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<p>1 Monday, 17 December 2012 2 (2.00 pm) 3 THE CHAIRMAN: Yes, Mr Beresford. 4 MR BERESFORD: Mr Chairman, Mr Commissioner, before I start 5 with the next witness, I'd like to, if I may, just 6 introduce two new pieces of demonstrative evidence. The 7 first is a model of the Lamma IV, which is sitting here 8 in the well of the hearing room. 9 In fact, as the secretary may be able to briefly 10 demonstrate, it comes apart to display the inside of the 11 vessel. So there's the interior of the upper deck and 12 there's the interior of the main deck. I don't believe 13 it comes apart any more than that, so you can't see the 14 underdeck. 15 This has been built by two officers of the Fire 16 Services Department during their spare time, and 17 I understand that a number of their colleagues 18 participated in the rescue operation and they wanted to 19 remember it by building the model. So it's an amateur 20 model, it's not a professionally built one. But they 21 also, after seeing the witnesses giving evidence last 22 week, thought it would assist the Commission to have it 23 available and volunteered to provide it. 24 I understand that my learned friend Ms Sit will have 25 some more words to say about this in just a moment, so</p>	<p>1 not the Commission wishes to rely on this to assist the 2 witnesses in giving evidence. 3 THE CHAIRMAN: Would you be kind enough to identify these 4 two officers? 5 MS SIT: Can I just have a moment, Mr Chairman. 6 Could that be made available to the Commission a bit 7 later? 8 THE CHAIRMAN: Yes, because we'd like to thank them for 9 their public-spiritedness in assisting us in this way. 10 MS SIT: Yes, I will identify their names, as well as the 11 plan, which I believe is in the bundles for everybody's 12 reference, that they relied on in constructing this 13 model. 14 THE CHAIRMAN: Thank you. 15 Mr Beresford. 16 MR BERESFORD: Mr Chairman, may I call Mr Lau Kam-bor. 17 Mr Chairman, while we're waiting for the witness to 18 approach the stand, I understand that there are other 19 witnesses sitting in the hearing room listening to the 20 evidence as it's being called, before they have given 21 their own evidence. I have said that I see no objection 22 to that, but of course it's entirely a matter for the 23 Commission. I thought I should mention it to you, 24 Mr Chairman. 25 THE CHAIRMAN: Thank you for mentioning it. Does anybody</p>
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<p>1 if I can just hand over to her. But on behalf of the 2 Commission, may I express my thanks to them for 3 providing this assistance. 4 THE CHAIRMAN: Yes. 5 MR BERESFORD: The other piece of demonstrative evidence, if 6 you like, is a chart, a seating plan of the Lamma IV 7 which has been adapted from a plan of the vessel in 8 police bundle H. The purpose of this is simply 9 enumerate the seats by numbering them, so if a passenger 10 says, for example, he was sitting on the upper deck in 11 the fifth row near the window on the port side, we can 12 identify his seat as U31, and that, I hope, will help 13 fix where everybody was sitting. 14 THE CHAIRMAN: Yes. Thank you. 15 MR BERESFORD: So if I could just hand over to Ms Sit. 16 MS SIT: Mr Chairman, I'm very grateful to my learned friend 17 for the introduction and explanation of how this model 18 came about. Can I just supplement that by explaining 19 what is the basis for the construction of this model. 20 As I understand, the firemen in question relied on the 21 vessel plan which was supplied by the shipyard, as well 22 as various photographs taken on site visits and 23 inspection, to put this together. They endeavoured, of 24 course, to be as accurate as possible. But of course 25 I will leave it to the Commission to decide whether or</p>	<p>1 have any objection to that? 2 MR MCGOWAN: No, sir. 3 THE CHAIRMAN: Thank you. 4 If there's no objection, then of course they may 5 remain. 6 MR BERESFORD: Thank you, Mr Chairman. Perhaps the oath can 7 be administered. 8 THE CHAIRMAN: Yes. 9 MR LAU KAM-BOR (affirmed in Puntì) 10 (All answers via interpreter unless otherwise indicated) 11 Examination by MR BERESFORD 12 MR BERESFORD: Mr Lau, thank you very much for coming today. 13 Mr Lau, I understand you've made some previous 14 statements to the police and they've been provided to 15 you, or copies have been provided to you. 16 A. Yes. 17 Q. They are in our bundle at tab 37, bundle A2. 18 A. Yes. 19 Q. At page 335. Do you recognise that as your statement, 20 Mr Lau? 21 A. Yes. 22 Q. There's a second one at page 356. The translation is at 23 pages 364-1 to 364-15. 24 Do you confirm that those are the two statements 25 that you gave to the police, Mr Lau?</p>

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<p>1 A. Yes. 2 Q. Are the contents true? 3 A. Except that I need to make some amendments. 4 Q. Yes. Please do. 5 A. I notice that the position marked on the drawing of the 6 ship on page 354 was wrong. I have informed the police 7 about that, and they told me that it will be amended. 8 But I notice that it has not been amended. 9 Q. Yes, all right. I'll come to ask you about the position 10 where you were seated in a moment. So we'll bear that 11 in mind. 12 A. Yes, noted. 13 Q. But apart from that, are the contents of these 14 statements true? 15 A. Yes. 16 Q. Mr Lau, I'm going to ask you one or two questions and 17 then I'm going to read some but not all of your 18 statement. 19 A. Yes. 20 Q. Your date of birth is 4 March 1952? 21 A. Yes, correct. 22 Q. And you are now retired? 23 A. Yes. 24 Q. What was your occupation before retirement? 25 A. (In English) Senior technician.</p>	<p>1 A. Yes. 2 Q. Your friend Wong Tai-wah? 3 A. Yes, correct. 4 Q. Who we heard from last week. 5 And his wife, So Kwai-Woon? 6 A. Yes. 7 Q. Also sadly deceased? 8 A. Yes. 9 Q. The party had been arranged, had it not, by Ms Szeto 10 Lan? 11 A. Yes. 12 Q. Whose English name, I believe, is Wendy. 13 A. Correct. 14 Q. Looking at the seating plan, you told us in your 15 statement that Szeto Pui-wah was in the window seat, 16 U31? 17 A. Correct. 18 Q. And your wife was U32, and you were U33? 19 A. Correct. 20 Q. Your friends Wong Tai-wah and this wife took the seats 21 by the window behind you, ie in the sixth row? 22 A. Yes, correct. It should be 38, 37. 23 Q. Which one is which? Mr Wong in -- if you remember. 24 A. Should be in 37. 25 Q. And his wife in 38?</p>
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<p>1 Q. What sort of a technician? 2 A. (In English) Audio-visual. 3 Q. Audio-visual? 4 A. (In English) Yes. 5 Q. Perhaps we can then turn to the question of where you 6 were sitting on the vessel. I understand you were with 7 your wife? 8 A. Yes. 9 Q. We've got a seating plan on the screen. You were 10 sitting on the upper deck? 11 A. Yes. 12 Q. On the seating plan on the screen, are you able to 13 identify, by reference to the numbers, which seat you 14 were sitting in? 15 A. I was sitting in 33, and my wife in 32. 16 Q. There were a number of people travelling in company with 17 you, were there not? 18 A. Yes. 19 Q. Your wife, Ms Lo Lai-ngan? 20 A. Yes. 21 Q. Your friend, Szeto Pui-wah? 22 A. Yes, correct. 23 Q. Another friend, Ms Wu Po-tim? 24 A. Yes. 25 Q. Who sadly passed away in the incident?</p>	<p>1 A. Yes, 38. 2 Q. You didn't notice where anybody else in your party was 3 sitting? 4 A. Wu Po-tim should be sitting at bench 3. 5 Q. Wu Po-tim, sitting on bench 3? 6 A. Yes. 7 Q. So she had gone to the outer deck? 8 A. Yes. 9 Q. Could we please have a look at photograph 10, book VII, 10 page 359 of the photo album. 11 This is a photograph of the area in which you were 12 sitting after the incident. 13 A. Yes. 14 Q. Do you recognise that, Mr Lau? 15 A. Because a lot of seats are gone, so it is not the same 16 as before. 17 Q. Yes. And in fact these seats are probably not in their 18 original position? 19 A. Yes. 20 Q. Mr Lau, I'm now going to read an extract from your 21 statement, and the Chinese will be shown on the screen 22 and there will be a simultaneous translation for those 23 upstairs listening. 24 A. Yes. 25 Q. I'm going to start just before the words beginning</p>

<p style="text-align: right;">Page 9</p> <p>1 "Having got onto the vessel Lamma IV". I'm going to 2 start from the preceding sentence: 3 "Around 7.30 pm, we finished our dinner and started 4 walking to the pier for embarkation. 5 Having got onto the vessel [Lamma IV], my wife, 6 Szeto Pui-wah and I took three seats in the fifth row on 7 the port side [Szeto Pui-wah was in the window seat; my 8 wife/Lo Lai-ngan sat between us; my seat was the 9 outermost one]. Our friends [Wong Tai-wah and his wife] 10 took the seats by the window behind us [ie in the sixth 11 row]. The seats taken by [Szeto Lan] and her family 12 members were scattered and I paid no attention to them. 13 Around 8.15 pm, our vessel slowly departed from the 14 pier and its speed was not high at all. The sea was 15 calm with a gentle breeze and the weather was still 16 good. At the time, I was unaware if there were any 17 other vessels sailing around. The wheelhouse was manned 18 but I took no notice how many persons there were or how 19 they were dressed. Similarly, on our return trip, 20 nobody briefed us on the life-saving apparatus, the ways 21 to put them on or the means of escape. By the way, 22 I still found the orange life jackets underneath our 23 seats. 24 While talking with my wife, Szeto Pui-wah, Wong 25 Tai-wah and his wife about different cameras and the</p>	<p style="text-align: right;">Page 11</p> <p>1 a staircase. Taking a look at the people around, 2 I noticed that my wife and friends could find something 3 for support. 4 At the time, next to me was an unknown lady [whose 5 details are forgotten]. She had difficulty in putting 6 on her life jacket and so I helped her do that. At this 7 point, the water level already rose to our chests. I 8 heard Szeto Pui-wah crying out, saying that her leg was 9 stuck in the seats. I tried to pull her away by her 10 waistband but failed. As the seawater was going up to 11 my mouth, I tried hard to pull her leg out with my 12 hands. Until the seawater reached my led, [Szeto 13 Pui-wah] said her jacket was trapped and not floating. 14 I moved my hands on her life jacket and then realised 15 that its strap was stuck in the seats and could not be 16 pulled out. So, I told her to take off the life jacket. 17 Then, having taken it off, she got hold of my wife. We 18 were all trapped inside the cabin, waiting for rescue. 19 At this moment, I saw an object like a human body 20 floating out with no more vital sign. My eyes were so 21 blurred that I could not tell if it was a male or female 22 body, because I had already lost my glasses at the time 23 of collision. 24 While we were trapped inside the cabin, the water 25 level kept rising. I was wearing a life jacket and so</p>
<p style="text-align: right;">Page 10</p> <p>1 techniques for taking photos, I looked out of the window 2 and saw a shape of a large vessel approaching rapidly. 3 Right after that, there came a collision [quickly, 4 suddenly and just within a second]. The collision was 5 massive and a 'bang' sound was heard. Many of us fell 6 down. I saw that the cabin went into a state of 7 confusion. As a result of falling down, my friend [So 8 Kwai-woon] complained of a pain in her chest; therefore, 9 [Wong Tai-wah] and I gave her some support. [The cabin 10 was very dark because the lights were not switched on 11 again after they had been turned off for departure.] 12 While we were keeping hold of [So Kwai-woon], 13 I clearly heard a crunching sound of dragging seemingly. 14 Suddenly, our vessel tilted to the stern and started to 15 sink. As I sensed that there would be danger, I 16 immediately took out and passed to them the life jackets 17 under the seats. Our vessel kept sinking while I was 18 doing so, and we were hit by the seats and the 19 miscellaneous items sliding down from the front. After 20 I had given out about four to five life jackets to them, 21 the cabin took in seawater. Our vessel had already 22 sunk, yet we were still unable to put on our life 23 jackets in time. I kept struggling inside the cabin. 24 To avoid myself being washed away, I stepped on the 25 seats and held onto something like the handrail of</p>	<p style="text-align: right;">Page 12</p> <p>1 my body could float. During that period someone 2 suggested smashing the glass windows. On hearing so, I 3 immediately turned down this idea, saying that the 4 seawater would pour in more rapidly once they were 5 broken. Besides, I also heard a male claiming to be the 6 skipper and telling, 'Sorry, (')he(') (sic) (I) have 7 called the police.' 8 We kept waiting there. My estimation of the time we 9 spent on waiting was about 15 minutes. The cabin was 10 noisy and in a state of confusion because the people in 11 there were yelling, crying and shouting out the names of 12 somebody else non-stop. Then, we heard some people 13 outside the cabin banging on the window glass. I could 14 not hear what they said because it was too noisy. I 15 could not see clearly who they were, either. After a 16 sound of glass smashing had been heard, someone said 17 that the kids and the elderly should be allowed to get 18 out first. Thus, I swam towards the windows, by putting 19 my hands on anything inside the cabin. Then, after 20 someone had pulled me out, I became floating in the sea. 21 At the time, there was also a lady next to me. 22 Subsequently, we were rescued by a vessel. With no 23 idea of what kind of vessel it was, I thought it might 24 be a pilot launch. On this vessel, I saw eight other 25 persons who were also the passengers in the shipwreck.</p>

