralty 8 chart, Captain Pryke? 9 A. I'd prefer to, yes. 10 I mean, I started my original plot at 20:15 and at 11 20:15, Sea Smooth should have been visible at least by 12 radar to Lamma IV. 13 MR SHIEH: At 20:15? 14 A. At 20:15. 15 THE CHAIRMAN: That's in the minute before Lamma IV 16 manoeuvred away from its berth? 17 A. That's correct, yes. 18 MR SHIEH: And on the plot that you have done, 20:15:22 is 19 where the cursor is now. 20 A. Yes, that's right. And that would be about 2.5 miles 21 distant from Lamma IV when she was on her berth. 22 Q. Yes, because I was about to raise the point with you 23 that actually at no point in time, after Lamma IV had 24 left the berth, Sea Smooth was in any way obscured by 25 Lamma Island. Because as early as 20:15 --</p>
<p style="text-align: right;">Page 78</p> <p>1 "(b) Proper use shall be made of radar 2 equipment ..." 3 The bundle reference is expert bundle page 217: 4 "... if fitted and operational ..." 5 A. Yes. 6 Q. So should it depend on whether or not the radar was 7 fitted pursuant to a compulsory legal requirement, or 8 whether or not it was fitted because of the good sense 9 of the owner? 10 A. No, it has nothing to do with whatever Mardep's Rules 11 are. Nothing at all. 12 Q. You were asked a question that as Sea Smooth was coming 13 out from Central, her passage would be obscured or 14 obstructed by Lamma Island itself. I think you answered 15 "yes". Could I clarify whether or not by giving that 16 answer, you're referring to Sea Smooth being obstructed 17 or obscured visually or on radar? 18 Do you need the actual reference? Do you remember 19 that question? 20 A. Yes, I do. I think I might have answered in haste. 21 Q. Right. That's why I need to clarify it with you. Do 22 you wish to look at any particular chart or plot to 23 assist you? Because I think the answer you gave was 24 "Initially, yes". 25 You need the chart. Could we have miscellaneous</p>	<p style="text-align: right;">Page 80</p> <p>1 A. Not from 20:15 onward. It would have been before. In 2 fact, before we came around Green Island, really. 3 Q. Lamma IV was still at berth at that time? 4 A. Yes, that's right. 5 Q. In other words, on a broad level of generality, after 6 Lamma IV had cleared the berth and left the typhoon 7 shelter, there should be no question about Sea Smooth 8 being obscured or obstructed by the corner of Lamma 9 Island? 10 A. Not by Lamma Island, no. It is possible she was briefly 11 or intermittently obscured by the anchored vessels in 12 north Lamma. 13 Q. I understand. That's a separate point. The question 14 that was posed to you, that I wish to clarify, is about 15 it being obscured by Lamma Island itself. 16 A. No, you are correct. She was not obscured by Lamma 17 Island from 20:15. 18 Q. Thank you. 19 You were asked about the effect of tide; do you 20 remember? 21 A. Yes. 22 Q. The effect of tide and the difference between the speed 23 over ground as opposed to the actual speed through 24 water. The question I wish to raise with you is that in 25 navigation, in deciding speed of navigation, would</p>

<p style="text-align: right;">Page 81</p> <p>1 a master have to take into account the effect of tide? 2 A. Yes. 3 THE CHAIRMAN: But given the speed that these two vessels 4 were moving at, this was insignificant, was it not? 5 A. It was absolutely insignificant, yes. I mean, we can 6 assume that the tide was less than 1 knot and the 7 combined approach speed was 36 knots. So the tide had 8 virtually zero effect. 9 MR SHIEH: You were asked whether you had conducted any 10 analysis or calculation as to angle of collision. 11 A. Yes. 12 Q. Would that fall within your area of expertise, if it 13 involves analysing the actual damage and the precise 14 manner or angle of damage by observation? 15 A. I can give you a -- 16 Q. Because you mentioned a report by the naval architect, 17 Dr Armstrong. 18 A. Yes. Dr Armstrong is a scientist; I'm a mere mariner. 19 I can give you an estimate, but he will give you 20 a better scientific answer. 21 MR SHIEH: Thank you. 22 Subject to any questions or enquiries that the 23 Commission may have, I have no further questions for 24 Captain Pryke. 25 THE CHAIRMAN: Thank you, no.</p>	<p style="text-align: right;">Page 83</p> <p>1 whether we could locate any form of manual for that 2 particular model, on top of the sheet of instructions. 3 THE CHAIRMAN: That seems sensible. 4 MR SHIEH: Mr Chairman, we have managed to complete nicely 5 Captain Pryke's evidence, and I think we have half a day 6 left. In the afternoon we will proceed to call the 7 passenger witnesses. 8 THE CHAIRMAN: Can you just remind us in which order you 9 propose calling them. 10 MR SHIEH: At the moment, we have arranged for five of them 11 to be on standby. Unless told otherwise, because 12 I think those instructing me have been liaising with 13 them for their attendance, I would be calling them in 14 this order. I assume that everyone has a witness list, 15 revised witness list? 16 THE CHAIRMAN: I'm looking at one now. 17 MR SHIEH: Yes. I would be calling first of all witness 11, 18 which has been referred to as police witness number L20, 19 Mr Lin. 20 THE CHAIRMAN: I have that. 21 MR SHIEH: Then witness 14, which is L32, Ms Chan. 22 THE CHAIRMAN: Yes. 23 MR SHIEH: Then witness 16, which is L48, Mr Wong; then the 24 next one is L49, Mr Lau; and then L50, Madam Lo. We may 25 or may not get through all of them, because it's</p>
<p style="text-align: right;">Page 82</p> <p>1 Captain Pryke, thank you for coming back to Hong 2 Kong to give evidence at this stage. We look forward to 3 hearing from you in due course. 4 A. Thank you, sir. 5 THE CHAIRMAN: We wish you a safe return trip. 6 A. Thank you very much. 7 (The witness withdrew) 8 MR MOK: Mr Chairman, we have tracked down the model number 9 for the Motorola radio as well. 10 THE CHAIRMAN: Just give me a moment. 11 Yes? 12 MR MOK: It's called Motorola MaxTrac radio 135 6PA, and 13 then states 5GE 9BH. 14 That may help my learned friend to be more specific 15 in his enquiry. 16 THE CHAIRMAN: Thank you very much. 17 Mr Shieh? 18 MR SHIEH: Mr Chairman, if anything comes out of it which 19 Captain Pryke feels able to comment on in respect of the 20 radio, then perhaps I can suggest that it be left to 21 a supplemental report to be submitted, if he regards it 22 as necessary? No doubt we can review the question of 23 whether or not he needs to speak to it or any question 24 is going to be asked of him, bearing in mind that it has 25 just come up and obviously we need time to look at</p>	<p style="text-align: right;">Page 84</p> <p>1 anyone's guess how long we take for each of them. There 2 may be no questions; there may be questions. 3 THE CHAIRMAN: Yes. We'll at least make a start at 4 2 o'clock. I don't intend starting now. 2.30. So 5 we'll adjourn, then, until 2.30. 6 (12.53 pm) 7 (The luncheon adjournment) 8 (2.30 pm) 9 THE CHAIRMAN: Mr McGowan? 10 MR MCGOWAN: Sir, good afternoon. I was asked about the 11 models of the radar on board the Lamma IV. I've got 12 that information here. Do you want me to read it into 13 the record? 14 THE CHAIRMAN: Yes, if you would. 15 MR MCGOWAN: It's a Furuno NavNet VX2 and that's a marine 16 radar, and the model is 1934-C-BB. 17 THE CHAIRMAN: Thank you. 18 MR SHIEH: Could I enquire whether or not there is 19 a separate manual for this radar, or is it the owner's 20 case or suggestion that the manual already in the bundle 21 is the manual applicable to this model? 22 MR MCGOWAN: Yes, the one in the bundle is the applicable 23 manual. 24 MR SHIEH: Thank you. 25 Mr Chairman, we shall now proceed to call the</p>

<p style="text-align: right;">Page 85</p> <p>1 passenger witnesses, starting from the passenger 2 witnesses from Lamma IV. I have given the names of the 3 witnesses we propose to call, and in that order, we are 4 proposing to call them. 5 Can I first of all raise a point about the manner in 6 which the evidence is going to be led, subject to the 7 Commission's direction. 8 These passengers have all been interviewed by the 9 police and their statements are in the bundle. They 10 have been given copies of their own statements to 11 refresh their memory. When they go into the witness 12 box, I propose to ask them whether or not they have had 13 a chance of reviewing the statements and whether they 14 confirm that these statements represent their best 15 recollection of the events. I don't then propose to 16 read them out in full, because hopefully they will be 17 treated as having gone into the record. But I propose 18 to read out into the record the salient parts of the 19 statement pertaining to the more relevant events, 20 relevant to this Inquiry, namely that part starting from 21 when Lamma IV departed from the berth. 22 THE CHAIRMAN: That's what I would wish you to do. Whilst 23 that's being done, the statement in Chinese can be 24 displayed on the screen. 25 MR SHIEH: Yes, the Chinese statement will be displayed.</p>	<p style="text-align: right;">Page 87</p> <p>1 MR LIN KA-WANG (affirmed in Puntì) 2 (All answers via interpreter unless otherwise indicated) 3 THE CHAIRMAN: I understand from a communication you've made 4 with the secretariat just before lunch that you're in 5 some discomfort from back pain? 6 A. Yes. 7 THE CHAIRMAN: If at any stage you wish to have a break, 8 just indicate and we will take a break. 9 A. (In English) Okay. 10 Examination by MR SHIEH 11 MR SHIEH: Mr Lin, on behalf of the Commission, may I thank 12 you very much for taking the time and trouble to attend 13 this Inquiry to assist us in finding out what happened 14 on that fateful evening on 1 October. 15 A. You are welcome. 16 Q. We know you are recovering, both physically and 17 mentally, from the trauma you have suffered. We know 18 that some of your friends passed away in this incident. 19 I wish you well. 20 Mr Lin, you have made two statements to the 21 Hong Kong Police. Can I just direct you to where they 22 can be found. In the police witness statement 23 bundle A1, the Chinese version, the first one, is 24 page 118; the English translation can be found at 25 page 130-8. The other statement that you have made is</p>
<p style="text-align: right;">Page 86</p> <p>1 But then since the official language is English, we have 2 given the English translation to the interpreter so 3 that, as and when I read the Chinese version, Madam 4 Interpreter can actually read out the translated version 5 into the record. So it is not as if she would need to 6 do an instantaneous translation. 7 THE CHAIRMAN: No. I think, subject to your views, it would 8 be better if you were to read the English translation; 9 the witness can read the Chinese in its original; and 10 the Chinese can be read so that people listening on 11 simultaneous translation can hear it. 12 MR SHIEH: I can do that too. 13 THE CHAIRMAN: That would then produce a transcript with the 14 record in English. 15 MR SHIEH: Yes. Those who can read Chinese can actually 16 read the visual depiction. 17 THE CHAIRMAN: We're operating on the assumption that the 18 witnesses will be able to read without any difficulty, 19 and if we encounter any difficulty, we'll address that 20 at that stage. 21 MR SHIEH: Very well. 22 THE CHAIRMAN: I take it this is Mr Lin who has made his way 23 to the -- 24 MR SHIEH: Mr Lin is the first witness, yes. 25 THE CHAIRMAN: Good afternoon, Mr Lin.</p>	<p style="text-align: right;">Page 88</p> <p>1 at page 123, the Chinese version; the English 2 translation can be found at page 130-1. 3 Mr Lin, I understand that before you attended the 4 witness stand, you have been given these two statements? 5 A. Yes. 6 Q. Have you had a chance of refreshing your memory by 7 looking at these two statements? 8 A. Yes. 9 Q. Can I ask you whether you confirm that the content of 10 these two statements represent your best recollection of 11 the events that day? 12 A. Yes. 13 Q. Thank you. I am not going to read out to you the 14 entirety of these two statements. What I propose to do 15 is to draw your attention to and read out what are the 16 more salient parts relating to the events surrounding 17 the actual collision. 18 A. (Witness nods). 19 Q. Could the witness be shown the first statement, Chinese 20 at page 118, and that can be projected onto the screen. 21 The English translation can be found in the bundle at 22 page 130-8. 23 Can the screen be moved down a little bit to 24 question 4. You were asked: 25 "Where were you in the vessel when the vessels</p>

