

Page 1	Page 3
<p>1 Tuesday, 18 December 2012 2 (10.00 am) 3 THE CHAIRMAN: Mr Beresford? 4 MR BERESFORD: Mr Chairman, Mr Commissioner. 5 My learned friend Ms Lok from the Department of 6 Justice has just been explaining to me that the Fire 7 Services Department have made three improvements to the 8 model. I just wonder if she might like to summarise 9 those briefly before I carry on. 10 MS LOK: Mr Chairman, having heard Mr Sussex's comment about 11 the model yesterday, those from the Fire Services 12 Department very helpfully made three improvements to the 13 model before you today, the first being that the small 14 horn at the top of the front of the vessel has been 15 added. The very small part of the amplifier or the horn 16 at the very top of the vessel. The small white thing at 17 the very top of the vessel, which has been taken out, 18 you can see that is the amplifier or the horn of the 19 vessel. So that has been added since yesterday. 20 THE CHAIRMAN: Yes. 21 MS LOK: That's the first thing. The second thing is that 22 the alignment of the windows has been redrawn such that 23 you can see which window can be opened and which cannot. 24 You can tell from the frame. 25 THE CHAIRMAN: Yes.</p>	<p>1 MR BERESFORD: Yes. Mr Chairman, you will appreciate that 2 these lists have been in the process of some 3 considerable rearrangement overnight. 4 THE CHAIRMAN: I appreciate that, but they're both being 5 called on the same day and it would perhaps be of 6 comfort to them if they were called in succession. 7 MR BERESFORD: I fully understand. Yes, Mr Chairman. 8 So may we have the witness Chan Kam-ho, please. 9 MR CHAN KAM-HO (affirmed in Puntì) 10 (All answers via interpreter unless otherwise indicated) 11 Examination by MR BERESFORD 12 MR BERESFORD: Good morning, Mr Chan. I have some questions 13 to ask you on behalf of the Commission. I'd just like 14 to thank you very much for coming in what must be 15 painful circumstances. 16 Could the witness please be shown his statement to 17 the police at bundle A2, item 54, pages 487 to 492. 18 Mr Chan, have you had an opportunity to look over 19 the statement and refresh your memory as to its content? 20 A. Yes. 21 Q. And do you have any amendment to make? 22 A. No. 23 Q. Are the contents true? 24 A. Yes. 25 Q. Mr Chan, you are aged 17?</p>
<p>Page 2</p> <p>1 MS LOK: The third being that two benches have been added at 2 the back. 3 THE CHAIRMAN: Thank you. 4 MS LOK: Coloured in blue. Thank you very much. 5 The second point by way of clarification is that 6 we've given you the wrong reference to the plan on which 7 this model was based. So I am now going to give 8 Mr Chairman the correct page reference. It should be 9 the plan in bundle A2, page 352. 10 Those are my points. Thank you very much. 11 THE CHAIRMAN: Thank you very much. 12 MR BERESFORD: The next witness, Mr Chairman, is Mr Chan 13 Kam-ho. 14 THE CHAIRMAN: Before we call him, am I right in thinking 15 that his father died in this incident? 16 MR BERESFORD: Yes, Mr Chairman. 17 THE CHAIRMAN: And is his mother also called as a witness? 18 Cheng Yin-bun? 19 MR BERESFORD: She is, Mr Chairman, yes. 20 THE CHAIRMAN: It seems to be it would be sensible if they 21 were called in succession rather than being split. 22 MR BERESFORD: That was certainly the original intention. 23 They seem to have a couple interposed between them now, 24 but I'll see if that can be rearranged. 25 THE CHAIRMAN: Yes. That might help them.</p>	<p>Page 4</p> <p>1 A. I have just turned 18. 2 Q. Just turned 18. Thank you. Are you still 3 a post-secondary college student? 4 A. No, I'm now studying in IVE. 5 Q. What are you studying? 6 A. Electrical engineering. 7 Q. On 1 October, National Day, the day of the fireworks and 8 the trip, you were travelling with your family, were you 9 not, your father Mr Chan Wing-kei, your mother Ms Cheng 10 Yin-bun, and your elder brother Chan Kam-hei? 11 A. Yes. 12 Q. I'd just like to ask you about your location on the boat 13 when you got on board. 14 Can the seating plan of the Lamma IV please be shown 15 on the screen. 16 You said in your statement that you went to a row of 17 seats which was the closest to the cabin on the left of 18 the open-air area of the stern on the upper deck. 19 Is that what is marked on the plan as "bench 1"? 20 A. Yes. 21 Q. Which way were you facing when you were sitting there? 22 A. I was facing the sea. 23 Q. I'm going to read your statement rather than ask you 24 a lot of questions. But if there's anything that occurs 25 to you as being inaccurate, please feel free to</p>