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<p>1 I heard the crew of the 'pilot launch' calling the Fire 2 Services Department, stating that they were going to 3 convey us to hospital. However, the FSD instructed them 4 to transfer us to a barge sent by the FSD. Later, we 5 went on board the FSD's barge. Then, apart from making 6 a note of our names, the firemen provided us with some 7 articles that would keep us warm. After waiting on the 8 barge for about two hours, we were taken to a pier at 9 South Horizons on a speedboat and went ashore there. 10 Together with an unknown little girl [who was aged 12, 11 of thin build, with short hair and studying P6], I was 12 then sent to Queen Elizabeth Hospital by ambulance. 13 Around 12.45 am, I arrived at the A&E Department of 14 QEH. I was not required to be admitted because of 15 sustaining abrasions to my limbs only. I was discharged 16 at 4 km on the 2nd day (of October)." 17 I'll finish reading there, Mr Lau. 18 Just picking up one or two more points from your 19 statement, you said no sound of any warning whistle was 20 heard before the collision; is that right? 21 A. Yes. Yes, I cannot hear it. 22 Q. Can you tell us, please, if you felt any change of speed 23 or direction immediately before the collision? 24 A. No, I don't feel it. 25 MR BERESFORD: Okay, Mr Lau. If you'd wait there, please.</p>	<p>1 A. Yes. 2 Q. As I understand the evidence, the first thing, having 3 seen the vessel, was a crash very shortly afterwards as 4 that vessel hit Lamma IV. 5 A. At that time, the sea was very dark and it was not until 6 the vessel came very close to us that I could see it. 7 Q. Right. After seeing it, very shortly afterwards, it 8 collided with Lamma IV; is that correct? 9 A. Correct. 10 Q. And many people were knocked to the ground? 11 A. Correct. 12 Q. Knocked to the deck? 13 A. In the cabin. On the deck. 14 Q. Right, thank you. After that there was an interval, and 15 then you heard the crunching or dragging sound you 16 mentioned? 17 A. Correct. 18 Q. After you heard that, Lamma IV began to sink? 19 A. Yes, it started to sink from the stern on the starboard 20 side. On the right side. 21 Q. Right. And the dragging sound you heard, was that 22 coming from behind you towards the stern? 23 A. Correct. 24 Q. It was after that that the Lamma IV started to go down 25 by the stern?</p>
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<p>1 Thank you very much. 2 Examination by MR MCGOWAN 3 MR MCGOWAN: Good afternoon, Mr Lau. I'm Mr McGowan. 4 I have some questions, if I may be allowed to ask 5 them, please. 6 THE CHAIRMAN: Yes. In which area? 7 MR MCGOWAN: Really the crunching sound and the movement of 8 the vessel after the collision. 9 THE CHAIRMAN: Yes, very well. 10 MR MCGOWAN: Thank you very much. 11 Mr Lau, you seem, from what you have said, to have 12 been involved in a conversation with your wife and other 13 members of your party. 14 A. Yes. 15 Q. And suddenly something caused you to look out of the 16 window? 17 A. Yes. 18 Q. So your focus up until almost immediately before the 19 collision was on what was happening inside Lamma IV and 20 the people you were talking to; is that correct? 21 A. At that time we were talking about photography, and 22 Szeto Pui-wah put a decoration item on the window, so at 23 that time my face was facing towards the window and 24 I could see that side. 25 Q. Is that when you saw the vessel coming towards you?</p>	<p>1 A. Correct. 2 Q. And the angle became steeper and steeper very quickly? 3 A. Yes. 4 Q. It was sometime after she started to sink that the seats 5 became detached? 6 A. After it had sank to less than 30 degrees, the seats 7 began to detach. 8 Q. It was further up than that, wasn't it? It was almost 9 vertical before the seats started to detach, Mr Lau? 10 A. In fact the seats had become detached before the water 11 went into the vessel. The seats had already been 12 dislodged before the water rose up to the upper deck. 13 Q. They weren't dislodged on impact, though, were they? 14 A. It hadn't dislodged at the first impact. It was only 15 when it began to sink that the seats dislodged. 16 Q. As I understand your evidence, there was the crunching 17 sound and then the vessel began to sink very quickly, 18 going down by the stern very quickly. 19 A. Yes. 20 Q. And you were able to get the life jackets out of the 21 seats? 22 A. As soon as the ship began to tilt, I retrieved the life 23 jackets for my friends and my colleagues. 24 Q. Right, and it was after that that the seats began to 25 detach?</p>

<p style="text-align: right;">Page 17</p> <p>1 A. At that time, it has not been detached yet. It was 2 after I retrieved the life jacket that it began to 3 detach. 4 Q. That was at the time the vessel was going upright very 5 quickly? 6 A. It was not that quick. There was a time lapse before it 7 became vertical. 8 Q. Yes, but the seats began to detach when it was something 9 over 30 degrees' inclination, wasn't it? 10 A. It began to detach before it reached 30 degrees. 11 MR MCGOWAN: Thank you, Mr Lau. 12 MR SUSSEX: Mr Chairman, may I have leave to question this 13 witness concerning sound signals? 14 THE CHAIRMAN: Yes, certainly. 15 Examination by MR SUSSEX 16 MR SUSSEX: Mr Lau, you say in your statement that at the 17 time of the incident, no sound of warning whistle was 18 heard? 19 A. Yes. 20 Q. Do I understand correctly, if I take it from that, that 21 you did not hear the Lamma IV sound her horn? 22 A. No, I didn't hear that. 23 MR SUSSEX: Thank you, Mr Lau. 24 MS SIT: Mr Chairman, could I have leave to ask some 25 questions on the question of seats?</p>	<p style="text-align: right;">Page 19</p> <p>1 I understand you to mean from the horizontal? 2 A. (In English) From the horizontal, yes. 3 Q. What was the maximum angle that you observed, do you 4 remember? 5 A. Which angle are you referring to? 6 Q. Of the vessel as it sank. It went from zero to 30. Did 7 it then go to 60, did it go to 90, did it go beyond 90? 8 A. When the vessel was in the waters, it can't be at zero 9 degrees. But when it became vertical, up to less than 10 30 degrees, the seats began to detach. 11 Q. I'm not sure if I quite got my question across. If the 12 vessel in normal lay is horizontal, that's zero degrees, 13 then is that 30 degrees when it first -- (indicates)? 14 A. (In English) It's less 30 degrees. 15 Q. Less than 30 degrees? 16 A. (In English) I mean, you hold the pen, it's less 17 30 degrees now. 18 Q. Yes. But then, did the vessel continue -- as the stern 19 sank, did it go to a greater angle, 60 degrees? 20 A. (In English) Yes. 21 Q. Did it then go to 90 degrees? 22 A. (In English) I need the measure. Should not greater 23 than 90 degrees. 24 Q. Not greater than 90 degrees? 25 A. (In English) When I left the vessel.</p>
<p style="text-align: right;">Page 18</p> <p>1 THE CHAIRMAN: Yes. 2 MS SIT: I'm grateful. 3 Examination by MS SIT 4 MS SIT: Mr Lau, just now you told the Commission that when 5 Lamma IV began to sink stern-first, before it reached 6 30 degrees the seats became detached and started falling 7 off. 8 A. Yes. 9 Q. Could I ascertain this. At the time, did you notice 10 whether there were persons sitting on those seats or 11 people hanging on to them or holding on to them, or were 12 they empty? Did you notice or remember that? 13 When the seats started detaching and falling. 14 A. The people were gone. Some had sustained injury, and 15 they ran around, helping other people. 16 MS SIT: I see. 17 No further questions. 18 THE CHAIRMAN: Mr Beresford. 19 Further examination by MR BERESFORD 20 MR BERESFORD: Mr Lau, I just wanted to ask you a question 21 about your measurement of the angle. My learned friend 22 asked you about when the seats began to detach, and you 23 said it was when the vessel became 30 degrees. 24 THE CHAIRMAN: He said "less than". 25 MR BERESFORD: Less than 30 degrees. By "30 degrees",</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. When you were waiting in the vessel, do you have any 2 estimation of what angle -- 3 A. (In English) Sorry? 4 Q. When you were inside the vessel waiting to be rescued, 5 what sort of angle did you feel that it was? 6 A. (In English) 70. 7 MR BERESFORD: Okay. Thank you, Mr Lau. 8 Questions by THE COMMISSION 9 THE CHAIRMAN: From where you were seated, Mr Lau, on the 10 port side of the vessel, you sighted the other vessel 11 first and then shortly afterwards, you heard the sound 12 of a collision, a bang? 13 A. Yes. 14 THE CHAIRMAN: Where was that sound in relation to where you 15 were? 16 A. From my left-hand side. 17 A. (In English) I just faced the window. 18 THE CHAIRMAN: Was it behind you? 19 A. I was facing the window, so I heard that it was from the 20 left. 21 THE CHAIRMAN: From the? 22 A. (In English) From my left side. 23 THE CHAIRMAN: Yes. Thank you. 24 Thank you very much, Mr Lau, for coming to give 25 evidence to assist us in this Inquiry. Your evidence is</p>