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<p>1 collided?</p> <p>2 Answer: In the third row from the rear on the lower</p> <p>3 deck."</p> <p>4 As I understand it, the Lamma IV had two levels or</p> <p>5 two decks which carried passengers; correct?</p> <p>6 A. Yes.</p> <p>7 Q. The deck on top, we call it the upper deck, consists of</p> <p>8 the part near the fore or the bow of the ship, which is</p> <p>9 covered, and the other half, which is open, as we can</p> <p>10 see on the top part of this screen. The figure on top.</p> <p>11 A. (Witness nods).</p> <p>12 Q. Do you remember that?</p> <p>13 A. Yes.</p> <p>14 Q. The figure at the bottom is what is called the main deck</p> <p>15 or the lower deck, which was where you were seated that</p> <p>16 evening.</p> <p>17 A. Yes.</p> <p>18 Q. And the two decks or the two levels were connected by</p> <p>19 stairs which we can see near where the cursor is now.</p> <p>20 Can you see that?</p> <p>21 A. Yes.</p> <p>22 Q. You were in the lower deck, third row from the back?</p> <p>23 A. Yes.</p> <p>24 Q. As I understand it, there is actually a signed copy of</p> <p>25 a plan which we can find in police bundle A1, page 130.</p>	<p>1 move immediately to the departure of the vessel.</p> <p>2 Can I draw your attention to paragraph 3:</p> <p>3 "On 1 October 2012, my company held a tour of the</p> <p>4 power station."</p> <p>5 I don't think this part needs to be translated,</p> <p>6 Madam Interpreter, because the witness can actually read</p> <p>7 the Chinese version for himself. What I read out is for</p> <p>8 the record.</p> <p>9 "The itinerary included watching fireworks display.</p> <p>10 Qualification for the activity was decided by a draw.</p> <p>11 However, since I, myself, was a facilitator of this</p> <p>12 activity, I could participate in it free of charge.</p> <p>13 Finally, I informed my company that I would bring along</p> <p>14 two relatives of mine. However, no pre-registration of</p> <p>15 their details was needed."</p> <p>16 You confirm paragraph 3 of your statement, Mr Lin?</p> <p>17 A. Yes, correct.</p> <p>18 Q. Can I now go straight to paragraph 8:</p> <p>19 "After having the meal, my aunt, uncle and I had fun</p> <p>20 separately. I then went to meet my colleagues.</p> <p>21 At sometime past seven in the afternoon, I, with</p> <p>22 a colleague of Hongkong Electric Company Ltd [who was</p> <p>23 male, Leung Ka-kit, English name was 'Pieta'], boarded</p> <p>24 the vessel at the pier. At the pier, colleague(s)</p> <p>25 showed us which vessel was to Central and which was to</p>
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<p>1 A. Yes.</p> <p>2 Q. It actually sets out where you and two of your friends,</p> <p>3 who have sadly passed away, were seated that evening.</p> <p>4 "A" is where you were seated. Can the cursor point to</p> <p>5 "A", or can we have a close-up.</p> <p>6 A. Yes.</p> <p>7 Q. You confirm that? That's where you were seated?</p> <p>8 A. Yes.</p> <p>9 Q. I now propose to read out to you your longer statement.</p> <p>10 THE CHAIRMAN: Before you move on to that, may I just ask</p> <p>11 you to confirm you have a graduate and a trainee</p> <p>12 employee of Hongkong Electric; is that right?</p> <p>13 A. Yes.</p> <p>14 THE CHAIRMAN: From which university do you hold a degree?</p> <p>15 A. The Hong Kong Polytechnic University.</p> <p>16 THE CHAIRMAN: In what subject?</p> <p>17 A. Electrical engineering.</p> <p>18 THE CHAIRMAN: Thank you.</p> <p>19 Yes, Mr Shieh.</p> <p>20 MR SHIEH: I'm going to read to you an extract from your</p> <p>21 longer statement and then ask you some questions to</p> <p>22 clarify certain aspects. That statement, the Chinese</p> <p>23 version is page 123; the English translation is at</p> <p>24 page 130-1. I will read you an introductory paragraph</p> <p>25 to set the scene for that day, and then I'm going to</p>	<p>1 Ap Lei Chau. At the pier, I met my aunt and uncle</p> <p>2 again. They finally chose the vessel to Ap Lei Chau</p> <p>3 while I chose to board the vessel to Central [I came to</p> <p>4 know the vessel name was Lamma IV after the incident].</p> <p>5 After boarding, I sat on the leftmost seat nearest to</p> <p>6 the window in the third last row of passengers' seats at</p> <p>7 port quarter on the lower deck [ie location 'A' on</p> <p>8 page 3 of the annex] while my colleague 'Pieta' was</p> <p>9 sitting on my right-hand side with a vacant seat between</p> <p>10 us. Pieta was standing there [which was seat 'C' on</p> <p>11 annex 3 of this statement]. After a while, the vessel</p> <p>12 set sail. During so, I had chitchats with my colleagues</p> <p>13 and watched a magic show performed by a male colleague,</p> <p>14 Koo Man-cheung. The position of Koo Man-cheung was</p> <p>15 somewhere beside the second seat from the left in the</p> <p>16 row of seats in front of mine [ie seat 'B' on annex of</p> <p>17 this statement]. He was standing there to perform magic</p> <p>18 shows.</p> <p>19 Several minutes after the vessel set sail, the speed</p> <p>20 (of the vessel) was reduced. I had no idea of the</p> <p>21 reason because no announcement was made. I could not</p> <p>22 notice whether or not there was any other vessels beside</p> <p>23 our vessel. At that time, I was sitting in repose with</p> <p>24 my eyes closed. After I closed my eyes for around</p> <p>25 several ten seconds to one minute, I suddenly felt</p>

<p style="text-align: right;">Page 93</p> <p>1 a violent shake. At that time, I believe a vessel 2 collision happened. By that time, my limbs had gone 3 numb and my eyes could not open. Several minutes later, 4 I could open my eyes again. However, I could only see 5 black and white instead of anything else. At that time, 6 I was trapped. 7 Later, I heard some sounds again. I heard the 8 girlfriend [whose name I do not know] of my male 9 colleague, Hui Ka-wai, shouting out the name 'Hui 10 Ka-wai' non-stop. Meanwhile, I felt water under my 11 feet. 12 Later, my limbs regained sensation. The water kept 13 rising. When the water rose to my face, I managed to 14 kick off the stuffs trapping me and went afloat. 15 At that time, there was still illumination in the 16 cabin, so I grabbed the handrail of the staircase. By 17 that time, the staircase had gone vertical. I believe 18 that the vessel had gone vertical with the bow upwards. 19 There were other passengers in the cabin, but I no 20 longer saw Koo Man-cheung or 'Pieta'. Since my head was 21 hurt, I did not help join the rescue. 22 Around 10 minutes later, I, through the glass 23 windows, saw some lights outside. Then, I saw rescuers 24 break the windows on the port side, so other passengers 25 got out of the cabin through the windows.</p>	<p style="text-align: right;">Page 95</p> <p>1 the windows from my angle. 2 Question: Did you see what the crewmen or the 3 skipper were doing after the incident? 4 Answer: I once saw a crewman ask for help with a 5 walkie-talkie on the stairs (near) the upper deck. 6 Question: Did you see any instructions on board 7 explaining the escape routes or locations? 8 Answer: I took no notice of them. However, I knew 9 that life jackets were underneath the seats. 10 Question: Did you see any crewmen or the skipper 11 use telescopes? 12 Answer: No. 13 Question: Did you make a call to report the case 14 after the collision? 15 Answer: No. 16 Question: Did you participate in the rescue? 17 Answer: No. 18 Question: Regarding this incident, do you have 19 anything to add? 20 Answer: No." 21 THE CHAIRMAN: Just pausing there, Mr Shieh. I'm having 22 enquiries made as to whether or not we can't provide 23 simultaneous interpretation. If you were to identify 24 the paragraphs, then the interpreter could simply read 25 them out in Cantonese so that if there are any</p>
<p style="text-align: right;">Page 94</p> <p>1 Since my body was hurt, I could not swim. 2 Meanwhile, a woman threw a life jacket to me and I put 3 it on. Then a man escorted me from the cabin swimming. 4 Outside the cabin, the sea was in total chaos. 5 Meanwhile, I held onto a rope on the side of a rubber 6 raft, but caught nobody's attention. It was not until 7 I seized the top of a person on the rubber raft that 8 I was rescued from the sea. Since I was dazed at that 9 time, I only heard someone asking for my name and 10 details. 11 When I regained consciousness, I was already at 12 South Horizons, that is I was ashore at Ap Lei Chau 13 pier. At that time, I heard that I would be taken to 14 Ruttonjee Hospital. By the time I regained 15 consciousness again, I was already in the intensive care 16 unit of Queen Mary Hospital. 17 So far as I remember, I did not see any crewmen or 18 the skipper from the time I boarded the vessel up 19 through the time the accident happened. 20 Question: Before the collision, did you see any 21 sounds? 22 Answer: No. 23 Question: After the accident, did you see any 24 vessels beside yours? 25 Answer: I did not. It was because I could not see</p>	<p style="text-align: right;">Page 96</p> <p>1 difficulties, and people perhaps upstairs, reading the 2 screen, they can at least hear it on the audio. 3 MR SHIEH: Yes. 4 THE CHAIRMAN: Could that be done? When you're about to 5 read something out, if you're able to do your best guess 6 as to what it is you're going to read -- 7 MR SHIEH: Yes. I will say "I'm going to read paragraph X 8 to Y", and the simultaneous interpreter need not even do 9 the translation work, because I presume that they will 10 get the English translation and the Chinese original. 11 They will read the Chinese original. 12 THE CHAIRMAN: Let's try and do that. 13 MR SHIEH: That will assist those who may not be able to 14 read the handwriting, or it's too far away or something. 15 THE CHAIRMAN: Yes, that's what I had in mind. 16 MR SHIEH: Mr Lin, the parts that I have read out represent 17 your recollection of the events that evening? 18 A. Yes. 19 Q. There are a few supplemental questions that I would like 20 to ask you for your clarification. 21 Could I ask you to look at paragraph 12 of your 22 statement. You said: 23 "When the water rose to my face, I managed to kick 24 off the stuffs trapping me and went afloat." 25 A. Yes.</p>