Page 5	Page 7
<p>1 interrupt and tell me. While I'm reading, the Chinese 2 statement will be shown on the screen and I'm going to 3 read from paragraph 4. 4 "Between about 8.10 pm and 8.15 pm ..." 5 THE CHAIRMAN: Forgive me for interrupting. I think it 6 would be relevant to begin perhaps at around 7.45 in the 7 earlier paragraph. 8 MR BERESFORD: Thank you, Mr Chairman. I will do. 9 "At around 7.45 pm on the same day [that's 10 1 October], my family and other tour members arrived at 11 the pier of the power station. My family followed the 12 crew's instruction and boarded the vessel which would be 13 berthed in Central. At that time, I was not aware the 14 name of the vessel. We went to a row of seats which was 15 the closest to the cabin on the left of the open-air 16 area of the stern on the upper deck of the vessel and 17 sat down. When all people were on board, the open-air 18 area on the upper deck was nearly full of people who 19 were standing or sitting. There were also people in the 20 cabin, but I did not notice how many people in there. 21 I also did not know how many people the vessel had 22 carried. The vessel did not set sail immediately 23 because some crew members told us that it was still 24 early in time. The vessel at the pier encountered lower 25 waves. If the vessel was staying at the sea, the waves</p>	<p>1 turning right. After around 3 to 4 seconds, I saw the 2 vessel coming towards and crashing into our vessel very 3 quickly. Its bow on the left was rammed into our stern 4 on the left where was a bit behind the seats we sat on. 5 Since the incident happened so suddenly that I could not 6 react immediately to give warnings or to shout for 7 vessel collision, et cetera. 8 When the vessels collided, I was bumped into the 9 railings at the side of the vessel. I lost a front 10 tooth and my mouth was very painful. When I got up, 11 I saw my father and my elder brother lying on the floor. 12 People nearby were shouting. At that time, I did not 13 notice my mother. I dialled 999 to make a report to the 14 Police immediately. At first, the person in the 15 reporting centre did not understand the incident's 16 location I said. At that time, I saw a male at the 17 nearby was looking the condition of my father. Hence, 18 I passed the phone to this male. I went into the cabin 19 to get some life jackets immediately without getting my 20 phone back. Before I entered the cabin, I looked back 21 to see whether the male had made the report to the 22 police. At that time, I saw the blue vessel that had 23 stuck into our vessel starting the engine again for 24 departure. Then, I entered the cabin again and took 25 3 life jackets. Then, I left the cabin and saw my</p>
Page 6	Page 8
<p>1 would be higher and the passengers would feel more 2 uncomfortable. Therefore, the vessel would set sail to 3 Victoria Harbour for watching the fireworks display 4 a bit later. 5 Between around 8.10 pm and 8.15 pm on the same day, 6 our vessel began departing from the pier at the power 7 station of Hongkong Electric. At that time, as the 8 vessel had just departed from the pier, the speed was 9 not very fast. After the vessel had set sail for around 10 5 to 10 minutes, at that time, I was watching the sea 11 scenery, suddenly, a vessel appeared on the front left 12 of our vessel and was 100-200 ..." 13 My translation says "illegible", Mr Chan. Can you 14 help us with what you said there originally? 