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<p>1 complete, and you are free to go. Equally, you are free 2 to sit in the back of the public gallery if you wish, 3 and listen to other evidence. 4 A. (In English) Okay. Thank you. 5 (The witness withdrew) 6 MR BERESFORD: Mr Chairman, I call Ms Lo Lai-ngan. 7 MS LO LAI-NGAN (affirmed in Punti) 8 (All answers via interpreter unless otherwise indicated) 9 Examination by MR BERESFORD 10 MR BERESFORD: Ms Lo, thank you very much for coming today 11 to assist the Commission with your evidence. 12 Ms Lo, you have given two previous statements to the 13 police, which are at pages 365 and 369 of our bundle A2. 14 For those who are following the English versions, 15 they're at pages 377-1 to 377-15. 16 Ms Lo, do you recognise those two statements as 17 being the statements that you gave to the police? 18 A. Yes. 19 Q. Have you had an opportunity to refresh your memory of 20 what is contained in those statements? 21 A. There is an error there about the window seat. 22 Q. Yes. Would you like to amend it? 23 A. Yes. 24 Q. Please tell us what the error is. 25 A. The first window seat was seated by Szeto Pui-wah.</p>	<p>1 of asking you a lot of questions. If there is anything 2 that strikes you as incorrect, please don't hesitate to 3 stop me, or tell us afterwards. 4 I'm going to read from the paragraph beginning, in 5 the English version on page 377-9, with the words "At 6 that night, my husband and I". And we are, of course, 7 talking about the night of 1 October. 8 "At that night, my husband and I were among the 9 first batch of passengers boarding Lamma IV at a ferry 10 pier at Hongkong Electric power plant on Lamma Island. 11 After boarding the boat, the three of us -- my husband, 12 Szeto Pui-wah and I took the three-seaters on the left 13 side in the middle of the cabin on the upper deck. 14 Szeto Pui-wah was sitting beside the window. I sat in 15 the middle while my husband was sitting on my right 16 side. Behind Szeto Pui-wah was Wong Tai-wah. Behind me 17 was So Kwai-woon. I was not sure where the friends and 18 relatives of Szeto Lan were sitting. 19 No staff on board ever explained to passengers any 20 rules and instructions. Nor did they introduce to us 21 the rescue facilities and escape routes. I didn't 22 notice where life jackets were kept. Nor did I know 23 where I could find those life jackets. 24 At around 8.15 pm, Lamma IV sailed away from that 25 ferry pier. It was not too cloudy with cool breeze that</p>
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<p>1 Q. Perhaps we can have a look at the plan, the seating 2 plan. 3 A. Amendment has been made on the last page, but not on the 4 first page. 5 Q. Yes, I see. Let's just try and establish where you were 6 all sitting according to your memory. You were on the 7 upper deck of the vessel with your husband, Mr Lau; is 8 that correct? 9 A. Yes. 10 Q. There should be a plan on the screen in front of you 11 with numbers on the seats. I think in your statement 12 you said that you and your husband were sitting in the 13 row numbered 31-33? 14 A. Yes. 15 Q. Do you confirm that? 16 A. Yes. 17 Q. Ms Szeto was sitting in seat 31, was she? 18 A. Yes. 19 Q. And you and your husband in 32 and 33? 20 A. Yes. 21 Q. Your husband is Mr Lau Kam-bor, from whom we've just 22 heard; is that right? 23 A. Yes. 24 Q. Ms Lo, I'm going to read a part, but not all, of your 25 statement to save us some time and to save the trouble</p>	<p>1 night. It didn't rain and was not foggy. There were no 2 high waves on the sea. The boat was steady while 3 sailing. When the boat sailed, I saw a staff steering 4 that boat in the wheelhouse [thereafter, I learned that 5 he was the skipper of that boat]. I paid no attention 6 to other staff and sailors on board the boat. After 7 boarding the boat, I only chatted with Szeto Pui-wah. 8 I did not notice the circumstances on the sea. I had no 9 idea about the traffic condition on the sea at that 10 time. About two to three minutes after the boat set 11 sail, the lights in the cabin on the upper deck were 12 switched off. However, the lights in the cabin on the 13 lower deck and the open area of the stern on the upper 14 deck were still on. I believed that it was the 15 arrangement for watching fireworks display. 16 When the boat was sailing, I chatted with Szeto 17 Pui-wah all along but paid no attention to the condition 18 on the sea. I felt that the speed of the boat was not 19 fast. Nor did I feel that Lamma IV suddenly accelerated 20 or decelerated. It didn't change direction suddenly. 21 It was not until two to three seconds before the boat 22 collision that Szeto Pui-wah noticed that a boat was 23 travelling on high speed towards our boat. There were 24 lights at the bow of that boat. It was sailing towards 25 our boat. I could see that boat through a window.</p>

<p style="text-align: right;">Page 25</p> <p>1 About one to two seconds later, that boat crashed into 2 the port side of the stern of our boat and gave a bang 3 sound. It was a great impact. I saw that many 4 passengers fell down to the floor of the cabin. 5 I remained seated. It was in chaos and many passengers 6 were in panic at that time. Before the boat collision, 7 I didn't see the boat of the other party issue any 8 warning signals, nor did I hear horn sound. After the 9 boat collision, my husband and I looked after our friend 10 in our company -- So Kwai-woon who had fallen down. 11 About one minute after the boat collision, I heard 12 a loud crunching sound coming from the stern of 13 Lamma IV. It seemed to be the sound made by the boat of 14 the other party when it left after collision. 15 Subsequently, Lamma IV sank. People aboard were in 16 panic. The stern began to sink. At that time, my 17 husband believed that the boat would sink right away, so 18 he took out life jackets under the seats and gave them 19 to me as well as other passengers. Then I put on a life 20 jacket and assisted Szeto Pui-wah to wear a life jacket. 21 When my husband distributed life jackets, the stern sank 22 rapidly while the bow tilted upward with an angle of 23 30 degrees from the sea surface. At that time, the 24 seats on the port side of the cabin on the upper deck 25 collapsed, falling down towards the stern. Those</p>	<p style="text-align: right;">Page 27</p> <p>1 15 minutes later, I saw rescue officers knock on the 2 windows from the outside of the boat. I didn't see who 3 they were. Thereafter, those passengers shouted loudly. 4 Those rescue officers broke the windows right away and 5 told everyone not to look at the windows to avoid being 6 hit by the glass fragments. A rescue officer broke 7 a window close to the water surface on the starboard 8 side of the boat. Then a male rescue officer climbed 9 into the cabin through that broken window, telling 10 passengers in the cabin to flee to the sea surface 11 through that broken window. Then ten-odd persons fled 12 to the sea surface through that window. Among those 13 tour members that I knew, I only saw Szeto Pui-wah and 14 my husband Lau Kam-bor flee from the cabin through that 15 window. I didn't know how other tour members, whom 16 I knew, fled. 17 When I fled from the cabin to the sea, I saw the bow 18 of Lamma IV tilt upward with a small portion seen on the 19 sea surface. My husband Lau Kam-bor fled Lamma IV 20 before I did. However, I couldn't find my husband after 21 I reached the sea surface. I could only see a small 22 rescue boat beside me. A lifebuoy with a rope was 23 thrown down to me from that boat. After that I grabbed 24 that lifebuoy, the officer on board that boat pulled the 25 rope to take me onto that boat."</p>
<p style="text-align: right;">Page 26</p> <p>1 passengers sitting at the back were pressed by those 2 seats which collapsed. At that time, my husband and 3 I were beside our seats but were not pressed by the 4 seats. We worked together to take care of those 5 stricken passengers. Shortly afterwards, seawater 6 flushed into the cabin from the stern. Therefore, those 7 stricken passengers sitting at the back on the upper 8 cabin immersed in sea with water over their heads. At 9 that moment, my husband and I immediately grabbed 10 a staircase railing leading to the lower cabin beside us 11 in order to avoid falling into the sea from the stern. 12 However, Szeto Pui-wah failed to grab the railing in 13 time. She could only grabbed my right arm tightly to 14 prevent herself from falling into the sea from the 15 stern. At that time, a staff member, whom I stated that 16 he was the skipper earlier on, fell down from the 17 cockpit onto that staircase railing. At that time, I 18 saw him call the police with a mobile phone of other 19 passenger. Then he hanged off. He said to the 20 passengers in the upper cabin, "Sorry, sorry. I am the 21 skipper. Boats are coming to rescue us." Then we 22 stayed where we were, waiting for rescue. 23 About 15 minutes after boat collision, I saw bright 24 lights round Lamma IV. However, no rescue officers 25 entered the cabin to rescue us. About another</p>	<p style="text-align: right;">Page 28</p> <p>1 Ms Lo, I'm going to stop reading there, but if I may 2 just pick up one or two more points. 3 You then go on to describe how you were the first 4 person who was taken on board that rescue boat? 5 A. Yes. 6 Q. And later you saw Szeto Pui-wah and another male 7 survivor rescued? 8 A. Yes. 9 Q. You were eventually taken to hospital for a check-up? 10 A. Yes. 11 Q. And you suffered multiple abrasions to your right 12 forearm and left elbow? 13 A. Yes. 14 Q. You needed two stitches? 15 A. Yes. 16 Q. And then you found your husband. 17 A. Yes. 18 Q. And Szeto Pui-wah and Wong Tai-wah survived. 19 A. Yes. 20 Q. Unfortunately, So Kwai-woon did not. 21 A. Yes. 22 Q. In that statement, you said that when you saw the other 23 boat travelling at a high speed towards your boat, you 24 saw lights at the bow of that boat? 25 A. Yes. It was travelling towards us at high speed.</p>