<p style="text-align: right;">Page 97</p> <p>1 Q. Could you assist us or can you recall what was the stuff 2 that was trapping you? 3 A. I am not sure where that stuff came from, because 4 I could not see clearly at that time. 5 Q. But it trapped your legs, presumably? 6 A. Yes. 7 THE CHAIRMAN: Are you able to help us as to what it was 8 that was trapping you? 9 A. I feel that it was something like wood. 10 MR SHIEH: So it's hard? It's not like a backpack or 11 clothes or stuff like that; it's something hard? 12 A. Yes, they are hard and heavy. 13 Q. At paragraph 13, you said you grabbed the handrail of 14 the staircase. 15 A. Yes. 16 Q. Could we have page 130 again in this bundle. 17 The cursor is going to move according to your 18 direction. Could you assist us in identifying the 19 handrail that you referred to as being the one that you 20 grabbed? You can say higher, lower, left, right. 21 A. The left handrail of the staircase. 22 Q. Left handrail, on the basis that you're looking to the 23 fore? 24 A. Yes. 25 THE CHAIRMAN: Can we show the witness a photograph to help</p>	<p style="text-align: right;">Page 99</p> <p>1 a police thermal sensor that evening. You can see 2 something protruding out of the water. It's just gone, 3 but you could see on the right-hand side of the 4 screen -- yes, it's coming back. That appears to be 5 what's left of the vessel; do you see that? 6 A. Yes. 7 Q. Could I also show you a photograph in marine bundle 1, 8 page 124. 9 Now, that was taken in the evening at a closer 10 range. Does that resemble what you recall seeing? 11 A. Yes. 12 Q. Not a lot was left above water, as depicted in this 13 photograph? 14 A. Yes. 15 Q. I just wish for your assistance in understanding -- 16 because according to this photograph, there is actually 17 very little space left which is not below water. Do you 18 understand what I mean? 19 A. Yes. 20 Q. So to the best of your recollection -- I mean, it's very 21 chaotic, I know, but could you help us -- when you were 22 saved and when you left, obviously you were not 23 completely submerged in water. You were actually still 24 breathing air above water, inside the vessel. 25 A. Yes. I was immersed in water.</p>
<p style="text-align: right;">Page 98</p> <p>1 him? A photograph of the lower deck or the upper deck? 2 MR SHIEH: We'll locate it now. 3 You are talking about the staircase in the middle, 4 the left-hand side of the middle staircase? That's the 5 part, yes? 6 A. Yes. 7 Q. Whilst the photographs are being located, Mr Lin, can 8 I just ask you one question. You talked about the 9 scenario whereby the vessel had gone vertical, with the 10 bow upwards. 11 A. Yes. 12 Q. After you had come out from the vessel, did you look 13 back at the vessel to see what it looked like? 14 A. Yes. You mean after I was being rescued? Then in that 15 case, yes. 16 Q. Could you describe what remained above water of the 17 vessel? 18 A. Only the bow. 19 Q. Could I ask you to look at a picture. I'm not sure 20 which one depicts it best. Let's say the police photo 21 album, page 54. 22 The best way is to look at the police thermal image. 23 Could we have the police thermal image. I think it's 24 the video, the second one. 25 This is a thermal image of what was captured by</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. Your head was above water? 2 A. Yes. 3 Q. So looking back at this photograph, could you again do 4 you best to assist us as to whether or not you were in 5 the lower deck of this vessel, but still managed to have 6 your head above water when you were in this state, with 7 so little of it above water, or whether or not it could 8 be the case that you were actually saved at a time 9 before the vessel got to this state? 10 A. At that time, I was immersed in water but with my head 11 still above water, and I was located at the staircase. 12 Q. Because in your statement, you referred to your estimate 13 as to periods of time. For example, in paragraph 10 you 14 said several minutes later you opened my eyes again and 15 you could only see black and white. 16 THE CHAIRMAN: I think in the circumstances obtaining, we 17 don't anticipate the witnesses will be able to help us 18 greatly on estimates of time. 19 MR SHIEH: That's why I'm trying to establish, because he 20 did actually give estimates of time, but we all know how 21 difficult it is to really give precise estimates. 22 THE CHAIRMAN: Certainly in these circumstances. 23 MR SHIEH: Yes. In Chinese there is a saying that you 24 passed days that felt like years. 25 THE CHAIRMAN: Yes.</p>

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<p>1 MR SHIEH: But you do remember, Mr Lin, that after you were 2 saved, you looked back at the vessel and a good part of 3 it was under water already? 4 A. Correct. 5 MR SHIEH: Thank you. Thank you very much, Mr Lin. I don't 6 have any further questions, subject to any questions 7 from the Commission. 8 THE CHAIRMAN: Did you suffer any injuries? 9 A. Yes. 10 THE CHAIRMAN: Can you tell us briefly what they were? 11 A. I lost some skin on my forehead. One segment of my 12 vertebra, my thoracic vertebra has changed its shape, 13 and another segment was fractured. My scapula on the 14 right was fractured. I had bleeding in my lung, and 15 water has gone into my lung, and I also suffered 16 pneumonia and pneumothorax. There was bleeding from my 17 kidney and liver, and my rib has also been fractured. 18 THE CHAIRMAN: Are you able to assist us as to what stage 19 those injuries occurred? 20 A. I can only estimate that as soon as I felt the shock, 21 the tremor, I was already injured. 22 THE CHAIRMAN: So trauma resulting from the actual collision 23 itself? 24 A. Correct. 25 THE CHAIRMAN: Have you been able to resume work yet?</p>	<p>1 A. But I was looking out from the window on the left. 2 Q. That's right. I'm asking whether you saw a red glow as 3 from a light on your vessel, on the Lamma IV. 4 A. Not when I looked out from the window on the left. 5 Q. Did you see such a glow or light at any time? 6 A. No. 7 Q. At the end of your more detailed statement, you were 8 asked question 1, which is: 9 "Before the collision, did you hear any sounds?" 10 A. No. 11 Q. Would I be right to infer that you did not hear the 12 Lamma IV sound her horn? 13 A. I have no recollection. 14 MR SUSSEX: Thank you. 15 MR MOK: Mr Chairman, I have one question about the speed. 16 THE CHAIRMAN: Yes, very well. 17 Examination by MR MOK 18 MR MOK: Mr Lin, paragraph 10, you said in the first 19 sentence: 20 "Several minutes after the vessel set sail, the 21 speed (of the vessel) was reduced." 22 A. Yes. 23 Q. Did you have your eyes open at that time? 24 A. Yes. 25 Q. When you say that the speed was reduced, was it reduced</p>
Page 102	Page 104
<p>1 A. Not yet. 2 THE CHAIRMAN: Thank you. 3 MR SUSSEX: Mr Chairman, I'd ask for leave to ask very few 4 questions. They relate solely to the navigational 5 lights on the vessel, and sound signals. 6 THE CHAIRMAN: Very well. 7 Examination by MR SUSSEX 8 MR SUSSEX: Mr Lin, I have just a very few questions for 9 you. 10 You've told us that you were seated in the lower 11 deck or the main deck. 12 A. Correct. 13 Q. Towards the rear of the vessel, in the third row from 14 the back. 15 A. Yes. 16 Q. And you were seated next to a window; am I right about 17 that? 18 A. Yes, you can put it that way. 19 Q. After the vessel left the pier, did you happen to look 20 out of that window? 21 A. Yes. 22 Q. Can you remember whether, looking out of that window, 23 you saw a red glow from a light on the Lamma IV? 24 A. You mean on the right? 25 Q. On the left-hand side.</p>	<p>1 very drastically or very slightly? 2 A. I felt that there was an obvious reduction in speed. 3 Q. Was it gradual or was it sudden? 4 A. It was not reduced in such a way that your body would 5 lean forward. 6 Q. This happened before you closed your eyes, you say, to 7 rest? 8 A. Yes. 9 MR MOK: Thank you very much. 10 THE CHAIRMAN: Mr Shieh? 11 MR SHIEH: I have no questions arising out of that, 12 Mr Chairman. 13 THE CHAIRMAN: When you say that you felt this reduction in 14 speed, by what did you feel it? By sound, by vibration, 15 or something else? 16 A. I felt it with my body. 17 THE CHAIRMAN: So by vibration? 18 A. No, there was no vibration. 19 THE CHAIRMAN: Engine noise? 20 A. I don't remember. 21 THE CHAIRMAN: Motion of the vessel? 22 A. Yes. 23 COMMISSIONER TANG: Mr Lin, can I ask you one question. You 24 said you were sitting at the back of the boat and then 25 you were hanging on the stairs in the middle. Did you</p>