100-200 15 what away from you? Metres, feet, yards? 16 THE CHAIRMAN: Are you able to see it in the text, in the 17 Chinese? 18 A. It should be 100-200 metres. 19 MR BERESFORD: Mr Chairman, I understand that the original 20 photocopy has been cut off, which is the reason why it's 21 been marked as "illegible". 22 THE CHAIRMAN: Yes. 23 MR BERESFORD: "... a vessel appeared on the front left of 24 our vessel and was 100-200 metres away from us. 25 Meanwhile, I felt our vessel seemed accelerating and</p>	<p>1 mother. I gave her a life jacket to wear. At the same 2 time, when I went out to the open-air area of the cabin, 3 I found that my ankles were soaked in the water. After 4 I had seen my elder brother, I gave him a life jacket 5 immediately. However, my father disappeared. At that 6 time, I wore the last life jacket. Meanwhile, I saw 7 many people rushing into the cabin. Then, I followed 8 them and went back to the cabin. At that time, the 9 vessel seemed to tilt vertically suddenly. A lot of 10 water was rushing into the cabin from the stern and made 11 me afloat. Then, rows of seats were falling down, and 12 my feet were hit. Then, I swam near the windows on the 13 right of the vessel. At that time, I heard my mother 14 calling me. Then, I found my mother and my elder 15 brother. At that time, many people were trapped in the 16 cabin. Some people tried to break the windows in order 17 to escape from the vessel but in vain. During the time, 18 a crew member of the vessel told us to try to push the 19 vessel window open but also in vain. During the time we 20 were trapped in the cabin, I once saw the time on my 21 watch was 8.40 pm. After a period of time, I saw 22 a spotlight outside the cabin. It was believed that 23 some people were coming for rescue. Then, some people 24 broke the vessel windows from outside and saved the 25 people in the cabin. The firemen saved me out from the</p>

<p style="text-align: right;">Page 9</p> <p>1 cabin. Then, I boarded a round rescue boat for waiting, 2 and I saw my elder brother again. Then, I was sent to 3 a vessel and waited until around 12 pm when I was sent 4 to the pier at South Horizons by another rescue vessel. 5 Then, I was sent to Kwong Wah Hospital for treatment by 6 an ambulance. Then, I saw my mother and my elder 7 brother again." 8 Then, in answer to questions, Mr Chan, you said that 9 you couldn't see the wheelhouse from where you sat. You 10 were asked if you heard any horn, but you said: 11 "I did not notice because I was listening to songs 12 with my headphones." 13 When you were asked if anything special happened 14 after you boarded the vessel, you said: 15 "Nothing special. Only soon after the vessel had 16 set sail, the lights in the cabin on the upper deck went 17 out, but the lights in the open-air area were still on. 18 I did not know the situation on the lower deck." 19 You were asked about your injuries. You, 20 I understand, lost a front tooth. 21 "Abrasion was found on my both hands and feet. My 22 mouth was injured. Abrasion was also found in various 23 parts of my elder brother and your mother. My father 24 died in this incident." 25 Mr Chan, there's just one question that I have. In</p>	<p style="text-align: right;">Page 11</p> <p>1 numbers were 775. 2 THE CHAIRMAN: The last three numbers of the telephone card 3 number? So if someone called you, the last three digits 4 would be 775? 5 A. Yes. 6 THE CHAIRMAN: Do we have that information, so we're able to 7 match by that route? 8 MR BERESFORD: We haven't found it as yet, Mr Chairman. 9 I think all of the numbers that we have, all of the 10 calls that we have, are listed by reference to the name 11 of a mobile owner and there's no, as far as I'm aware, 12 unnamed mobile number. 13 We'll check again, Mr Chairman. 14 THE CHAIRMAN: After you had spoken on the telephone, you 15 say you handed it to another person. 16 A. Yes. 17 THE CHAIRMAN: And who was that person? A man or a woman? 18 A. It's a man. 19 THE CHAIRMAN: Did you hear anything of the conversation 20 that he had? 21 A. You mean the man? 22 THE CHAIRMAN: Yes. Did you hear what he was saying? 23 A. No, I didn't hear. 24 THE CHAIRMAN: Is it the position then that you never saw 25 the telephone again?</p>