Page 29	Page 31
<p>1 Q. Yes. I want to know about the lights. Can you remember 2 what kind of lights they were or what colour they were? 3 A. It was an orange colour, something that you see on 4 vessels, and Szeto Pui-wah said, "How come that ship is 5 sailing to us at such a high speed?", and we said, 6 "Yes." 7 Q. All right. You've described in some detail what 8 happened inside the cabin in the immediate aftermath of 9 the collision. 10 A. Very soon afterwards, So Kwai-woon was found lying on 11 the floor. 12 Q. If you don't mind, Ms Lo, just wait for my questions. 13 Because I'm going to ask you, hopefully with the help of 14 this model that we've got of the boat in front of us -- 15 I think we've got a camera that will display the model 16 on the screen in front of you. 17 You can see the remodelled structure of the upper 18 cabin. 19 A. Yes. 20 Q. If the camera can just focus on the three seats on the 21 starboard side -- the port side, I mean. I'm sorry. 22 The side nearest me. Just to one side of the stairwell 23 there are three groups of three seats. 24 A. Yes. 25 Q. We can just see those to the right of the picture. Is</p>	<p>1 passengers sitting at the back, you said, were pressed 2 by those seats which collapsed. Do you remember that? 3 A. I didn't pay attention, but I only paid attention to the 4 people on the last row, that is Wong Tai-wah and 5 So Kwai-woon. 6 Q. That's the row behind you? 7 A. Yes. At that time, it was very chaotic. 8 MR BERESFORD: Yes. Okay, Ms Lo. Thank you very much. If 9 you'd wait there, please. 10 MR McGOWAN: May I ask some questions, sir, please, in 11 relation to the seats and also what happened after the 12 crash? 13 THE CHAIRMAN: Yes. 14 MR McGOWAN: Thank you. 15 Examination by MR McGOWAN 16 MR McGOWAN: Ms Lo, I just have a few questions for you. 17 You've told us that you saw the other vessel very 18 shortly before it hit Lamma IV. 19 A. Yes. 20 Q. Did you hear its engine? 21 A. I didn't hear at that time. 22 Q. Did you hear its engine later? 23 A. No, because it was very chaotic. The vessel sank very 24 quickly. 25 Q. Right. I'm now going to ask you about that. I think</p>
Page 30	Page 32
<p>1 that where you were sitting? 2 A. Is the ship sailing towards this direction? 3 Q. This model is sailing towards you. So the camera is 4 changing now, but -- now the camera is looking forward. 5 You see on the left side of the ship -- 6 A. Yes. I was sitting there, the three-seat row. The row 7 with three sets. 8 Q. Yes. Then you said that the stern of the boat began to 9 sink? 10 A. Yes. 11 Q. And that the seats on that side of the cabin, the same 12 side as you were pointing at, collapsed, falling down 13 towards the stern. So is that towards that wall at the 14 back of the cabin? 15 A. Yes, it slid down. 16 Q. So against that wall there? Can you see my pointer? 17 A. We are sitting on that side in relation to the bow. 18 Q. Yes. I think we know where you're sitting. But what 19 I'm asking about now are the collapsing seats. 20 A. After the first impact, So Kwai-woon fell on to the 21 floor. My husband and Wong Tai-wah helped her, attended 22 to her. When the ship sank, Szeto Pui-wah was already 23 trapped by the -- when the ship sank, my husband 24 realised that her feet were trapped by the seats. 25 Q. Yes, I see. But what I'm asking you about -- the</p>	<p>1 after the initial crash, there was a period when neither 2 vessel moved. 3 A. Yes, but very quickly the vessel sank. 4 Q. Yes. But people were knocked over and lost their 5 seating or their footing because of the force of the 6 first impact? 7 A. Yes. 8 Q. Was your seat dislodged by that impact? 9 A. I didn't pay attention to that at that time, but 10 I noticed that a lot of persons were immersed in water. 11 Q. After that first impact, the crash, there then came 12 a noise as the other vessel pulled away from Lamma IV? 13 A. Yes, but anyway, very soon afterwards, I heard a lot of 14 banging sounds and the vessel began to sink. 15 Q. Yes. Could you have a look, please, at your first 16 statement. In the English, it's on page 377-2. I ask 17 you to look particularly at answer 3 in the Chinese. 18 You talk, Ms Lo, about the collision and feeling 19 Lamma IV shake. You went on to say: 20 "Later, the vessel colliding with our vessel moved 21 backwards away and the vessel I took began to sink." 22 Do you see that? 23 A. Yes. 24 Q. That's when the water began to come into the cabin, 25 isn't it?</p>

<p style="text-align: right;">Page 33</p> <p>1 A. Yes. 2 Q. And that's when Lamma IV began to tilt by the stern, 3 with the bow going up in the air? 4 A. Yes. 5 Q. And as the angle increased beyond 30 degrees is the time 6 that the seats began to detach from the deck? 7 A. Yes. 8 MR MCGOWAN: Thank you. I have no further questions. 9 THE CHAIRMAN: Mr Sussex? 10 MR SUSSEX: Mr Chairman, might I have leave to question this 11 witness briefly about sound signals? 12 THE CHAIRMAN: Yes. 13 Examination by MR SUSSEX 14 MR SUSSEX: Madam Lo, you say that before the collision, you 15 didn't see the boat of the other party issue any warning 16 signals. 17 A. Yes. 18 Q. Then you say "nor did I hear horn sound". 19 A. No. 20 Q. Could I ask you this. Before the collision, did you 21 hear the Lamma IV sound its horn? 22 A. No, because we were chatting. 23 MR SUSSEX: Thank you, Madam Lo. 24 MS SIT: Mr Chairman, could I have leave to ask a few 25 questions on the crunching noise and the position of the</p>	<p style="text-align: right;">Page 35</p> <p>1 saw the other vessel coming very quickly. After the 2 bang, people began to fall. So my husband and Wong 3 Tai-wah attended to So Kwai-woon. 4 THE CHAIRMAN: Just pause there. It's only on the issue of 5 life jackets that I want to ask you a question. 6 Did your husband give you a life jacket? 7 A. Yes. 8 THE CHAIRMAN: Did you put the life jacket on? 9 A. Yes. I helped my husband to put it on, and then 10 I helped Szeto Pui-wah to put it on. My husband 11 retrieved the life jackets and distributed them to the 12 people at the back. 13 THE CHAIRMAN: And you put your own life jacket on, or one 14 of them? 15 A. When my husband handed to us the last four life jackets, 16 I helped him to put it on and he helped me to put it on. 17 I also helped Szeto Pui-wah to put it on. The lady next 18 to him, also helped to put it on. But it was not tight. 19 We just slipped it on without tying it up. 20 THE CHAIRMAN: Why didn't you tie it up? 21 A. Because it was very chaotic at that time. My husband 22 retrieved the life jacket and gave it to other people, 23 and then saved some for ourselves. It was very 24 difficult to find the string. So we just slipped it on. 25 THE CHAIRMAN: So the reason you didn't tie it up was</p>
<p style="text-align: right;">Page 34</p> <p>1 two vessels after the collision? 2 THE CHAIRMAN: Yes. 3 MS SIT: I'm grateful. 4 Examination by MS SIT 5 MS SIT: Madam Lo, after the initial bang, pause a short 6 while and then you heard a crunching noise which you 7 believed to be Sea Smooth pulling away. Do you remember 8 that? 9 A. Yes. After it pulled away, we began to sink. 10 Q. What I want to know is, at the time when you heard this 11 noise, the second type of noise, were you looking at the 12 window or did you see what happened outside the window? 13 A. No, I didn't look outside. I was only looking at the 14 inside, and everybody was screaming. 15 Q. I see. So it was just what you heard; it wasn't what 16 you saw? 17 A. No. 18 MS SIT: No further questions. 19 THE CHAIRMAN: Yes. Any re-examination? 20 MR BERESFORD: No re-examination, Mr Chairman. Thank you. 21 Questions by THE COMMISSION 22 THE CHAIRMAN: Madam, you described to us how your husband 23 reached for the life jackets and distributed them. 24 A. At that time, we were -- Szeto Pui-wah took a small 25 torch and Wong Tai-wah was shining the torch. Then we</p>	<p style="text-align: right;">Page 36</p> <p>1 because it was difficult to do so; is that it? 2 A. At that time, we just slipped them on and helped the 3 others and we didn't think about how to tie it up and we 4 don't know how to tie them on. It was very chaotic at 5 that time. 6 THE CHAIRMAN: Madam, thank you very much for coming to 7 assist us with your evidence in this Inquiry. Your 8 evidence is now complete. You're free to go. You may, 9 of course, sit in the public gallery and listen to other 10 evidence. 11 Thank you. 12 MR BERESFORD: Mr Chairman, Mr Commissioner, we're making 13 quite good time this afternoon. We've had two 14 witnesses; we've got two more to come. 15 THE CHAIRMAN: Is that all? 16 MR BERESFORD: Yes, Mr Commissioner. We've mistimed it, 17 I think. So we won't run the whole afternoon today. 18 THE CHAIRMAN: Yes. Perhaps one can get a better measure of 19 how long the witnesses are going to take, in view of the 20 speed at which we've been able to deal with witnesses 21 that we've had so far who speak to the circumstances of 22 the actual collision. 23 Call your next witness. 24 MR BERESFORD: The next witness is Mr Lee Ming-sun. 25</p>