<p style="text-align: right;">Page 105</p> <p>1 actually move forward when the boat started to sink? 2 A. When my head was immersed in water, I kicked away the 3 thing that trapped me and swam upwards. When I reached 4 the surface of the water, I was at the staircase. 5 THE CHAIRMAN: Thank you. Thank you, Mr Lin, for coming in 6 some discomfort to testify to help this Commission. We 7 thank you for doing that. Now you're free to go. 8 May we extend our condolences for the loss of your 9 colleagues. 10 Thank you. 11 (The witness withdrew) 12 MR SHIEH: Mr Chairman, the attempt to locate the photograph 13 of the handrail in the lower deck is continuing. 14 THE CHAIRMAN: Thank you. 15 MR SHIEH: There are photographs of other handrails, but the 16 particular one in question, we are still trying to 17 locate. 18 THE CHAIRMAN: Thank you. 19 MR SHIEH: Mr Chairman, I now proceed to call the next 20 passenger witness from Lamma IV, Ms Chan Kin-yan. 21 THE CHAIRMAN: The reference? 22 MR SHIEH: Bundle A1, page 230 for the Chinese, and in 23 English, it's page 242-1. That's her first statement. 24 Her second statement in Chinese starts at page 233, and 25 English starts at page 242-6.</p>	<p style="text-align: right;">Page 107</p> <p>1 by way of qualification. 2 At the time in question, that is October, you said 3 in your Chinese statement, the second one -- the English 4 version is page 242-6, Chinese version is page 233 -- 5 that you were working as a receptionist in a shipping 6 company. 7 A. Correct. 8 Q. You received university education up to second year? 9 A. Correct. 10 Q. You took part in the event that evening because your 11 father was an employee of Hongkong Electric? 12 A. Yes. 13 MR SHIEH: I am now going to read from the longer statement. 14 For the benefit of the simultaneous interpreter, I'm 15 going to read the long Chinese statement. Let me just 16 give the page reference. It is in bundle A1, page 234. 17 I'm going to read from paragraph 5 of that long 18 statement, all the way down to the individual questions 19 and answers number 11. 20 THE CHAIRMAN: Before you embark upon that, perhaps I could 21 set the scene in this way, by asking the witness this 22 question. 23 On that evening, as the vessel left the Hongkong 24 Electric wharf on Lamma, were you together with your 25 father, mother and your elder brother? A family of</p>
<p style="text-align: right;">Page 106</p> <p>1 MS CHAN KIN-YAN (affirmed in Punti) 2 (All answers via interpreter unless otherwise indicated) 3 Examination by MR SHIEH 4 Q. Ms Chan, thank you very much for coming to assist us 5 today at short notice. We understand that your family 6 members were safe after the incident, but I'm sure that 7 the process of recovering from the shock is still 8 continuing. We are grateful that you have come here to 9 help us find out what happened that evening. 10 You have given two statements to the Hong Kong 11 Police. The first one is a short one, at page 230 of 12 this bundle; English translation at page 242-1. The 13 second statement, in Chinese, is at page 233; and the 14 English translation is at page 242-6. 15 Before entering the witness stand, I understand that 16 you were given copies of your two statements. Have you 17 had a chance of refreshing your memory? 18 A. Yes. 19 Q. Can you confirm that the content of these two statements 20 represent your best recollection of the events that 21 evening? 22 A. Yes, I can confirm. 23 Q. Ms Chan, I am not going to read out the entirety of your 24 two statements but I'm going to draw your attention to 25 and read out certain parts and ask you certain questions</p>	<p style="text-align: right;">Page 108</p> <p>1 four? 2 A. Correct. 3 THE CHAIRMAN: Yes, Mr Shieh. 4 MR SHIEH: Ms Chan, this is where I will be showing you the 5 actual seating plan to locate where you were. Let's 6 look at paragraph 5 of your statement: 7 "Around 7.45 pm on that day, our family boarded 8 Lamma IV and went up to a row of seats on the starboard 9 side at the open-air stern on the upper deck, and other 10 passengers also boarded the vessel one after another 11 [for my seating position, refer to annex II of this 12 statement]." 13 Can I ask you to look at page 241, which is 14 annex II, of the same bundle. You can see the star. 15 Yes, pause. 16 Ms Chan, you can see Chinese handwriting with 17 a star. 18 A. Yes. 19 Q. On the starboard side. That's where you and your family 20 were seated; is that correct? 21 A. Yes. 22 Q. So all four of you were seated on that row of seats? 23 A. Correct. 24 Q. We will try to locate a photograph of that row to show 25 to you, but can I simply move on now.</p>

<p style="text-align: right;">Page 109</p> <p>1 "I am not sure about number of passengers, but 2 I noted that 70% to 80% of the seats on the upper deck 3 were occupied, including children. Around 8 pm on the 4 same day, all passengers had boarded the vessel. The 5 crewmen informed us that the vessel would be cast off at 6 a later time for the elderly and children were on the 7 vessel and that it was still early because the fireworks 8 display would start at 9 pm. Besides, it was 9 considerate to passengers as they would be seasick 10 because Victoria Harbour was crammed with vessels and 11 also with high wind and waves. After a 10-plus-minute 12 wait, Lamma IV that we were on board first set sail, 13 followed by Lamma II behind us." 14 Could I pause here and then show you a photograph of 15 the upper deck at the position where you were seated. 16 It's police album III, page 167. I think there's a row 17 of seats there, but perhaps not in the original 18 position. But that was the locality where you and your 19 family members were seated that evening? You can see 20 that row of white seats -- yes. Can you see? Were you 21 on the blue one or the white one? 22 A. (In English) The blue one. 23 THE CHAIRMAN: Thank you. 24 MR SHIEH: You were on the blue ones, thank you. 25 Could I continue back to the statement.</p>	<p style="text-align: right;">Page 111</p> <p>1 suddenly accelerate for about five seconds, followed by 2 a sudden and strong quake on the vessel and a thumping 3 'bang' sound, and a force banging from the portside to 4 the starboard side. Our family members subsequently 5 tumbled down on the floor, which a lot of people also 6 did, as I saw. It was chaotic, and many people were 7 screaming, panic-stricken. (I) also saw a male who 8 previously seated opposite to me fell onto the position 9 in the access into the cabin, consciousness lost. 10 Instantly we got up, and my elder brother called the 11 police. I felt that the stern slightly tilt downward. 12 I first told my parents to go into the cabin to take 13 life jackets and put them on. About 30 seconds past, 14 the stern was already sinking, with the bow facing 15 upward to an extent that people could no longer stand 16 upright. At once I grabbed hold of the doorframe in the 17 access into the cabin and dragged my elder brother into 18 the cabin to take life jacket, but at that time the 19 vessel was sinking vertically, with the miscellaneous 20 items becoming dislodged in the direction of the stern 21 and seawater pouring in. It was too late for me to get 22 a life jacket, and I was weighed down by the 23 miscellaneous items on the vessel, inclusive of the 24 tables and chairs. 25 Seawater kept pouring in, running over my body.</p>
<p style="text-align: right;">Page 110</p> <p>1 Paragraph 6. 2 Can we go back to the album, page 168. 3 This would actually be what you would have been able 4 to see from where you were seated; would you agree? 5 A. I agree. 6 Q. Thank you. 7 THE CHAIRMAN: Which way did you face on that blue bench 8 seat? 9 A. (In English) I was facing the other way, because I sit 10 at the other end of the chair. So if you would roll it 11 back to the other picture. I sit at the other side so 12 what I'm looking is at the front of the ship. So -- 13 yes, I sit at exactly -- at the other end of the chair. 14 So I would be looking at the front side of the ship. So 15 it's not the rear side. 16 THE CHAIRMAN: Thank you. 17 MR SHIEH: I was trying to see whether or not she might be 18 in a position to say what she might be able to observe 19 from -- 20 THE CHAIRMAN: I understand why you asked the question. 21 MR SHIEH: Yes. 22 Could I now go back to the statement at paragraph 6: 23 "During the navigation, I remained seated listening 24 to MP3 and reading SMS. I guess that it was about five 25 minutes since the vessel had set sail, I felt the vessel</p>	<p style="text-align: right;">Page 112</p> <p>1 I kept struggling in seawater, warding off the 2 miscellaneous items, swimming upward and also standing 3 on tiptoe on the (floating) objects in the water, 4 keeping my head afloat to breathe. At that time, 5 I remained in the cabin where lighting was still 6 visible, but I lost track of my family members. I heard 7 many people screaming for help and struggling in the 8 water. I found a life jacket nearby and put it on. At 9 that time, I saw a crewman [later known as the captain], 10 a male, who was grabbing hold of the railings of the 11 staircase connecting the upper and lower deck, loudly 12 told us the passengers to stay calm, not to be nervous 13 and to wait for the rescue by the Marine Police (for) 14 police had been called. About two minutes past, all the 15 lightings inside the cabin went out, and the cabin was 16 in complete darkness. I attempted to assist other 17 passengers in opening or breaking the windows to get 18 themselves out, but in vain. 19 About five to then minutes past, I saw rescue 20 boat(s) coming. Initially they (sic) (the rescuers) 21 attempted to get into the cabin to rescue people, and 22 the other officers began breaking the windows of the 23 vessel from outside to get us out. And we (passengers) 24 also broke the windows of the vessel and got out of the 25 cabin. With the assistance rendered by the firemen,</p>

<p style="text-align: right;">Page 113</p> <p>1 I swam out (of the cabin). Meanwhile, some 2 miscellaneous items of the vessel went on dislodging 3 from the bow, and the vessel began sinking fast. The 4 rescuers told us to swim out (of the cabin) as soon as 5 possible. After swimming upward and above sea surface, 6 I grabbed hold with my hand(s) of the rope(s) of the 7 lifebuoy(s) above the sea surface, awaiting rescue. 8 A male passenger and a child also grabbed hold of the 9 lifebuoy(s). Afterwards, Marine Police officers tugged 10 the ropes of the lifebuoys to get us by the side of the 11 boat before lifting us onto a boat. Altogether five 12 passengers ... went on board the boat, which conveyed us 13 onto a police launch for treatment. On the police 14 launch, our injuries were initially treated. After 15 waiting for about two hours, we were arranged to go on 16 board First Ferry X. On the ferry I saw crewmen of 17 Lamma IV, including its captain previously mentioned. 18 After waiting for 45 minutes, (I) was arranged to go on 19 board a police launch on which there were only seven to 20 eight passengers, including myself, and the crewmen 21 remained on First Ferry X. The police launch that we 22 were on board carried us to (Hongkong Electric company 23 Ltd's) pier off South Horizons. After (the police 24 launch) arrived at the aforesaid pier, ambulance men and 25 ambulance(s) came, and the three of the rescued and me</p>	<p style="text-align: right;">Page 115</p> <p>1 routes? 2 Answer: From what I saw, it seemed that lifesaving 3 instructions were there in the entrance when (I) 4 embarked, but I didn't pay any attention to the 5 contents. I saw lifebuoys at the stern on the upper 6 deck of the vessel. 7 Question: Do you know where the life jackets were 8 placed? 9 Answer: As far as I know, the life jackets were 10 placed underneath the passenger seats inside the cabin. 11 Question: Having embarked, did you pay attention to 12 the number of crewmen and captain on the vessel? 13 Answer: (I) didn't. Only a crewman explained why 14 the vessel would be cast off at a later time. 15 Question: Before/after the collision, did any 16 crewman or the captain give any instruction? 17 Answer: Before the collision, I didn't hear any 18 instruction. After the collision, I didn't pay 19 attention (to it) in such a chaotic situation. 20 Question: How were the field of vision, the wind 21 and the waves at that time? 22 Answer: At that time, the field of vision was very 23 clear, with a little wind and waves, just moderate, and 24 the vessel was sailing steadily. 25 Question: How was the sea traffic at that time?</p>
<p style="text-align: right;">Page 114</p> <p>1 were conveyed (on the ambulances) to Queen Elizabeth 2 Hospital for treatment. When receiving treatment in the 3 hospital, I met my parents who were also receiving 4 treatment therein, and learnt from my relative [my 5 uncle, Chan Wing-kan] that my elder brother was 6 receiving treatment at Ruttonjee Hospital. At that 7 time, I knew that all my family members survived the 8 ship wreckage. My injuries, incisions caused by the 9 glass scattered down when the rescuers broke the glass 10 windows above my head, were near the left forehead at 11 the top left part of my head. A few minor abrasions 12 were on my right forearm and two incised wounds were 13 near the middle finger on the dorsum of my right hand. 14 Each wound was given two stitches. After receiving 15 treatment provided by the doctor, instead of being 16 admitted into hospital, discharged around 3 to 4 am on 17 2 October 2012. 18 Question: Before the collision, whom were you 19 sitting with and at which position? 20 Answer: Our family, altogether four people, were 21 sitting on a four-seater on the starboard side of the 22 open-air deck at the stern on the upper deck of 23 Lamma IV. 24 Question: Did you see on the vessel any 25 instruction/introduction to lifesaving facilities/escape</p>	<p style="text-align: right;">Page 116</p> <p>1 Answer: At that time, I was just paying attention 2 to my right side [ie the starboard side], and I didn't 3 see any other vessels at that time. 4 Question: Before the collision, were the speed and 5 the course altered? 6 Answer: Before the collision, the vessel was 7 sailing very steadily, and the course was not altered. 8 Five seconds before the collision, I felt the vessel 9 accelerate. Then there was a 'bang' sound. The vessel 10 gave a violent quake. Then (I) tumbled down onto the 11 floor. 12 Question: Did you see the course of the accident? 13 Answer: I didn't. 14 Question: Did you see what the captain or the 15 crewmen were doing when the accident happened? 16 Answer: Outside the cabin (sic) 17 (wheelhouse),I didn't see it. 18 Question: After the accident, were the two vessels 19 involved in it thrusting into each other's hull? 20 Answer: I couldn't see it." 21 Ms Chan, you would confirm the evidence that I have 22 just read out to you? 23 A. Yes, that is completely correct. 24 Q. Could I ask you to clarify a couple of points arising 25 out of it. You mentioned at paragraph 6 you saw a man</p>