<p style="text-align: right;">Page 10</p> <p>1 relation to the 999 call that you made on your mobile 2 telephone, do you remember if your mobile telephone was 3 registered in your name or in somebody else's name? 4 A. It was not registered. It was a stored-value card. 5 Q. I see. 6 THE CHAIRMAN: In the telephone call, did you identify 7 yourself by name to the police? 8 A. No, because it was too chaotic at that time. 9 MR BERESFORD: Mr Chairman, if you think it's important, 10 perhaps we could ask the witness to listen to the audio 11 records of the 999 calls, but otherwise I don't think we 12 can make a match between the evidence as it stands and 13 the written records that we have. 14 THE CHAIRMAN: Where are the transcripts for the 15 999 telephone calls? 16 MR BERESFORD: They are in bundle E. 17 THE CHAIRMAN: We have the audio tapes of the telephone 18 calls that were made that evening, the 999 telephone 19 calls. If we are to try and identify which is your 20 telephone call, we need to know a little bit more about 21 what it is that is said in your telephone call, or if 22 you happen to know what the stored-value card number 23 was. Do you remember what it is you reported to the 24 police, what you said? 25 A. I don't remember. But I do remember the last three</p>	<p style="text-align: right;">Page 12</p> <p>1 A. Yes. 2 THE CHAIRMAN: Thank you. 3 Yes, Mr Beresford. 4 MR BERESFORD: Mr Chairman, I'm just looking at the English 5 translation of a call from an unknown phone at 20:39, 6 which begins at page 1218-33 of bundle E. 7 THE CHAIRMAN: Yes. 8 MR BERESFORD: Can we match this up? Oh, it's from 9 a female, Mr Chairman. I don't want to waste time. 10 Perhaps we can look at it behind the scenes and see if 11 we can get some more information. 12 THE CHAIRMAN: Yes, very well. 13 MR BERESFORD: We have also identified a number with 775 at 14 the end of it. We'll look into that. 15 THE CHAIRMAN: Yes. 16 MR BERESFORD: Subject to that, Mr Chairman, I have no 17 further questions. 18 THE CHAIRMAN: Yes. 19 MR BERESFORD: Would you wait there, please, Mr Chan. 20 MR McGOWAN: Could I please, sir, ask Mr Chan some 21 questions? 22 THE CHAIRMAN: In which area? 23 MR McGOWAN: What he saw after leaving the pier, and then 24 what happened after the collision. 25 THE CHAIRMAN: Yes, very well.</p>

<p style="text-align: right;">Page 13</p> <p>1 MR McGOWAN: Thank you very much. 2 Examination by MR McGOWAN 3 MR McGOWAN: Good morning, Mr Chan. I represent Hongkong 4 Electric and also the crew of the Lamma IV. I have been 5 asked on behalf of all those people to express our 6 condolences to you and your family for your loss that 7 day. 8 I will try and keep the questions short. 9 You've told us in your statement about your position 10 on the upper deck leaving Lamma Island. If you want, 11 it's at paragraph 4 of your statement which in the 12 English is on page 492-2. In there, you noted that the 13 speed of Lamma IV when leaving the pier was not very 14 fast. 15 A. Correct. 16 Q. And you were looking over the side of the vessel as she 17 sailed. 18 A. Yes. 19 Q. So you then saw the vessel that appeared on the port 20 side, the left-hand side, of Lamma IV. You estimated 21 the distance that you saw the vessel as being 22 100-200 metres? 23 A. Yes. 24 Q. That's just an estimate? 25 A. Yes.</p>	<p style="text-align: right;">Page 15</p> <p>1 the vessel in the sea from your position on Lamma IV 2 seem to be moving past Lamma IV faster? 3 Do you understand what I mean, Mr Chan? Because 4 I'll try and make the question clearer if you don't. 5 A. I understand the question, but at that time, it was very 6 dark and I can't see the objects. When I looked out at 7 the sky, it was just darkness. 