<p style="text-align: right;">Page 37</p> <p>1 MR LEE MING-SUN (affirmed in Punti) 2 (All answers via interpreter unless otherwise indicated) 3 Examination by MR BERESFORD 4 MR BERESFORD: Good afternoon, Mr Lee. I believe you have 5 given a statement to the police previously, which is to 6 be found in our bundle A1 at page 312. 7 Could that be shown to the witness, please. The 8 English translation is at page 318-1 through to 9 page 318-10. 10 Mr Lee, do you recognise that as the statement that 11 you gave to the police on a previous occasion? 12 A. Yes. 13 Q. Have you had an opportunity to read it through and 14 refresh your memory as to its content? 15 A. Yes. 16 Q. Are the contents true? 17 A. Yes. 18 Q. Mr Lee, you are aged 47? 19 A. Yes. 20 Q. Occupation: decoration worker? 21 A. Yes. 22 Q. And you received junior, secondary school education? 23 A. Yes, up to secondary school. 24 Q. And you're married and live with your family? 25 A. Yes.</p>	<p style="text-align: right;">Page 39</p> <p>1 that would be docked in Central for passengers to 2 alight -- that is, Lamma IV. At that time, there were 3 more than one hundred passengers. But I am not sure 4 exactly how many people there were. After boarding the 5 boat, I saw a male who was believed either to be a staff 6 member of Hongkong Electric Company Ltd or one of the 7 tour leaders talking with the staff members on board 8 outside the wheelhouse. An announcement was made to us 9 after their discussion, stating that as to avoid big 10 waves that might affect us to watch the fireworks 11 display, the voyage would be delayed from 8 pm, as 12 scheduled, to 8.15 pm. 13 At 8.15 pm the same day, Lamma IV that I took, 14 sailed away from the Hongkong Electric ferry pier. At 15 that time, I was holding my two-year-old son in my arms, 16 sitting on the second seat close to a window on the left 17 side of the first row of the upper deck while my wife 18 and daughter went to an open area on the upper deck, 19 chatting with her friend." 20 Mr Lee, can I just pause there and ask you to look 21 at a plan, a seating plan of the boat. If we can focus 22 in on the upper deck, the forward part of the upper 23 deck, when you say you were "sitting on the second seat 24 close to a window on the left side", would that be 25 seat 2?</p>
<p style="text-align: right;">Page 38</p> <p>1 Q. Mr Lee, I'm going to read from your statement the key 2 parts of interest to the Commission, rather than ask you 3 a lot of questions. If there's anything that strikes 4 you as incorrect or inaccurate, then please let us know. 5 Either interrupt me or tell us afterwards. I'm going to 6 read from numbered paragraph 3 in the English 7 translation. 8 "On 1 October 2012, through someone surnamed Szeto 9 [Wendy] -- a friend of my wife Kwok Pui-chun, my wife, 10 my daughter Lee Cheuk-kwan, my son Lee Tsz-chung and I 11 participated an activity of visiting a power station on 12 Lamma Island and watching fireworks display over 13 Victoria Harbour on board a boat at night. The charge 14 was HK\$10 per head. At around 7.30 pm the same day, 15 after a dinner at the staff canteen of Hongkong Electric 16 Power Station at Yung Shue Wan, Lamma Island, we, 17 together with other tour members, walked to the power 18 station ferry pier. At 7.45 pm the same day, we arrived 19 at the power station ferry pier. At that time, two 20 boats were arranged for taking us to Victoria Harbour to 21 watch the fireworks display. One of the boats would be 22 docked at Central for passengers to alight after the 23 fireworks display while another boat would be docked at 24 South Horizons ferry pier for passengers to alight after 25 the fireworks display. My family and I boarded the boat</p>	<p style="text-align: right;">Page 40</p> <p>1 A. At first seat 2 was occupied by my son and I was sitting 2 on seat 3. 3 Q. You said "at first"; did that change? 4 A. After the vessel left the pier, I was holding my son and 5 because he was tired I held him up so both of us were 6 sitting on seat 3. 7 Q. Thank you. Then your wife and your daughter went to the 8 open area. On the plan, if we can zoom out a bit, 9 that's around about the area which is marked here 10 "bench 2", "bench 3", and there are life rings marked at 11 the back; is that right? 12 A. Yes. At that time, they were not there; they were close 13 to the lifebuoys. 14 Q. Okay. Thank you. 15 I'm going to continue reading now, Mr Lee: 16 "About ten minutes after the boat set off, I can't 17 confirm the exact time, suddenly there was a bang sound 18 and at the same time, the stern veered to the right. 19 I was holding my son, so we fell together down to the 20 floor. Then I got up and sat back to the seat with my 21 son in my arms. At the same time, I saw that other 22 passengers also fell to the floor and some were injured 23 and bleeding. Thus the crew members and I shouted at 24 everyone, asking them to sit back. At the same time, 25 I shouted at my wife and daughter, asking them to come</p>

<p style="text-align: right;">Page 41</p> <p>1 back to me. About ten seconds later, they came back to 2 me. Then I heard some crew members say, 'Boat 3 collision', and also said, 'We tried to turn the 4 steering wheel to dodge it, but it didn't reduce the 5 speed but bumped into our boat.' Subsequently, the port 6 side stern of our boat sank rapidly by two to three 7 feet. Crew members shouted, 'The boat is going to sink 8 soon. Put life jackets right away.' We got life 9 jackets from underneath our seats and put them on. When 10 we were putting on life jackets, the bow kept tilting 11 upward. I got only three life jackets. Two of them 12 were given to my wife and my daughter. When I was 13 helping my son to put on the last life jacket over his 14 head, the bow rose to an angle of about 70 degrees. We 15 couldn't sit steadily but slipped down with the chairs 16 to the stern. When I stopped slipping down, I found 17 many assorted items under my feet. When I stood up, 18 I found that my chest was immersed in water. At that 19 time, I also saw a crew member falling down from the 20 wheelhouse and said, 'The boat collision has nothing to 21 do with us. Very sorry.' After repeating that several 22 times, that crew member climbed up to the port side of 23 the boat and opened the second window. At that time, 24 seawater poured in. Subsequently I saw that crew member 25 leave via that window. I was with my daughter and son</p>	<p style="text-align: right;">Page 43</p> <p>1 you said: 2 "After setting off, the lights in the cabin were 3 turned dim, not so bright." 4 A. Yes. 5 Q. Then in question 9, you were asked if you saw the 6 circumstances on Lamma IV when you swam away from it, 7 and your answer was: 8 "Shortly after I left Lamma IV, I saw that almost 9 half the boat sank perpendicularly. About 20 minutes 10 later, I saw that only about one-third of Lamma IV on 11 the sea surface." 12 A. Yes. 13 Q. Then you were asked about your injuries, and you said 14 that you suffered multiple abrasions and bruises to your 15 left hand and left leg; that you suffered minor 16 fractures to your left forearm; that your daughter 17 suffered bruises to her face and her waist; while your 18 son suffered bruises to his face and nose. 19 A. Yes. 20 Q. I'd just like to ask you one question by reference to 21 the model, if I may. If we can have the camera, and if 22 I can have the pointer. 23 Mr Lee, in your statement you described how a crew 24 member climbed up the port side of the boat and opened 25 the second window, you said. And you described how</p>
<p style="text-align: right;">Page 42</p> <p>1 while my wife was out of my sight at that time. 2 I immediately sent my daughter away through the window. 3 Then I shook those assorted items off my right leg, 4 lifted my son with my hands to prevent him from 5 immersing in water. Then we left Lamma IV via that 6 window and joined my daughter at the sea surface 7 immediately. Seeing a rescue boat, I took my children 8 with me to swim towards the rescue boat. Thereafter, 9 two males on board the boat rescued my children and 10 helped them up onto the boat. Subsequently I took their 11 life jackets and got a lifebuoy from the sea. After 12 leaving my waist bag on the rescue boat, I swam back to 13 the boat involved in the accident to look for my wife." 14 Then, Mr Lee, you recount how you helped save 15 a number of people, and then eventually you were taken 16 to Queen Elizabeth Hospital where you met your wife. 17 At question 1 in your statement, you were asked if 18 you'd heard any horn sound before the collision of the 19 boats, and you said you didn't notice any horn sound. 20 A. Yes. 21 Q. Then you were asked: 22 "Did anyone give warning before the collision?" 23 And you said you didn't hear that. 24 A. Yes. 25 Q. Then you were asked about the lights in the cabin, and</p>	<p style="text-align: right;">Page 44</p> <p>1 seawater poured in. You saw the crew member leave via 2 that window, and I believe it was the same window that 3 you and your daughter escaped through. 4 A. Yes. 5 Q. If I shine the pointer on the side of this model, you 6 see the window there, the first one, with the front of 7 the window angled downwards, is in the wheelhouse. Then 8 there's one that goes either side of a bulkhead, which 9 may have seemed like the first window in the cabin; and 10 then there's another one behind that. Are you able to 11 help us which window it was that you saw the crew member 12 open and which you swam out of? 13 A. Would you please zoom out? 14 In fact the model -- there is a slight discrepancy 15 between the model and the real vessel. It should be the 16 second window from the back. 17 Q. The second window from the back? 18 A. Yes. 19 Q. So down here? (Indicates). 20 Perhaps we can have a look at some photographs. 21 Page 164 of the police bundle. I'm afraid my pointer 22 doesn't work on the screen, but is it the one to the 23 right of the pole? The one that the pointer is on now? 24 Is that the one you're referring to? 25 A. It should be the one that is blocked.</p>

<p style="text-align: right;">Page 45</p> <p>1 Q. The one that's blocked by the debris falling down from 2 the ceiling? 3 A. Yes. 4 Q. Okay. Thank you very much. 5 A. There is only one window that can be opened. The first 6 three windows cannot be opened. The ones on the front 7 cannot be opened. 8 Q. When did you discover that, Mr Lee? 9 A. You mean that the window can be opened? 10 Q. When did you discover that the ones at the front cannot 11 be opened? 12 A. I was sitting on the side of the window, and I saw that 13 the moon was hanging on the side of the window. And 14 I also took a look at the windows on the four corners, 15 and they could be opened. 16 MR BERESFORD: Okay. Thank you, Mr Lee. If you'd wait 17 there, please. 18 THE CHAIRMAN: Mr Beresford, before you sit down, you 19 stopped short of the witness's description of his 20 attempt to rescue others, and I'd ask you to deal with 21 that, in particular as to the issue of whether or not 22 those that he tried to rescue were wearing life jackets. 23 MR BERESFORD: Very well, Mr Chairman. Perhaps I'll just 24 read that section. 25 Mr Lee, I'm just going to read one more section of</p>	<p style="text-align: right;">Page 47</p> <p>1 immediately. Probably it was handling another matter. 2 About 2 minutes later, another police launch arrived and 3 sailed to my side. At that time, someone on board that 4 police launch passed a rescue rope to that male. I also 5 handed a lifebuoy to that male to stabilise him. Then 6 I swam and dragged that female, who had no sign of 7 survival, to the stern of the police launch. Those 8 Marine Police officers and I worked together to lift her 9 to the police launch. Then I spotted another female who 10 was floating in sea with her back facing the sky. I 11 again dragged that female onto the police launch." 12 Pausing there, Mr Lee. Was that second female 13 wearing a life jacket? 14 A. No. 15 Q. Then you go on to say: 16 "When I swam back to the bow of the police launch to 17 rescue that male, I saw a third police launch arrive and 18 it rescued that male." 19 Can I just clarify, Mr Lee, was that the same male 20 to whom you gave two life jackets and a life ring, or 21 were there in fact two males? 22 A. It was the same man. 23 MR BERESFORD: Thank you, Mr Lee. 24 THE CHAIRMAN: So when you first came across him, is this 25 the position, that he didn't have any life jacket?</p>
<p style="text-align: right;">Page 46</p> <p>1 your witness statement, picking up where I left off. 2 This is after you swam back to the boat to look for your 3 wife. 4 "After swimming for a short distance, I saw a female 5 who was facing the sky but seemed to have no sign of 6 survival. Thus I dragged that female back to the side 7 of the rescue boat and put her hands in between the 8 ropes by the side of the boat to keep her in the 9 position." 10 Pausing there, Mr Lee, did you notice if that female 11 was wearing a life jacket? 12 A. No. 13 Q. You didn't notice, or she wasn't wearing a life jacket? 14 A. She did not put on a life jacket. 15 Q. Then to continue: 16 "Then I swam back to look for my wife. After 17 swimming a distance of about 10 metres, I saw a male in 18 the sea crying for help. Then I gave him a life jacket. 19 However, that male was still very panic. Thus I gave 20 him another life jacket so that he calmed down a bit. 21 At that time, the female whom I mentioned just now that 22 she had no sign of survival, drifted to my side. Then 23 I grabbed her, waiting for rescue. About 15 minutes 24 later, I saw a police launch arrive at a distance about 25 50 metres away. However, we were not rescued</p>	<p style="text-align: right;">Page 48</p> <p>1 A. I have felt his neck, and he has no pulse. 2 THE CHAIRMAN: I'm trying to follow the position of the male 3 that you said was crying for help. You gave him a life 4 jacket, but he was still panicking. When you reached 5 that male, did he have no life jacket? 6 A. Yes, he had no life jacket. 7 THE CHAIRMAN: Thank you. 8 Gentlemen? 9 MR SUSSEX: Mr Chairman, I have no questions for this 10 witness, but could I just make an observation. I very 11 much doubt whether anything turns on this, but 12 Mr Beresford was describing a bulkhead on that model 13 which divides the second window. Obviously that model 14 is a useful approximation, but in fact the wall of the 15 wheelhouse abuts the space between the windows. There's 16 no window divided by a bulkhead. 17 THE CHAIRMAN: Yes. Thank you for that observation. 18 MR McGOWAN: Sir, I do have a request to ask questions of 19 this witness. 20 THE CHAIRMAN: On which area? 21 MR McGOWAN: In relation particularly to both the seat 22 detachment and the crew member involvement. 23 THE CHAIRMAN: Yes, very well. 24 MR McGOWAN: Thank you. 25 Examination by MR McGOWAN</p>