<p style="text-align: right;">Page 117</p> <p>1 who previously was seated opposite you, "fell onto the 2 position in the access into the cabin, consciousness 3 lost". 4 When you mentioned the access into the cabin, 5 could -- could I have the photograph of the open deck 6 shown again to the witness, the one which showed the 7 blue bench. It's the album at page 167. 8 When you say the "the access into the cabin", do you 9 mean the door over there, that access? That's the door 10 where you get from the open deck into the upper deck? 11 A. Correct. 12 Q. Thank you. You said you yourself, after the stern was 13 already sinking, with the bow facing upward to an extent 14 people could no longer stand straight, you grabbed hold 15 of the doorframe. That would be the same doorframe that 16 we were looking at, would it? 17 A. (In English) Yes. 18 Q. Thank you. You then said: 19 "... at that time the vessel was sinking vertically, 20 with the miscellaneous items becoming dislodged in the 21 direction of the stern ..." 22 Can you tell us to the best of your recollection 23 what the miscellaneous items were that became dislodged 24 in the direction of the stern? 25 A. Most of them are chairs which are dislodged. And also</p>	<p style="text-align: right;">Page 119</p> <p>1 A. Yes, correct. 2 Q. Thank you. You talked about you swimming upward and 3 standing on tiptoe, and then you saw a male grabbing 4 hold of railings of a staircase. 5 Could I show you a photograph in the album at 6 page 161. Perhaps a later next one, page 163. That 7 might be better. Thank you. 8 Was this the handrail that you remember being hung 9 onto by the man who turned out to be the captain? 10 A. Yes, correct. 11 Q. At that time, obviously you were swimming up and it 12 would be actually towards the bow of the vessel. Did 13 you eventually end up clinging onto something such as 14 these handrails as well, or any other object? 15 A. I was actually -- at that time, I was at the cabin door 16 and there was nothing for me to hang on. It was only 17 after I climbed up that I managed to step on a dislodged 18 chair, and after I climbed up I saw a man standing 19 there, and I was unable to hang onto that place. 20 Q. So you mean you were not hanging onto anything; you were 21 simply keeping yourself afloat by swimming? 22 A. Actually at that time, I was near to the ceiling because 23 at that time, the ship was already vertical and 24 everybody was between the ceiling and the floor. 25 I happened to be located near the ceiling, and I was</p>
<p style="text-align: right;">Page 118</p> <p>1 the stuff of the passengers. As far as I could 2 remember, these are the major stuffs that were 3 dislodged. 4 Q. A couple of lines down, you said you were weighted down 5 by the miscellaneous items on the vessel, inclusive of 6 the tables and chairs. So these were the tables and 7 chairs that you talked about as being items dislodged? 8 A. Yes, correct. 9 Q. Can I just clarify a couple of points with you. You 10 were hanging onto the doorframe at the access. You were 11 hanging on to the doorframe of the access. The vessel 12 had already begun to sink stern-first. So when you 13 talked about miscellaneous items becoming dislodged, 14 were they being dislodged from inside the cabin or on 15 the upper deck, on the open deck? 16 A. I would like to clarify that in fact there are two 17 different things. When I grabbed the door, I was trying 18 to get my brother to go inside the cabin to get the life 19 jackets. But when the items dislodged, I was already 20 inside the cabin. 21 Q. So when you talked about miscellaneous items being 22 dislodged or you were being weighed down by items such 23 as tables and seats, you were talking about these 24 matters being dislodged inside the cabin, inside the 25 upper deck?</p>	<p style="text-align: right;">Page 120</p> <p>1 only standing on the chair that was dislodged and piled 2 up, and there was nothing for me to hang on. 3 Q. Could I show you a photograph of the vessel in the 4 evening. Look back at the photograph that we looked at 5 previously. Can I ask you to look at marine bundle 1, 6 page 124. This is what the vessel looked like after it 7 had sunk. 8 A. (Witness nods). 9 Q. I know it's very difficult to be precise in these 10 matters, but from what appears from the photograph, not 11 a lot of the fore or the bow of the vessel remained 12 above water. Obviously when you were saved by the 13 rescue mission, you had your head above water, before. 14 A. Yes, correct. 15 Q. Inside the cabin? 16 A. Correct. 17 Q. So do you remember whether or not at that time, you were 18 actually in that part of the cabin which is very near 19 the fore of the vessel? Because if you were near the 20 middle or near the stern or the aft, you would have been 21 underwater? 22 THE CHAIRMAN: Are you able to help us as to where you were 23 at that stage, as you were waiting to be rescued? 24 MR SHIEH: What you are seeing, the white part -- may 25 I assist? The white part that you see is actually the</p>

Page 121	Page 123
<p>1 lower deck, the deck that is entirely covered. So the 2 upper deck is actually entirely submerged in water. 3 I raise this because what might appear to be the 4 ultimate submerged position showed the lower deck 5 protruding a bit, but the upper deck, by the time these 6 photographs were taken, Mr Chairman, was entirely 7 submerged. I just want to explore that a bit further. 8 There might be an air pocket; I don't know. 9 Ms Chan, would you be able to assist us? The upper 10 deck -- 11 THE CHAIRMAN: Let's not put any premises to the witness, 12 first of all. 13 Do you recall where it was that you were waiting to 14 be rescued? 15 A. (In English) Yes, I can. 16 THE CHAIRMAN: Tell us. 17 A. (In English) It's at the upper deck, but it's near the 18 cabin door. Would you please show the pictures inside 19 the cabin? I would be near the ceiling, but it's at the 20 bottom of the ship. So when the ship is vertical, 21 I would be, like, leaning to the wall, but it's on the 22 ceiling side. I was actually leaning to the ceiling 23 side at, I would say, the right rail of the ship. 24 THE CHAIRMAN: Thank you. 25 MR SHIEH: But after you had been rescued and you were out</p>	<p>1 up to the upper deck of the Marine vessel and at that 2 time, I saw that the vessel has already come to this 3 position. 4 MR SHIEH: Thank you very much, Ms Chan. Subject to any 5 other questions that the Commission may have for you, 6 I have no further questions for you at this stage. 7 THE CHAIRMAN: Thank you. 8 MR McGOWAN: I'd like to ask one or two questions, please, 9 sir. 10 THE CHAIRMAN: Very well. 11 Examination by MR McGOWAN 12 MR McGOWAN: Ms Chan, could you have a look, please, at 13 page 242 in your larger statement. It's the third page, 14 which appears at page 242-8. Paragraph 6, about the 15 bottom of the page. You say there: 16 "... I felt the vessel suddenly accelerate for about 17 five seconds, followed by a sudden and strong quake on 18 the vessel and a thumping 'bang' sound ..." 19 I'd just like to ask you, when you say you felt the 20 vessel suddenly accelerate, was that a noise or 21 an impression? 22 A. I heard the sound of the engine. It was just like when 23 a car accelerates its speed. I felt that the speed of 24 the vessel has increased. 25 Q. Did the vessel vibrate at the same time?</p>
<p>Page 122</p> <p>1 of the vessel, did you look back at the vessel? 2 A. Yes. 3 Q. Was it already in the state that it was in in the 4 previous picture, like this? 5 A. No. At that time, it was not up to this position yet. 6 Q. So it continued to sink after you had been rescued? 7 A. Yes. In fact, ever since the firemen came to our 8 rescue, the ship, the rate of sinking was already 9 increasing. 10 Q. So did you continue to observe the vessel after you had 11 been rescued, so that you could see it gradually sinking 12 and coming into this position? 13 A. After I boarded the Marine vessel, I had a chance to 14 look back at the vessel through the window. At that 15 time, the ship had already come to this position. But 16 I can't tell how long it has taken for it to come to 17 this position. 18 Q. So after you had been rescued, it was not yet in this 19 state? After you had boarded the Marine Police vessel, 20 at some time you turned back, it became like this, but 21 you have no idea of the precise duration in between? 22 A. Yes. In fact when I was inside the cabin of the Marine 23 Police vessel, I did not have a chance to look out of 24 the window, so I have no idea as to what happened to the 25 vessel. But I don't know after how long I managed to go</p>	<p>Page 124</p> <p>1 A. There was no vibration, but before the vibration, there 2 was about a lapse of 30 seconds. It was not the 3 collision. My impression was that the collision did not 4 happen immediately after the increase in speed. 5 Q. The reason you say there was an increase in speed is 6 because, if I understand you correctly, there was 7 a change in the noise of the engine; is that correct? 8 A. First I heard the sound of the engine, and then after 9 20 to 30 seconds, I heard the loud bang of the 10 collision. 11 Q. Thank you. The other matter. Turning over the page to 12 page 4, please. I'm looking at what's in the English at 13 page 242-9, which is another part of paragraph 6. 14 In the middle of the page there, you talk about the 15 various miscellaneous items becoming dislodged and 16 falling towards the stern. That was the time the vessel 17 had become upright; is that correct? 18 A. Yes, correct. 19 Q. It was at that stage that the tables and chairs came 20 down towards you? 21 A. My impression was that as soon as the ship sank and 22 became vertical, the things had already been dislodged 23 and fell down. So it happened at the same time. 24 Q. As the ship went upright, the tables and chairs came 25 down?</p>