8 Q. Could you see any lights of any ships or vessels in the 9 anchorage? Or any lights on the other islands that are 10 opposite Lamma? 11 A. I can see a little bit. 12 Q. As you were looking out and seeing those lights, did the 13 speed at which Lamma IV appeared to be moving past those 14 lights change? What I mean by that, Mr Chan, is if 15 there was a light perhaps at 45 degrees, and Lamma IV 16 was approaching it, and there was a steady rate of 17 change of that angle, did that rate of change suddenly 18 increase? 19 If you can't remember, please say so. 20 A. I don't quite understand what you mean by "45 degrees". 21 Q. Well, what I'm suggesting is that if there was a light 22 ahead of Lamma IV that you could see, and as Lamma IV 23 was proceeding towards it, the angle of that light 24 relative to Lamma IV would change, would move down the 25 stern and the side of the ship towards the stern. That</p>
<p style="text-align: right;">Page 14</p> <p>1 Q. Would it be fair to say that your recollection of 2 exactly the sequence of events that night is not 100 per 3 cent clear, for very understandable reasons? 4 A. No, I don't think it is fair. 5 Q. Right. Okay. When you first saw this other vessel, the 6 Lamma IV had already started to turn, hadn't she? 7 Turning to the right; Lamma IV was coming round to right 8 or to starboard? 9 A. Yes. 10 Q. You said that you felt the Lamma IV was accelerating. 11 A. Yes. 12 Q. Did you hear any change in the engine noise? Or was it 13 just a visual impression that she was accelerating? 14 A. No. 15 THE CHAIRMAN: I'm sorry, I don't understand. What made you 16 think that the vessel was accelerating? 17 MR McGOWAN: Perhaps I can try and help. Was it -- 18 THE CHAIRMAN: Let's give him a chance to deal with my 19 question first. 20 MR McGOWAN: Yes, certainly. 21 THE CHAIRMAN: What was it that made you think, as you've 22 told us, that the vessel was accelerating? 23 A. The vessel suddenly vibrated. 24 THE CHAIRMAN: Thank you. 25 MR McGOWAN: Did the objects you could see over the side of</p>	<p style="text-align: right;">Page 16</p> <p>1 would be at a steady speed as Lamma went forward towards 2 that light, that rate of change would be steady? 3 Do you understand so far? 4 THE CHAIRMAN: Mr McGowan, I'm going to ask you to move on. 5 MR McGOWAN: Yes. 6 I'd suggest that what you believe was Lamma IV 7 accelerating was actually just the change in the 8 relative speed or relative bearing rate change of 9 objects you could see on the sea, Mr Chan. 10 THE CHAIRMAN: I can only hear half of what you say, 11 Mr McGowan, at any one time. 12 MR McGOWAN: Right. I'll repeat the question. 13 Mr Chan, I suggest that what you believed was 14 Lamma IV accelerating was actually a change in the rate 15 of relative bearing change with items that you could see 16 in the sea as Lamma IV came round to the right. 17 A. (In English) Yes. 18 THE CHAIRMAN: Sorry, your answer? 19 A. Yes. 20 MR McGOWAN: Thank you. You've told us about the collision, 21 and that's in paragraph 5 of your statement. You say: 22 "... I saw the blue vessel that had [struck] our 23 vessel starting the engine again for departure." 24 Did you hear it as well, Mr Chan? 25 A. I didn't hear it because it was very noisy at that time,</p>

Page 17	Page 19
<p>1 and everybody was screaming. 2 Q. Did you actually see it moving and departing from 3 alongside Lamma IV? 4 A. I could see it leaving but I didn't see how it left. 5 Q. You go on to say in that paragraph that you were able to 6 find or take three life jackets. 7 A. Yes. 8 Q. You knew where the life jackets were? 9 A. Mm. 10 Q. They were under the seats, weren't they? 11 A. Yes. When I boarded the ship, I have taken a look at it 12 so I knew where it was. 13 Q. And they were obvious to see under the seats as well, 14 weren't they? 15 A. No. It was not easy to see. 16 Q. But you knew where they were? 17 A. Yes. 18 Q. Then the vessel tilted vertically all of a sudden, and 19 then after that the row of seats began to fall? 20 A. Mm. 21 THE CHAIRMAN: Could you use a word to express that rather 22 than just nodding? 