<p style="text-align: right;">Page 49</p> <p>1 MR McGOWAN: Mr Lee, I have a few questions for you. 2 You've told us about the crash and the collision 3 between your Lamma IV and the other vessel. You said 4 that after that happened, some crew members spoke. 5 A. Yes. 6 Q. They told you to put on life jackets? 7 A. At first he said that there is a collision, and then 8 when the ship began to slant to the side and there's 9 a possibility of sinking, they asked us to put on the 10 life jacket. 11 Q. Yes. I think they gave effectively an order to you to 12 put on life jackets. 13 A. Yes. 14 Q. This crew member was wearing a white uniform or a blue 15 uniform; can you remember? 16 A. I believe it was blue. 17 Q. Right. The Lamma IV then began to sink by the stern? 18 A. Yes. 19 Q. When the bow went up to an angle about 70 degrees, the 20 chairs began to detach from the deck and slide down 21 towards the stern? 22 A. Yes. 23 Q. You were able to find or you knew where the life jackets 24 were; is that correct? 25 A. When the ship began to sink towards the stern, we knew</p>	<p style="text-align: right;">Page 51</p> <p>1 questions in the Chinese. 2 In that portion of your statement, you talk about 3 boarding a police launch and then heading for the rescue 4 boat. 5 A. Yes. 6 Q. Would that be the life raft that was on the Lamma IV? 7 A. No, it should be one that floated on to the water from 8 Lamma IV. 9 Q. Yes. It's an inflatable life raft? 10 A. Yes, it was like a rubber raft. 11 Q. Yes. Quite a large one? 12 A. I think it can accommodate 10 people. 13 MR McGOWAN: Thank you very much, Mr Lee. I have no further 14 questions. 15 MS SIT: Mr Chairman, could I have leave to ask a few 16 questions on, firstly, the life jacket; and then the 17 seats on Lamma IV? 18 THE CHAIRMAN: Yes. 19 MS SIT: I'm grateful. 20 Examination by MS SIT 21 MS SIT: Can I trouble you to look at your police statement. 22 The relevant sections, the Chinese version begins at 23 page 313, about four lines from the bottom; the English 24 translation starts at page 318-3, again about four lines 25 from the bottom. "We got life jackets from underneath</p>
<p style="text-align: right;">Page 50</p> <p>1 that we needed to retrieve the life jackets and we took 2 them from under the seat. 3 Q. Yes. You knew where the life jackets were? 4 A. Yes. 5 Q. Right. The crew member you mentioned again, he opened 6 the window so people could escape, didn't he? 7 A. Yes. 8 Q. Indeed you and members of your family successfully 9 escaped through that window that he'd opened? 10 A. Yes. I myself and my two kids managed to escape from 11 the window. 12 Q. And that sailor who opened the window was again in blue 13 uniform? 14 A. Yes. 15 Q. I suggest that he didn't just swim away; he stayed in 16 the vicinity of the window and helped other people to 17 pass through that window? 18 A. At that time, it was a very critical moment and I didn't 19 pay attention as to whether he was staying there. 20 Q. Yes. I think that's very understandable, Mr Lee. 21 Just one other matter. You didn't get taken quite 22 as far as this when Mr Beresford was asking you 23 questions. I'd just like you to have a look at what 24 appears on page 318-5 in the English, which would be 25 I think towards the end of the narrative, before the</p>	<p style="text-align: right;">Page 52</p> <p>1 our seats". 2 Can I trouble you to just read through that part of 3 your statement where you explain how you helped your son 4 put on the life jacket, and then over the page to the 5 point where the boat tilted to 70 degrees and the seats 6 started to fall towards the stern. Could I trouble you 7 to read that, please. When you are done, please let us 8 know. 9 A. You can ask your questions. 10 Q. Thank you. Can I just ask you first, as I understand, 11 you gave two life jackets to your wife and your 12 daughter, and you helped your son put on the third one? 13 A. I was not yet able to help him put it on. I just slid 14 it over his head. 15 Q. I see. Could you tell us how old are your children, 16 your daughter and your son? 17 A. My daughter is nine years old, and my son is two and 18 a half years old. 19 Q. Do you know whether your daughter was able to put on the 20 life jacket in the end? 21 A. The time was so short that it was impossible to put it 22 on completely. She was only halfway through, and it was 23 impossible to complete it. 24 Q. You also told us that you only managed to put the life 25 jacket on your son over the head.</p>

<p style="text-align: right;">Page 53</p> <p>1 A. After putting on the life jacket on him, my left hand 2 was all along embracing him. 3 Q. I understand. Can I move on to a slightly different 4 question, Mr Lee. As you go on to explain in your 5 statement, the Lamma IV then tilted to about 70 degrees. 6 Then you said you couldn't sit steadily and you slipped 7 down with the chairs to the stern. 8 A. Yes, we fell down like dominoes. 9 Q. I see. So was I correct in understanding that at the 10 time the seats you were sitting on, when the seats 11 dislodged, you and your son were still sitting on them? 12 A. Before, we fell we were still sitting on, but we might 13 be separated from it a little bit when we fell. 14 MS SIT: I see. 15 No further questions, Mr Chairman. 16 MR BERESFORD: No re-examination, Mr Chairman. 17 COMMISSIONER TANG: There's something I want clarified. 18 Regarding page 318-2, there's a typographic error. It 19 should be "The charge was HK\$100". I think when you 20 read it out, it was said \$10. It is a typing error. So 21 just for the record, I want it to be recorded as \$100, 22 just to tie in with the original. 23 MR BERESFORD: Thank you. 24 Questions by THE COMMISSION 25 COMMISSIONER TANG: On page 318-3, I just want to ask</p>	<p style="text-align: right;">Page 55</p> <p>1 one in any event at this time. We'll take one for 2 15 minutes. 3 (4.02 pm) 4 (A short break) 5 (4.16 pm) 6 THE CHAIRMAN: Yes, Mr Beresford. 7 MR BERESFORD: Mr Chairman, Before we start, might I just 8 mention one matter on timetabling. Obviously in the 9 light of our experience today and given the fact that we 10 may well speed up with some of these witnesses as we 11 become more familiar with these details, we will try to 12 fit more witnesses in so we have a full day over the 13 next few days, and perhaps we'll even get through all 14 the passengers by Christmas. 15 THE CHAIRMAN: I see no reason why not. 16 MR BERESFORD: No, indeed. But it's also been drawn to my 17 attention that it's winter solstice on Friday the 21st, 18 and I wonder if you had in mind, Mr Chairman, to rise 19 early on that day. 20 THE CHAIRMAN: Yes, slightly earlier. 21 MR BERESFORD: I don't know if you would wish to give 22 an indication so that people can make plans. 23 THE CHAIRMAN: We'll consider that and come back to that. 24 But I'd have thought we can work on an estimate of 25 about no more than 30 minutes per witness dealing with</p>
<p style="text-align: right;">Page 54</p> <p>1 Mr Lee, as far as he is aware, whether his wife and 2 daughter, when you were outside in the outside cabin, 3 were they sitting or standing? 4 A. They were standing there chatting. 5 COMMISSIONER TANG: Do you know how many people were 6 actually standing there at the time, roughly? 7 A. There should be about six to seven people, with the 8 children. They were chatting and playing. 9 COMMISSIONER TANG: Thank you. One final question. 10 A follow-up on life jackets. Time aside, do you think 11 those life jackets were suitable for children, when you 12 put them on? 13 A. There is some difference, some distance between them. 14 THE CHAIRMAN: You mean they were too big? 15 A. Yes. Yes, it is a bit too big, especially in comparison 16 to my child who is so young. 17 THE CHAIRMAN: Thank you very much, Mr Lee, for coming to 18 assist us with your testimony today. Your evidence is 19 now complete. With our thanks, you are free to go. You 20 may, of course, choose to stay and listen to the 21 proceedings as you wish. 22 (The witness withdrew) 23 MR BERESFORD: Mr Chairman, I've been asked if you would 24 take a short break. 25 THE CHAIRMAN: Yes, we will do. I was thinking of taking</p>	<p style="text-align: right;">Page 56</p> <p>1 a matter. Once the template has been laid, then there 2 are certain issues that we go to and which counsel wish 3 to ask questions about, and then it becomes quicker. 4 MR BERESFORD: Yes. 5 THE CHAIRMAN: So, your next witness? 6 MR BERESFORD: The next witness is Mr Lui Chi-kin. 7 MR LUI CHI-KIN (sworn in Punti) 8 (All answers via interpreter unless otherwise indicated) 9 Examination by MR BERESFORD 10 MR BERESFORD: Could Mr Lui be shown his Chinese statement 11 at page 51 in bundle A1, please. 12 A. I have seen them before. 13 Q. Thank you, Mr Lui. Have you had an opportunity to 14 refresh your memory as to the contents of this 15 statement? 16 A. Yes. 17 Q. And this is your statement given to the police? 18 A. (In English) Yes. 19 Q. And the contents are true? 20 A. (In English) Yes. I have some amendments. 21 Q. Yes. Please let us know what they are. 22 A. About the place where I mentioned that I and my two 23 daughters were holding the life jackets, first, it was 24 my elder daughter that was wearing the life jacket. 25 There was only one life jacket.</p>