<p style="text-align: right;">Page 125</p> <p>1 A. (In English) Yes, exactly. 2 MR McGOWAN: Thank you very much. 3 MR SUSSEX: Mr Chairman, may I ask very few questions? 4 Again, the thrust will be the same as last time. 5 THE CHAIRMAN: Yes. 6 Examination by MR SUSSEX 7 MR SUSSEX: Ms Chan, you've told us that you were sitting in 8 the upper deck of the vessel in an outside part of that 9 upper deck, on the right-hand side? 10 A. Yes, correct. 11 Q. Would I be right to infer that you had your back to the 12 edge of the vessel? 13 A. Yes, my back was facing the sea. 14 Q. Right. Were you able to look outward from the vessel on 15 that right-hand side? 16 A. Yes. 17 Q. Do you happen to remember whether or not you saw a glow, 18 a green glow from a light on that side of the vessel? 19 A. I have no such impression, because at that time I was 20 looking at the sea and I didn't pay attention to the 21 whole of the ship. My attention was towards the sea. 22 Q. You've told us that during the navigation, you remained 23 seated and you were listening to an MP3 player. 24 A. Yes, correct. 25 Q. Were you listening to music?</p>	<p style="text-align: right;">Page 127</p> <p>1 Q. My question is this. If there had not been anyone to 2 come to rescue you from outside the vessel, would you 3 and the other passengers have been able to escape from 4 the cabin yourselves? 5 A. I don't think so, because all the windows were closed 6 except one of them which is supposed to be able to open, 7 but we could not open it. So I believe that if no 8 rescue came to us, at least the people on the right side 9 would not be able to escape. 10 Q. Thank you. You said that you were injured by some of 11 the broken glass. 12 A. Yes. 13 Q. Would it be fair to say that, notwithstanding that is 14 the case, the breaking of the windows and the glass 15 actually helped you and the other passengers to escape? 16 A. Yes. In fact the only way to escape from the vessel is 17 by breaking the windows and the glass. 18 Q. My final question is to see if you can help us to 19 identify from which window did you escape. Can we have 20 page 163 of the bundle. 21 Ms Chan, I know that you said that you were on the 22 right side. The windows that we see appear to be the 23 left side. 24 COMMISSIONER TANG: No, it's on the right side. 25 MR MOK: Right. Thank you.</p>
<p style="text-align: right;">Page 126</p> <p>1 A. Yes. 2 Q. Was that music loud? 3 A. No. 4 Q. Can you remember whether you were still able to hear 5 ordinary conversation? 6 A. Yes, because my earphones were not sound-proof. 7 Q. Right. And you confirm that before the collision, you 8 did not hear any blast from the vessel's horn? 9 A. I didn't hear that. 10 MR SUSSEX: Thank you, Ms Chan. 11 MR MOK: Mr Chairman, a few questions about rescue. 12 THE CHAIRMAN: Yes. 13 Examination by MR MOK 14 MR MOK: Ms Chan, can I ask you to go back to the end of 15 paragraph 6 of your statement. At the very end, you 16 said that all the lights went out and that you were 17 trying to help the other passengers to open or to break 18 the windows. 19 A. (Witness nods). 20 Q. And it was unsuccessful? 21 A. Yes, correct. 22 Q. Then in paragraph 7, you said that you were there about 23 five to 10 minutes before you saw some rescue boats 24 coming over to help you? 25 A. Yes, correct.</p>	<p style="text-align: right;">Page 128</p> <p>1 THE CHAIRMAN: I think there is a general accord to that 2 effect. 3 MR MOK: Will you be able to indicate at around which window 4 you were rescued, or not? 5 A. (In English) I would say the third or the fourth one. 6 Q. From the right-hand side? 7 A. (In English) From the right-hand side. 8 MR MOK: Thank you very much. 9 THE CHAIRMAN: Mr Shieh? 10 MR SHIEH: I have no follow-up questions. 11 COMMISSIONER TANG: I'd like to ask you a question. 12 You mentioned in your statement that you were not 13 sure the number of passengers at the open part of the 14 upper deck, and about 70 to 80 per cent of the seats 15 were taken. Were you aware that any passenger was 16 standing at the time? 17 A. When I say 70 to 80 per cent, I mean the passengers 18 inside the cabin on the upper deck. But as for the open 19 area on the upper deck, I remember that there were 20 people standing at the stern near the lifebuoys, because 21 they were waiting to see the fireworks display and 22 waiting for the ship to set sail. 23 COMMISSIONER TANG: Thank you. 24 THE CHAIRMAN: Thank you, Ms Chan, for coming to assist us 25 by giving us your testimony about the events of that</p>



<p style="text-align: right;">Page 129</p> <p>1 terrible night. Your evidence is complete, and you're 2 free to go. But equally you're free to sit in the back 3 of the public gallery if you wish to hear the next 4 witness. 5 A. (In English) Thank you. 6 (The witness withdrew) 7 THE CHAIRMAN: Mr Shieh? 8 MR SHIEH: Mr Chairman, it's 4.10. It would be a rather 9 invidious time otherwise to start the next witness, but 10 our next witness, his wife actually passed away and 11 I would not wish to cause him extra distress and burden 12 by asking him to come again on Monday. Could I suggest 13 we press on. 14 THE CHAIRMAN: Absolutely. 15 MR SHIEH: It's Mr Wong Tai-wah. His witness statement -- 16 there is only one -- is in police bundle 2, Chinese 17 version is at page 344; English version, page 352-1. 18 MR WONG TAI-WAH (affirmed in Punt) [sic] 19 (All answers via interpreter unless otherwise indicated) 20 Examination by MR SHIEH 21 Q. Mr Wong, we know that you have suffered a terrible 22 bereavement from the events on 1 October. We are 23 therefore all the more grateful that you have the 24 courage to come forward to assist us by giving us your 25 evidence in this Inquiry as to what actually happened</p>	<p style="text-align: right;">Page 131</p> <p>1 "Around 7.45 pm the same day, after we had gathered 2 in the canteen, a staff member told us that Lamma IV 3 would convey passengers back to Central Public Pier 4 No. 9 while the other vessel (Lamma II) would convey 5 passengers back to the pier at South Horizons. We, the 6 participants, were asked to choose a vessel to board. 7 Afterwards, all of the participants proceeded from the 8 canteen to the pier of the power station for boarding 9 the vessels. The same group of us boarded Lamma IV. 10 Around 8 pm the same day, after we had boarded the 11 vessel, we went up to the upper cabin. At that time, 12 I took a seat on the sixth row counting down from the 13 bow on the port side close to the window. My wife sat 14 on my right. Szeto Wah, Ms Lau and Lau Kam-bor sat 15 close to the window on the row ahead. The other friends 16 of us sat in the vicinity. But they walked around after 17 putting down their luggage (ie knapsacks). Wu Po-tim 18 already took a seat at the outdoor area of the stern. 19 After all of the participants had boarded the vessel, it 20 didn't set sail immediately. It's because the skipper 21 announced through broadcast that we would set sail later 22 to avoid arriving at Victoria Harbour too early. So the 23 passengers could stay away from the discomfort caused by 24 the waves there. Hence, we had a chat and waited in the 25 cabin for the vessel to set sail.</p>
<p style="text-align: right;">Page 130</p> <p>1 that evening, and we wish you well in your recovery 2 process, both mentally and physically. 3 Mr Wong, you have given one police statement to the 4 Hong Kong Police as a result of the incident. Before 5 you entered the witness box, I understand that you were 6 given a copy of that statement and you've had a chance 7 of refreshing your memory from it? 8 A. Yes. 9 Q. Do you confirm that the contents of that statement 10 represent your best recollection of the events that 11 evening? 12 A. Yes. 13 Q. What I propose to do, Mr Wong, is not to read out every 14 word of your statement. I'm going to read out from 15 paragraph 5 onwards of your statement up to the very 16 end. 17 Could I start off by paving the groundwork. You 18 attended the trip or the function that evening because 19 of an invitation of Madam Szeto, who is an employee of 20 Hongkong Electric? 21 A. Yes, correct. 22 Q. Could I read from paragraph 5 onwards, and I take it you 23 have a copy of the Chinese statement in front of you, 24 but if you do need any help, just let the interpreter 25 know.</p>	<p style="text-align: right;">Page 132</p> <p>1 Later on, around 8.15 pm the same day, Lamma IV set 2 sail. At that time, I felt that the vessel was 3 travelling at a low speed. At the same time, the lights 4 in the cabin were not on. The fluorescent lights were 5 on at the stern. After Lamma IV had travelled for 6 around 2 minutes, I took a look outside through the 7 window. At that time, I didn't see anything. Then 8 I continued having a chat with my friends. 2 to 3 9 minutes later, I looked outside through the window 10 again. At that time, I saw a vessel heading for my 11 window with its bow in a slanting position. When 12 I first saw the bow, it was about 10 feet away. At the 13 same time, I heard the accelerating sound from our 14 Lamma IV's engine. I also felt that Lamma IV was moving 15 forward quickly. However, within less than 20 seconds, 16 there were a bang and a shock on the rear port side part 17 of our Lamma IV. Then my wife and I fell onto the floor 18 near the staircase. Mr Lau then helped me get my wife 19 to sit back on the chair. Around 30 seconds after the 20 bang and shock, I felt that there was a power generated 21 again. But I was not clear of what the power was. 22 However, I believed that the engine of a vessel started 23 again generating the power. Then Lamma IV began to tilt 24 by the rear starboard side part. The stern of the 25 vessel sank quickly. At this juncture, Mr Lau took out</p>