<p style="text-align: right;">Page 57</p> <p>1 I would also want to supplement that, about falling 2 into the water. I mentioned that when there was 3 a rescuer who broke open the window and helped us, in 4 fact it was -- I was trying to hand over my elder 5 daughter to the rescuer, and after that I began to sink 6 into the water. 7 THE INTERPRETER: Sorry. 8 A. It was after that that the seat began to dislodge. 9 MR BERESFORD: Right. Thank you, Mr Lui. I will come back 10 to those amendments, if I may. 11 Just some preliminary matters first of all, Mr Lui. 12 You are aged 45? 13 A. Yes, correct. 14 Q. Your occupation is marketing manager, employed by 15 Hongkong Electric? 16 A. Correct. 17 Q. And you're educated to university standard? You can 18 read and write Chinese? 19 A. Correct. 20 Q. On 1 October you joined the company's activity of 21 visiting the power station on Lamma Island and viewing 22 the fireworks display, together with your wife Cheng 23 Yuen-ki and your two daughters, Lui Ching-sum, who is 24 six years old, and Lui Tik-sum, who is -- I don't know. 25 Can you tell us, please, how old she is?</p>	<p style="text-align: right;">Page 59</p> <p>1 lifebuoys were placed. We prepared the view the 2 fireworks. The vessel kept sailing towards Victoria 3 Harbour." 4 I'm just going to pause there, if I may, Mr Lui, to 5 clarify the point about the position of the seats. 6 Can the witness please be shown the seating plan of 7 the Lamma IV. When you say in your statement that you 8 put your belongings on the seats in the second row of 9 the right front section of the upper deck, is that the 10 seats numbered 15-18 on the plan? 11 A. Correct. 12 Q. Then you say you went to the weather deck at the stern. 13 When you say "the weather deck", what do you mean? Do 14 you mean outside, or do you mean one side or the other? 15 THE INTERPRETER: He was pointing at the -- 16 A. It was the location which was near to the lifebuoys. 17 MR BERESFORD: Yes. It may be a translation question. 18 What's meant by the word "weather"? Do you mean 19 outside, or one side or the other? 20 A. I mean the open space on the upper deck which was near 21 to the stern. 22 Q. Right, okay. Thank you. So somewhere between benches 2 23 and 3, and the life rings at the stern? 24 A. Correct, but my whole family was standing near the 25 lifebuoys.</p>
<p style="text-align: right;">Page 58</p> <p>1 A. She is four years old. 2 Q. Four years old. Lui Ching-sum, her English name is 3 Rebecca? 4 A. Yes, that's her English name. 5 Q. And the other one, Lui Tik-sum, her English name is 6 Esther? 7 A. (In English) Correct. 8 Q. Mr Lui, I'm just going to read the key paragraphs of 9 your statement. If there's anything that strikes you as 10 incorrect, then please don't hesitate to interrupt and 11 tell me. 12 I'm going to read from paragraph 5, and you've 13 already told us that it's 1 October 2012. 14 "At around 20:00 hours the same day, we finished our 15 meal and went back to Lamma IV respectively to wait for 16 the departure for Victoria Harbour to view the fireworks 17 display. At last Lamma IV departed at around 18 20:15 hours. I wasn't clear about how many passengers 19 and crew there were on the vessel. 20 After boarding Lamma IV, I went to the upper deck 21 with my wife and two daughters. We put our belongings 22 on the seats in the second row of the right front 23 section of the upper deck. And then the four of us went 24 to the weather deck at the stern. At the time, we sat 25 in the middle of the stern, near the location where the</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Near the lifebuoys, okay. 2 A. And actually for a period of time, we were actually 3 sitting on them. 4 Q. Thank you, Mr Lui. Now I'm going to continue reading 5 paragraph 7: 6 "Not long after the Lamma IV set off, we were still 7 on the deck at the stern and I was facing the stern 8 direction, suddenly, I heard someone scream. I turned 9 around and saw a catamaran dashing to our vessel from 10 the port side at speed. At that time I didn't hear any 11 vessel horn or whistle. Within a second, it collided 12 with our Lamma IV at an angle of 35 to 45 degrees. As 13 the collision force was very strong, my wife, two 14 daughters and I all fell onto the floor and got injured. 15 I got multiple abrasions on my body; while my two 16 daughters got abrasions and bruises and they were 17 bleeding. 18 I stood up immediately. I heard a crew member of 19 Lamma IV [not clear about which one] ask the people at 20 the stern to go back into the cabin. We went back to 21 the second row of the right front section of the vessel. 22 I tried to find life jackets. My wife went out to the 23 stern to look for lifebuoys. Since then, I lost contact 24 with her temporarily. 25 In less than two minutes, Lamma IV tilted backwards</p>

<p style="text-align: right;">Page 61</p> <p>1 and sank stern first into the water. The vessel tilted 2 in 45 degrees. My two daughters and I grabbed the 3 seats. I saw that the seats in the back rows became 4 dislodged one by one and fell towards the stern." 5 Pausing there. This is the point that you wish to 6 amend, is it, Mr Lui? The timing of the movement of the 7 seats? 8 A. Actually I want to point out that my seat only dislodged 9 at a very late stage, when the rescuers broke open the 10 window and I handed my elder daughter to them, which was 11 about 20 minutes afterwards, that the seat began to 12 dislodge. 13 Q. Okay. Thank you. Just going on reading the statement: 14 "There were people falling towards the stern as 15 well. The vessel then kept sinking. Until I was around 16 4 to 5 feet from the water surface, a rescuer broke the 17 window at the starboard side. Then my two daughters and 18 I fell into the water with life jackets in our hands." 19 Pausing there again, that was your other amendment, 20 was it not, that you only had one life jacket and your 21 eldest daughter had that life jacket? Was that correct? 22 A. Yes, correct. 23 Q. "Meanwhile, someone told us to wait for rescue with 24 patience. I then helped my two daughters out of the 25 vessel through the window one after another. I also</p>	<p style="text-align: right;">Page 63</p> <p>1 THE INTERPRETER: He was pointing at the stairwell. 2 MR BERESFORD: Thank you. 3 Thank you, Mr Secretary. 4 We've also got a photograph that shows the 5 wheelhouse in relation to the stairwell at page 162 of 6 the police bundle of photographs. 7 You can see the wheel in the photograph where the 8 pointer is now. If I've understood you correctly, he 9 fell from about there to the stairs in the foreground of 10 the photograph? 11 A. Yes, to the railings. 12 Q. To the railings. Then, Mr Lui, you were asked about the 13 speed of Lamma IV and Sea Smooth and you said you didn't 14 know much about the speed of vessels but you saw that 15 Sea Smooth was sailing at a high speed, while Lamma IV 16 was sailing at a steady speed. 17 A. Correct. Before the collision, I felt that the Sea 18 Smooth collided into us at a high speed. 19 Q. Then you were asked about your location when the 20 accident actually occurred, and there is another plan at 21 page 56 of bundle A1. You've circled there two life 22 rings close to the midship line of the ship. 23 A. In fact there were two rows of -- 24 A. (In English) Two columns. 25 A. -- two columns of lifebuoys.</p>
<p style="text-align: right;">Page 62</p> <p>1 climbed out of the window to take care of my two 2 daughters after that. We waited for a while. Then the 3 divers arrived. I let them take care of my two 4 daughters and I got on another rescue boat. I was then 5 conveyed to Eastern Hospital for treatment. Later 6 I learnt that my wife was receiving treatment at 7 Ruttonjee Hospital in Wan Chai. After I was discharged 8 from the hospital, I went back to the public pier at 9 South Horizons to find my two daughters. After that I 10 accompanied them to go to Queen Elizabeth Hospital for 11 treatment." 12 In answer to questions, you said that after the 13 collision, you saw the skipper fall over near the 14 staircase landings. 15 A. He fell from the cockpit onto the staircase and he was 16 supported by the railings at the staircase. 17 Q. Perhaps we can get an approximation of that by looking 18 at the model that we've got in the well of the court, if 19 we can just train the camera on that for a moment. 20 So we can see there the wheelhouse at the top of the 21 screen, this area here (indicates). That was the 22 wheelhouse. Can you see my penlight? 23 A. Yes. 24 Q. So he fell from there to this stairwell in the middle of 25 the upper cabin?</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. And that's where you were standing or sitting, was it? 2 A. (In English) I think at that time -- 3 A. At that time I was standing. 4 Q. Yes. And then you've marked the point of the collision 5 on the port bow as the location where the catamaran 6 collided with Lamma IV. 7 A. It should be at the stern of the vessel, the location of 8 bench 1. 9 Q. The location of bench 1, yes. 10 In your statement, you said that Sea Smooth collided 11 with Lamma IV at an angle of 35 to 45 degrees. That's 12 measured from a line, the midship line of Lamma IV, 13 looking forward, is it? 14 A. Correct. 15 MR BERESFORD: Mr Chairman, I have no further questions. 16 THE CHAIRMAN: Thank you. 17 Mr McGowan? 18 MR MCGOWAN: Yes. Could I please ask a question, sir? 19 THE CHAIRMAN: In which area? 20 MR MCGOWAN: In relation to the paragraph we've just dealt 21 with, paragraph 7, the skipper and the seats. 22 THE CHAIRMAN: Yes, very well. 23 MR MCGOWAN: Thank you. 24 Examination by MR MCGOWAN 25 MR MCGOWAN: Mr Lui, I am going to ask you some questions.</p>

<p style="text-align: right;">Page 65</p> <p>1 Could you look at paragraph 7 of your witness 2 statement, please. You describe there seeing the 3 catamaran coming towards you at high speed. 4 A. (Witness nods). 5 Q. You said: 6 "At that time, I didn't hear any vessel horn or 7 whistle." 8 A. I feel that before the collision, I didn't hear that. 9 Q. Yes. There had been a whistle shortly before that from 10 the Lamma IV, hadn't there? 11 A. I am not sure about that. 12 Q. Right. You then went back inside and you were inside 13 the upper deck cabin as the ship began to go down by the 14 stern? 15 A. No. At that time, the ship was still in a horizontal 16 position. 17 Q. Yes. Sorry, that's my bad question, Mr Lui. 18 Initially when you went inside, the Lamma IV was 19 virtually horizontal, upright? 20 A. Correct. 21 Q. And then, shortly afterwards, she began to sink by the 22 stern? 23 A. I think there is about one to two minutes' time lapse. 24 Q. Right. And the sinking of the stern was accompanied by 25 noise? Sorry, the beginning of the sinking was</p>	<p style="text-align: right;">Page 67</p> <p>1 A. In the initial period, it came to 45 degrees very 2 rapidly and the seats had begun to dislodge. It was 3 only the two rows where I was that remained. 4 Q. Yes. And people were holding onto the seats, weren't 5 they, putting their full weight on the seats as the 6 vessel went towards the vertical? 7 A. During the sinking of the ship, I didn't see clearly. 8 I believe some people were sitting and some were 9 standing, and when the ship, the angle of the ship was 10 about 45 degrees, some people fell from the seat and 11 some of the seats couldn't hold the weight of the people 12 and began to dislodge. The seats that I was occupying 13 and the one in front of my seat still remained. 14 Q. Right. So it's about 45 degrees onwards that the seats 15 begin to dislodge? 16 A. I believe that it was only -- 45 degrees was the period 17 of time that I feel that I believed in. But I think the 18 seats had begun to dislodge even before it came to 19 45 degrees, and they fell within a very short period of 20 time. It fell like dominoes. 21 Q. Yes, and the vessel was going upright in a very short 22 period of time as well, wasn't it, Mr Lui? 23 A. It depends on your definition of "vertical". How many 24 degrees was it? 25 Q. Yes. Into the position it eventually ended up.</p>
<p style="text-align: right;">Page 66</p> <p>1 accompanied by noise coming from the vicinity of the 2 catamaran, wasn't it? 3 A. When the ship began to sink, I was in the second row. 4 That means the seats numbered 15-18 in the cabin. 5 I didn't pay attention to the noise, because I was 6 attending to my two daughters. 7 Q. Yes, I fully understand that, Mr Lui. Anyway, the ship 8 began to go down by the stern quite quickly, didn't it? 9 A. Yes. 10 Q. And the angle increased rapidly? 11 A. In the beginning, it sank to 45 degrees very quickly. 12 Eventually it came down to 70 degrees, and when I left, 13 it was about 80 degrees. After that, it slowed down. 14 Q. Yes. And the seats became -- 15 MS SIT: I'm sorry, that's not right. His evidence was, 16 "The latter part, it began to slow down". 17 MR McGOWAN: Thanks. 18 That would be as it's reached a floating position? 19 A. I don't think so, because afterwards I found out from 20 the news coverage that it was because the seabed was not 21 deep enough, and so it stopped. 22 Q. Right. Anyway, it came to a halt? 23 A. Yes. 24 Q. And it was at the latter stages of its turning almost 25 upright that the seats began to detach?</p>	<p style="text-align: right;">Page 68</p> <p>1 A. I believe that it was when the ship became upright at 2 the time when I left the vessel. 3 Q. Right. Just two other matters. 4 You knew where the life jackets were -- they were 5 underneath the seats -- didn't you? 6 A. Yes, I knew that. 7 Q. And the man, the crew member who came out of the 8 wheelhouse, fell out of the wheelhouse and stopped 9 himself at the staircase, you think was the captain or 10 the master? 11 A. Yes, he admitted that he was the captain. 12 Q. And he was wearing a white uniform? 13 A. I believe so. 14 MR McGOWAN: Thank you very much. 15 MR SUSSEX: Mr Chairman, I have no questions for Mr Lui. 16 MS SIT: Mr Chairman, can I ask a few questions on the seats 17 and the rescue operation? 18 THE CHAIRMAN: Yes. 19 MS SIT: I am grateful. 20 Examination by MS SIT 21 MS SIT: Mr Lui, you have explained to us the situation of 22 how the seats in the upper deck cabin fell off. As 23 I understand -- could I trouble Mr Secretary to bring up 24 the seating plan. It will probably be easier for the 25 witness to explain.</p>