<p style="text-align: right;">Page 133</p> <p>1 the life jackets under the chair to distribute them to 2 the others. However, within less than 2 seconds, the 3 stern of the vessel sank quickly with water pouring in 4 causing that its bow lifted. Hence, the passengers and 5 odds and ends at the bow fell down. Seawater poured 6 into the cabin quickly. At this juncture, a male who 7 was a sailor (in white uniform) opened one of the 8 windows on the rear port side position. With a life 9 jacket held under my right armpit, I supported my wife 10 with my left hand to swim out from the vessel through 11 the window to the surface to shout for help. At this 12 juncture, a male swam towards me. He saw that my life 13 jacket didn't have enough buoyancy. So he gave his life 14 jacket to me. Then he pulled my wife to a police 15 launch, which came to rescue us. Afterwards, the Marine 16 Police officers supported my wife and me to the deck of 17 the police launch. At that time, there were the other 18 injured persons on the deck. Then the police launch 19 conveyed us to the pier of the power station. 20 Afterwards, we were sent to Pamela Youde Nethersole 21 Eastern Hospital by helicopter for treatment. However, 22 my wife died of injuries. I had my left hand injured. 23 Question: Around 8 pm on 1 October 2012, after you 24 had boarded Lamma IV, did you notice how many crew 25 members there were?</p>	<p style="text-align: right;">Page 135</p> <p>1 the collision. You believed that the engine of a vessel 2 started again generating the power. Well, do you know 3 which vessel generated the power? 4 Answer: I believe that the power was generated by 5 the vessel, which hit Lamma IV. It's because our 6 Lamma IV lost the power after the collision. Moreover, 7 the stern sank quickly. 8 Question: Did you see what the crew members of 9 Lamma IV including the skipper and seafarers were doing 10 at the material time? 11 Answer: I only saw someone sailing the vessel in 12 the wheelhouse. But I am not clear of the number of 13 persons in the wheelhouse. I am not clear of the other 14 seafarers either. 15 Question: After the collision, did you notice if 16 the engine of the other vessel, which hit Lamma IV was 17 still running? 18 Answer: As it happened all of a sudden and the 19 vessel was in chaos, I didn't notice that. However, 20 around 30 seconds after the collision, a power was 21 generated. I believe that the power was generated by 22 the opposite party's vessel. 23 Question: Can you mark the position of your seat 24 and the position of impact on appendix (1)? 25 Answer: Yes."</p>
<p style="text-align: right;">Page 134</p> <p>1 Answer: I saw 3 sailors in white uniform. But I am 2 not clear of which of them sailed the vessel. 3 Question: After the vessel had set sail around 4 8.15 pm, did you notice what the 3 sailors in white 5 uniform were doing? 6 Answer: I saw one of them sailing the vessel in the 7 wheelhouse. The other 2 sailors sometimes went in and 8 out of the wheelhouse. 9 Question: When you looked outside through the 10 window, you saw a vessel heading for you with its bow in 11 a slanting position around 10 feet away. Well, did you 12 hear any siren or blast emitting from any vessel? 13 Answer: No. 14 Question: Well, before the vessel collision, did 15 you hear any siren or blast emitting from any vessel? 16 Answer: No. 17 Question: After the collision between Lamma IV and 18 the other vessel, did these 2 vessels stick together? 19 Answer: I believe that the 2 vessels stuck 20 together. It's because I felt that there was a power 21 generated around 30 seconds following the collision. 22 I am not clear of what the power was. But I believe 23 that the engine of a vessel started again generating the 24 power. 25 Question: You said that a power was generated after</p>	<p style="text-align: right;">Page 136</p> <p>1 Mr Wong, do you confirm that what I have read out to 2 you represents your evidence that you are prepared to 3 give to assist us? In other words, do you confirm it is 4 correct? 5 A. Yes, it is correct. 6 MR SHIEH: Can the witness be shown page 352. Can we zoom 7 in to the port side. Yes. 8 Mr Wong, you can actually see the Chinese characters 9 "(Chinese spoken)"? 10 A. Yes. 11 Q. That represents where you were seated? 12 A. Yes. 13 Q. And behind you, there was an open area? 14 A. (Chinese spoken). 15 Q. An open deck. There was an open deck behind where you 16 were seated? 17 A. Yes, correct. 18 Q. That was where the other vessel hit Lamma IV? 19 A. Yes. 20 Q. Thank you. Can I show you a photograph in the album, 21 page 359. That would have been where you were seated? 22 You can see on the top left-hand corner of this 23 photograph an opening, an access door. That door should 24 be the door which led from the covered area where you 25 were seated to the open area. Do you recognise that?</p>

<p style="text-align: right;">Page 137</p> <p>1 A. Yes. 2 Q. You can see rows of seats there. There is a row with 3 three seats and behind that there is a row with five 4 seats. I suppose in that evening, there would be more 5 rows of seats; correct? 6 A. Yes, correct. 7 Q. But this represents the area where you and your friends 8 and wife were seated that evening? 9 A. Yes, we were seated on that side. 10 Q. Thank you. I have one or two short questions by way of 11 follow-up questions for you. As part of your 12 paragraph 6 -- I know it's extremely difficult to recall 13 these matters after the event, but there you said when 14 you first saw the bow of the other vessel, it was around 15 10 feet away. That is what is written there. A few 16 lines down, you said: 17 "... within less than 20 seconds, there were a bang 18 and a shock on the rear port side part of our Lamma IV." 19 A. That's correct. 20 Q. If at the time you first saw the vessel it was 10 feet 21 away, and the bang came let's say within 20 seconds, it 22 would mean that the other vessel was actually coming at 23 an extremely low speed. 24 Now, as I said, it's extremely difficult in 25 assessing these matters in terms of distance or time.</p>	<p style="text-align: right;">Page 139</p> <p>1 A. Yes, correct. 2 Q. I just wish to clarify with you what you meant when you 3 said it was "with its bow in a slanting position". Do 4 you mean, by "slanting position", simply at an angle, or 5 do you mean that it was slanting in the sense that the 6 stern was lower than the bow of that vessel? 7 A. I was sitting there and I saw that vessel coming to me 8 at this angle (indicates). 9 THE CHAIRMAN: You were demonstrating that the incoming 10 vessel was at an acute angle to your vessel? 11 A. It was not 90 degrees, but a bit lower than that. 12 THE CHAIRMAN: Thank you. 13 MR SHIEH: It was at an angle. Was it coming from behind or 14 was it coming from ahead? 15 A. From our front. 16 Q. You mentioned that somebody threw a life jacket at you 17 because he saw that your life jacket did not have enough 18 buoyancy. 19 A. Yes, correct. 20 Q. Did you yourself feel that your life jacket did not have 21 enough buoyancy? 22 A. At that time there was only one life jacket, and I was 23 grabbing the life jacket on my right armpit and my wife 24 was on my left-hand side, and we tried to swim out. But 25 my wife didn't know how to swim, so we cannot float with</p>
<p style="text-align: right;">Page 138</p> <p>1 But could it be the case that your assessment of the 2 precise distance or time might not have been entirely 3 accurate? We know the broad picture, but in terms of 4 number of feet or number of seconds, it might not have 5 been entirely accurate; would you accept that? 6 A. Yes, I agree. 7 Q. You described further down in paragraph 6: 8 "... the passengers and odds and ends at the bow 9 fell down." 10 The Chinese is: 11 "(Chinese spoken)." 12 A. Yes, correct. 13 Q. Could you assist us on what those odds and ends were, if 14 you recall? 15 A. They included chairs, rows of chairs, people and 16 miscellaneous items. In fact, as soon as the ship 17 became vertical, the things from the top fell downwards, 18 including people. 19 Q. Thank you. Now, back to the earlier part of your 20 paragraph 6, you said: 21 "... I saw a vessel heading for my window with its 22 bow in a slanting position." 23 The Chinese is: 24 "(Chinese spoken)." 25 It's at page 347, in the middle.</p>	<p style="text-align: right;">Page 140</p> <p>1 just one jacket. And so we started to yell, and then 2 the man came to us that gave us his jacket. This jacket 3 is apparently newer than one we had. So he helped her 4 up the Marine Department vessel, and I followed. 5 Q. Thank you. One last question for you. You were rescued 6 because one of the crew members broke the port side 7 window or opened the port side window and you were able 8 to swim out from that window, and you swam up from the 9 sea up to the surface of the sea? 10 A. Yes, correct. 11 Q. So do you remember at the time when the window was 12 opened and you swam out, was the vessel still moving, 13 sinking downwards, or had it already stopped, in other 14 words already sunk and reached a stationary position? 15 A. It should still be sinking. Because when we swam out of 16 the window, the window was already submerged in water 17 and we had to dive in order to swim out. 18 Q. I understand. But was it still moving downwards, in the 19 course of still moving downwards, continuing to sink? 20 A. Yes, I think so. 21 MR SHIEH: Thank you. Thank you, Mr Wong. I have no 22 further questions for you, but others may, so can you 23 remain seated. 24 THE CHAIRMAN: Mr McGowan? 25 MR MCGOWAN: Yes, could I ask some questions, please?</p>

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1 THE CHAIRMAN: Yes. 2 Examination by MR McGOWAN 3 MR McGOWAN: Mr Wong, I hope not to keep you very long. I'm 4 going to ask you some questions initially about what 5 appears in paragraph 6 of your witness statement, which 6 is at page 352-3 of the English. There you've 7 described, and again you've told us about it, that the 8 bow of the other vessel was coming towards Lamma IV. 9 A. Yes, correct. 10 Q. And it was pointing towards -- 11 A. It was coming to us at the middle of our ship. 12 Q. But the bow of the other vessel was pointing towards 13 Lamma IV's stern? 14 A. Yes, correct. 15 Q. And you demonstrated an angle. 16 A. Yes, correct. 17 Q. Would that have been about 40-50 degrees, as far as you 18 could tell? If you can't recollect, Mr Wong -- 19 A. It should be more or less. 20 Q. Right. Thank you. You say also there that you heard 21 an accelerating sound from Lamma IV's engine. 22 A. Yes, correct. 23 Q. By that, Mr Wong, do you mean that you just heard 24 an increase in the engine noise or vibration? 25 A. I heard the sound of the engine becoming louder and the	1 upwards. 2 A. Yes. 3 Q. As it went up, the smaller items started to fall down 4 towards the stern; is that correct? 5 A. Yes, correct. Even people fell from it. 6 Q. Then when the vessel became almost upright, that's when 7 the chairs and other larger items began to fall down? 8 A. Yes, correct. 9 Q. Mr Wong, do you have a clear recollection of the exact 10 sequence of events that night? Particularly from the 11 time that you became aware of the other vessel. 12 A. (Chinese spoken). 13 Q. Mr Wong, I wonder if you could just pause for the 14 translation. 15 A. The ship did not start to set sail immediately after we 16 boarded the ship, because we were told that there was 17 a lot of time. It only started to set sail a few 18 minutes later, and it was not travelling at a high 19 speed. We were told that this is to prevent us from 20 suffering from seasickness because of the choppy sea. 21 That is why the ship was sailing at a slow speed. 22 When I spotted the other ship, I felt that our 23 vessel began to accelerate and then later on, it hit our 24 stern. My wife fell onto the ground and I fell onto her 25 body. A friend of mine helped her to sit on the chair,
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1 speed has increased. 2 Q. Was the Lamma IV turning and going round to the 3 starboard side? 4 A. I don't think so. 5 Q. And then you heard the bang. 6 A. Yes, correct. 7 Q. Then, when you say the power was generated again, does 8 that mean that the lights, having gone out, came back 9 on? 10 A. When the ship started to sail, the light inside the 11 cabin went off. But the light on the deck was still on. 12 But after the collision, the light was turned on again, 13 but when the ship began to sink, the light went out. 14 Q. All right. Did any lights come on again after that? 15 A. No. 16 Q. Just go back a moment. Did the Lamma IV tilt or incline 17 shortly before the collision? Did you feel it leaning 18 over? 19 A. Yes. First it leaned to the right and then it turned 20 vertical. 21 Q. I think you misunderstood. I'm asking you before the 22 collision. I'm asking you to go back a little bit in 23 time, Mr Wong. 24 A. No, not before the collision. 25 Q. You say the stern sank quickly and then the bow went	1 and then I felt another vibration and at that time, the 2 seats began to fall down and the ship leaned to the 3 right. 4 THE CHAIRMAN: Yes, Mr McGowan? 5 MR McGOWAN: Yes. Thank you very much, Mr Wong. 6 MR SUSSEX: Mr Chairman, might I ask a few questions? 7 THE CHAIRMAN: Certainly. 8 Examination by MR SUSSEX 9 MR SUSSEX: Mr Wong, you've told us that you were sitting on 10 the upper deck of the Lamma IV on the left-hand side. 11 A. Correct. 12 Q. And you were sitting next to a window? 13 A. Correct. 14 Q. You've told us that after the vessel left the pier, the 15 lights in the cabin, the covered part of the upper deck, 16 were off. 17 A. Correct. 18 Q. We know from your statement that you looked through the 19 window at least twice. 20 A. Correct. 21 Q. Can you remember whether or not you saw a red glow from 22 a light on your side of the vessel? 23 A. Not from where I sat. 24 Q. There were questions asked of you at the end of your 25 statement, and I want to ask about questions 3 and 4.