<p style="text-align: right;">Page 69</p> <p>1 As I understand your evidence, you were explaining 2 that when Lamma IV came to an angle, probably less than 3 45 degrees, seats in the upper deck cabin began to fall 4 off. Were you referring to the seats starting from 22 5 to 24 on the sort of right side all the way up to, say, 6 numbers 62 and 63? Those were the seats you're 7 referring to, right? 8 A. Correct. And the seats on the other side as well. 9 Q. Right. And what remained were the two rows of seats, 10 6-10 and 15-18? 11 A. Correct. 12 Q. Pausing here. Just now, when you were answering 13 Mr McGowan's question -- my record is that it's page 67, 14 line 20 of the LiveNote -- the translation said "it fell 15 like dominoes", but I heard your Chinese answer was "it 16 was a domino effect". 17 A. I don't know the difference between "dominoes" and 18 "domino effect". 19 Q. What I'm trying to understand is when you referred to 20 dominoes, do you mean because the ship was tilted, when 21 some seats dislodged, they fell onto other seats and 22 caused them to dislodge, or do you mean that they simply 23 just one after the other fell off? 24 A. I am not sure about that. When we say "domino effect", 25 I believe that there ought to be an object, the first</p>	<p style="text-align: right;">Page 71</p> <p>1 THE CHAIRMAN: Yes. How can we help you? 2 MR McGOWAN: A chair, perhaps. 3 THE CHAIRMAN: Please feel free to stand up and move the 4 chair in whatever way you like. 5 A. So the back is the bow, and we were leaning like that 6 and I was holding my two daughters. 7 THE CHAIRMAN: For the record, you were demonstrating -- 8 A. And it was about 20 minutes. 9 THE CHAIRMAN: -- the chairs tilted at perhaps 40, 10 45 degrees, and you were holding your two daughters in 11 that position with the seat in front of you? 12 A. (Witness nods). 13 THE CHAIRMAN: And you faced towards the stern of the 14 vessel? 15 A. (In English) Yes. 16 MS SIT: Thank you, Mr Chairman. 17 Can I just ask some further questions about the 18 timing of the rescue. When you were in that position 19 with your two daughters, some rescuers arrived and broke 20 open the window; is that correct? 21 A. (In English) Correct. 22 Q. When those rescuers broke open the window, some 23 passengers were already taken out of the ship at the 24 time; do you recall that? 25 A. Mm.</p>
<p style="text-align: right;">Page 70</p> <p>1 object that causes the second or third object to fall. 2 But I'm not sure about that. But I feel -- and I'm not 3 sure whether, in the middle of the process, some objects 4 fell by themselves. But I believe that there is 5 a combination of the two. 6 Q. Thank you for the clarification. 7 Going back to the point where the other seats have 8 fallen off but the two rows of seats, including your 9 row, remained. 10 A. Correct. 11 Q. At the time, you told us that you and your two children 12 were still sitting on the second row. 13 A. In fact I was standing with my two kids. At that time, 14 I was retrieving the life jackets and when the ship 15 tilted, I rested on it. We were lucky enough to rest on 16 it. At that time, we were no longer standing but we 17 were resting on the seats numbered 15 and 16. 18 Q. I see. Do I understand that because at the time, the 19 ship was already tilted to about 45 degrees, so the 20 seats were no longer in the upright position and you and 21 your two children were leaning on those seats, perhaps 22 either at the back of the seat or the bottom of the 23 seat, depending on the angle? 24 A. If there are props, then I can demonstrate to you how it 25 was like.</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Yes. You explained to us that as you were trying to 2 lift your daughters out to these rescuers, your chairs 3 collapsed? 4 A. (In English) Yes. 5 Q. I assume you and your two daughters then fell into the 6 water? 7 A. (In English) Yes. 8 Q. Then you managed to eventually lift your two daughters 9 through the broken window out of the vessel -- 10 A. (In English) Yes. 11 Q. -- to the rescuers outside? 12 A. (In English) Yes. 13 Q. Then you yourself climbed out as well? 14 A. (In English) Yes. 15 Q. Thank you. 16 A. (Chinese spoken). 17 Q. Right, so you were still relatively close -- 18 THE CHAIRMAN: Could we just have the interpretation, 19 please. 20 A. When I fell, the water was pouring into the ship and the 21 water level was about 4 feet away from me so it was 22 a safe distance. 23 MS SIT: I see. So what you meant was you were reasonably 24 close to the window and you managed to climb out of the 25 broken window?</p>

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<p>1 A. Yes, and if you refer to the plan, you can verify that. 2 Q. Could you perhaps help us by identifying the proximity 3 or the approximate location of the window from which you 4 climbed out, by reference to, say, the seats? Can you 5 do that? 6 THE CHAIRMAN: Do we have any photographs that would assist 7 the witness? 8 A. It was around -- 9 MS SIT: The photograph at page 162. 10 THE INTERPRETER: The witness was pointing at the window, in 11 the middle. 12 A. The window with the sign. 13 MS SIT: I see. 14 THE CHAIRMAN: Do you have the plan in front of you? 15 A. Yes. 16 THE CHAIRMAN: Can you marry that up with a seat number so 17 that we can follow what you mean? 18 A. Seat 24. 19 THE CHAIRMAN: Thank you. 20 MS SIT: Thank you very much. 21 I have no further questions, Mr Chairman. 22 THE CHAIRMAN: Mr Beresford? 23 MR BERESFORD: No re-examination. 24 Questions by THE COMMISSION 25 THE CHAIRMAN: Just so that I can understand your evidence</p>	<p>1 listed, we could accommodate Tuesday and Wednesday's 2 tomorrow with the progress that we're making. 3 MR BERESFORD: Mr Chairman, what we're doing is trying to 4 get in touch with the witnesses to see who is available 5 and obviously to try and speed matters up. 6 THE CHAIRMAN: Obviously if people who have been warned that 7 they might be on on Wednesday can't make it, then they 8 can't make it. 9 MR BERESFORD: Then we'll just go on. 10 THE CHAIRMAN: But then we can perhaps go through to 11 Thursday's witnesses. But I'll leave it with you. 12 MR BERESFORD: Certainly, Mr Chairman. 13 THE CHAIRMAN: But we ought to make every endeavour that we 14 can to make sure that we don't lose what we have today, 15 which is an hour of our time. 16 MR BERESFORD: We will do that, Mr Chairman. I apologise 17 for that. That was simply a mistake of estimation on 18 our part. 19 THE CHAIRMAN: These things are difficult to estimate, but 20 we've established a pattern now of the evidence we want 21 to receive and we know what it is that we want the 22 witnesses to help us with. 23 Ms Sit, the names of the two firemen. 24 MS SIT: That's right, it's Mr Tse Tak-hang, who was 25 assisted by Mr Lee Kei-wai, the two firemen who prepared</p>
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<p>1 about life jackets. You tried to retrieve life jackets 2 from underneath the seats? 3 A. (In English) Yes. 4 THE CHAIRMAN: Did you yourself put on a life jacket? 5 A. (In English) No. 6 THE CHAIRMAN: Why not? 7 A. (In English) Because I have only got enough time to 8 retrieve one life jacket. 9 THE CHAIRMAN: And you were also, from what you told us in 10 your evidence, making sure that you kept hold of your 11 daughters; is that right? 12 A. Yes, until we left the vessel. 13 THE CHAIRMAN: Thank you very much. Your evidence is 14 complete. We thank you for coming to assist us in this 15 Inquiry by giving your evidence, but you're now free to 16 go. The evidence I think is going to come to an end 17 today, but at any stage that you wish to come back, 18 you're free to be a participant in the public gallery. 19 Thank you for coming. 20 (The witness withdrew) 21 THE CHAIRMAN: Mr Beresford. Tomorrow. 22 MR BERESFORD: Mr Chairman? 23 THE CHAIRMAN: Witnesses for tomorrow. 24 MR BERESFORD: Mr Chairman, we are -- 25 THE CHAIRMAN: It seems to me, looking at the ones that are</p>	<p>1 this model. 2 THE CHAIRMAN: Where are they attached? 3 MS SIT: Perhaps I can give Mr Chairman the reference for 4 the plan which they relied on to construct this model. 5 THE CHAIRMAN: This is from Cheoy Lee, presumably? 6 MS SIT: It's marine bundle 2, page 172. The plan is 7 entitled "General arrangement". They are two firemen 8 attached to the airport fire control contingent. 9 THE CHAIRMAN: Well, please convey the thanks of the 10 Commission to the Commissioner of Fire Services for 11 their generous help in the Commission being able to 12 understand the testimony more easily. 13 MS SIT: We will certainly do that, sir. 14 THE CHAIRMAN: In which case, we will adjourn until 15 10 o'clock tomorrow. 16 (5.02 pm) 17 (The hearing adjourned until 10 am on the following day) 18 19 20 21 22 23 24 25</p>

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