<p style="text-align: right;">Page 145</p> <p>1 The questions essentially are in a similar form. They 2 ask whether you heard any siren or blast from any 3 vessel. 4 A. No, there was not. 5 Q. Would I be right to infer that you did not hear a blast 6 of a horn from the Lamma IV itself? 7 A. Yes, there wasn't. 8 Q. After the collision, did you see the other vessel? 9 A. After the collision, I was busy saving my life and it 10 was very chaotic there, so I didn't pay attention to the 11 other vessel. 12 MS SIT: "My wife". 13 THE INTERPRETER: "My wife". 14 A. After the collision, I was busy saving my wife and it 15 was also very chaotic, so I didn't pay attention to the 16 other vessel. 17 MR SUSSEX: Right. Would I be right then that your estimate 18 of 30 seconds where you say a power was generated, that 19 estimate may be completely wrong? 20 A. The estimation of time was only a rough estimation. 21 Because after the collision, the lights went on and it 22 was then that I saw the face of my wife. After the ship 23 sank, the light went off. 24 Q. So the power that you say was generated, you're talking 25 there about light or electric power; is that right?</p>	<p style="text-align: right;">Page 147</p> <p>1 A. No, because the windows were closed. 2 MR SUSSEX: Thank you very much. 3 MR MOK: I have some questions, Mr Chairman. 4 THE CHAIRMAN: Yes. 5 Examination by MR MOK 6 MR MOK: Just to make this point clear, in your question and 7 answer 5, please -- can you turn to that, page 350 -- 8 you said there that you felt a power and you made it 9 clear that you believed that that was because a vessel 10 was restarted at that time; is that right? 11 Can you go to question 5, please. 12 A. I'm not sure which vessel was it, because the second 13 bang was so strong that all the seats were dislodged and 14 also the people as well. 15 Q. When you heard this second sound, did you feel that your 16 vessel was being dragged by some force from outside? 17 A. I think so. 18 Q. Would it be fair to say that in the 30 seconds before 19 the second sound, you did not feel that your vessel was 20 sinking, but you felt that the sinking took place after 21 the second sound and the starting of the noise of the 22 power? 23 A. Correct. 24 Q. Would it be fair to say, although you may not know 25 this -- is it your impression that it was that sound and</p>
<p style="text-align: right;">Page 146</p> <p>1 MR SHIEH: I think we should attempt to stick to the wording 2 in the Chinese statement, because the word "power" could 3 well be susceptible to different translations. I'm just 4 concerned that if "power" is translated into one of its 5 permissible shades of meaning which is not the sense 6 used by the witness, which seems to be what's 7 happening -- because the witness might have mistaken it 8 to mean "electrical power", whereas in the actual text 9 of the Chinese statement it is reasonably clear what he 10 is talking about. 11 THE CHAIRMAN: By "reasonably clear", do you mean that 12 an engine on a vessel was being used? 13 MR SHIEH: Yes. 14 THE CHAIRMAN: I'll leave it to you to resolve that, if you 15 wish, Mr Sussex. 16 MR SUSSEX: Can you help us with this. As far as you 17 remember, did you hear the colliding vessel, that's the 18 other vessel, put her engines in reverse to slow her 19 speed? 20 THE CHAIRMAN: Prior to the collision? 21 MR SUSSEX: Prior to the collision. 22 THE INTERPRETER: (Chinese spoken). 23 MS SIT: "Prior to the collision". 24 MR MOK: "Before the collision". 25 MR SUSSEX: "Before".</p>	<p style="text-align: right;">Page 148</p> <p>1 the restarting of the engine that caused the boat or 2 your vessel to sink? Would that be your impression 3 or -- 4 THE CHAIRMAN: I think that invites the witness to 5 speculate. That's not within his province. 6 MR MOK: Thank you. 7 My last question is this. You confirm that it was 8 after you heard the second sound that the chairs and 9 a lot of miscellaneous items began to fall? 10 A. After the second bang, the chairs began to dislodge, but 11 the ship had not become vertical yet, so the people had 12 not yet begun to fall. 13 Q. Would it be correct to say that that second sound was 14 accompanied by a sense of a strong force or vibration 15 being felt in your vessel? 16 A. Yes. 17 MR MOK: Thank you. 18 THE CHAIRMAN: Mr Shieh? 19 MR SHIEH: There is one matter that strictly speaking did 20 not arise out of the questions put. I simply wish this 21 witness to identify by reference to the diagram as to 22 whereabouts of the window that he escaped from the deck. 23 THE CHAIRMAN: Yes. 24 Further examination by MR SHIEH 25 MR SHIEH: Mr Wong, one last question. Could you look at</p>

<p style="text-align: right;">Page 149</p> <p>1 the seating plan at page 352.</p> <p>2 Could we zoom in to the middle part. You said that</p> <p>3 someone opened one of the windows on the port side and</p> <p>4 you swam out of that window. Just to be precise, would</p> <p>5 it be the window on the port side, that is to say the</p> <p>6 side where you and your wife and your friends were</p> <p>7 seated?</p> <p>8 Could the cursor be moved towards where the windows</p> <p>9 would have been, the port side.</p> <p>10 Would it be the windows around about where the</p> <p>11 cursor, where that moving triangle, would be? Could the</p> <p>12 cursor move along the entire port side.</p> <p>13 A. It should be one of the windows at the last three rows.</p> <p>14 Q. Could I have the photograph depicting the area where</p> <p>15 Mr Wong was seated. So it would be one of the three</p> <p>16 windows on the right-hand side of this photograph?</p> <p>17 Because you just told us earlier that this is the area</p> <p>18 where you and your friends were seated.</p> <p>19 A. Yes, correct.</p> <p>20 Q. Pages 164 and 165 perhaps, of the same bundle. That</p> <p>21 would actually give a clearer view of those windows.</p> <p>22 Page 165 also. Yes.</p> <p>23 Would those be the windows through which you</p> <p>24 escaped? One of those windows?</p> <p>25 A. Should be the one at the back. The front one was fixed.</p>	<p style="text-align: right;">Page 151</p> <p>1 THE CHAIRMAN: Thank you very much. Thank you for coming to</p> <p>2 testify to help us arrive at a truthful assessment of</p> <p>3 the facts in this case. Your evidence is concluded.</p> <p>4 Before you go, may we offer you the condolences of the</p> <p>5 Commission for the loss of your wife.</p> <p>6 A. (In English) Thank you.</p> <p>7 (The witness withdrew)</p> <p>8 THE CHAIRMAN: If I could just remind everyone, on Monday we</p> <p>9 will be sitting from 2 o'clock until 6 o'clock, rather</p> <p>10 than the normal day that we sit. With that reminder,</p> <p>11 unless there's anything else, we'll adjourn.</p> <p>12 MR SHIEH: Mr Chairman, on Monday onwards I have another</p> <p>13 prior commitment which I have made known to those</p> <p>14 instructing me, and therefore Mr Beresford will</p> <p>15 continue. If I can afford to come for a short while,</p> <p>16 I will. But otherwise Mr Beresford and Mr Lui will</p> <p>17 continue.</p> <p>18 In relation to the order of witnesses on Monday,</p> <p>19 obviously we are still on a learning curve as to how</p> <p>20 long we will take for each witness, but after today</p> <p>21 I think we will have a better idea as to how many need</p> <p>22 to be on standby on a particular day. We will take</p> <p>23 stock and then will notify the other parties as to the</p> <p>24 precise witnesses that will be expected to be on standby</p> <p>25 on Monday.</p>
<p style="text-align: right;">Page 150</p> <p>1 MR SHIEH: Thank you, Mr Wong. I have no further questions.</p> <p>2 THE CHAIRMAN: Thank you. Just two matters if I could ask</p> <p>3 you to deal with, Mr Wong.</p> <p>4 Questions by THE COMMISSION</p> <p>5 THE CHAIRMAN: You've spoken or testified about hearing</p> <p>6 an accelerating sound from the engines of Lamma IV.</p> <p>7 A. Correct.</p> <p>8 THE CHAIRMAN: I'm not asking you to do anything other than</p> <p>9 confirm that issue.</p> <p>10 In your witness statement you are described as</p> <p>11 a driver. What do you drive?</p> <p>12 A. I drive container.</p> <p>13 THE CHAIRMAN: Container trucks?</p> <p>14 A. Container tractor.</p> <p>15 THE CHAIRMAN: What powers that vehicle? What kind of</p> <p>16 engine?</p> <p>17 A. The engine it uses is the strongest one used in trucks.</p> <p>18 It can carry up to more than 40 tonnes.</p> <p>19 THE CHAIRMAN: Diesel engine?</p> <p>20 A. Yes.</p> <p>21 THE CHAIRMAN: The second matter is your use of the life</p> <p>22 jacket. You've told us that you had the life jacket</p> <p>23 under an armpit. My question is, why didn't you put the</p> <p>24 life jacket on?</p> <p>25 A. There was not enough time at all.</p>	<p style="text-align: right;">Page 152</p> <p>1 THE CHAIRMAN: Yes. I think that is all that can reasonably</p> <p>2 be expected. Would you convey the apologies of the</p> <p>3 Commission to the two witnesses who have come today but</p> <p>4 whose testimony we have not reached. We apologise for</p> <p>5 that, but that is where we are.</p> <p>6 MR SHIEH: Yes, we shall.</p> <p>7 THE CHAIRMAN: So, 2 o'clock on Monday.</p> <p>8 (5.03 pm)</p> <p>9 (The hearing adjourned until 2 pm</p> <p>10 on Monday, 17 December 2012)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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