23 A. (In English) Okay. 24 THE CHAIRMAN: Thank you. 25 MR MCGOWAN: You were able to put your life jacket on?</p>	<p>1 A. It was white. I said that in the beginning. 2 MR MCGOWAN: Thank you. I have no further questions. 3 MR ZIMMERN: Mr Chairman, we have no questions. 4 THE CHAIRMAN: Thank you. 5 MS LOK: Mr Chairman, may we have leave to ask the witness 6 a few questions on three matters? 7 THE CHAIRMAN: Yes, and they are? 8 MS LOK: The first is the situation of the open deck at the 9 time when the passengers boarded Lamma IV. The second 10 is right after the collision, the location of Sea Smooth 11 relative to Lamma IV. And the third is in relation to 12 the seats. 13 THE CHAIRMAN: Yes. Please do. 14 Examination by MS LOK 15 MS LOK: Mr Chan, I'm going to ask you a few questions by 16 reference to your statement. You told us that when all 17 people were on board, the open-air area on the upper 18 deck was nearly full of people who were standing or 19 sitting. My question is, did any crew member come to 20 tell the passengers not to stay in the open area? 21 A. I didn't notice that, because at that time I was looking 22 at the sea and there was the moon and I was taking 23 photos of the moon. So I didn't pay attention to this. 24 Q. You yourself did not hear any crew members telling you 25 not to stay in that area?</p>
Page 18	Page 20
<p>1 A. I only managed to slip on the life jacket, but I was not 2 fully -- I didn't put it on properly. 3 Q. You put it over your head so it was on your body; is 4 that correct? 5 A. Yes. 6 Q. Was it the tying which was difficult, the tying of the 7 -- tying the straps which was difficult? 8 A. Yes, and also because there was not enough time. 9 Q. Yes. It does require time, doesn't it, Mr Chan? 10 A. Yes. 11 Q. And your mother and your elder brother both put their 12 life jackets on? 13 A. Yes. 14 Q. There was a crew member trying to help you escape, 15 wasn't there? Telling you to try and get out of the 16 windows. 17 A. Yes, he did that. He had done that. 18 Q. Do you remember if he was wearing a white uniform or 19 a blue uniform? 20 A. A blue one. 21 A. (Chinese spoken). 22 A. Should be a white one. 23 THE CHAIRMAN: Just think about it. Which is it, blue or 24 white? 25 THE INTERPRETER: Sorry.</p>	<p>1 A. Yes, I didn't hear it. 2 Q. Now I talk about the moment after Sea Smooth crashed 3 into Lamma IV. Do you remember seeing Sea Smooth 4 inserted into the port quarter of Lamma IV? 5 A. I saw it inserting into it. 6 Q. Thank you, Mr Chan. 7 The last area of questions I want to ask you about 8 is the seats on Lamma IV. You told us in your statement 9 that a lot of passengers rushed back into the cabin, the 10 not open area of the upper deck. Did they do so after 11 Lamma IV began to tilt the stern side to the sea? 12 A. It was one to two seconds after they rushed in that the 13 ship began to turn into a vertical position. There are 14 some people which I'm not sure, but as for myself, 15 I went into the cabin. 16 Q. I want you to rewind back before that one or two 17 seconds, when the boat turned vertical, when the people, 18 when the passengers were rushing into the cabin. At the 19 time, was the boat already tilting? The boat turning 20 slightly up to the sky? 21 A. I don't know. 22 Q. That's all right. 23 Then we'll talk about the moment you described to us 24 when Lamma IV turned vertical. 25 THE CHAIRMAN: What he said was "began to turn into</p>

Page 21	Page 23
<p>1 a vertical position".</p> <p>2 MS LOK: Yes. I beg your pardon.</p> <p>3 Now let's talk about the moment when Lamma IV began</p> <p>4 to turn vertical. Do you recall if any of the</p> <p>5 passengers grabbed the seat to hold themselves steady?</p> <p>6 A. The people at the foremost part of the cabin, before the</p> <p>7 collision, the people on the --</p> <p>8 A. (Chinese spoken).</p> <p>9 A. The people who had been sitting at seats 1-18 before the</p> <p>10 collision managed to grab the seats.</p> <p>11 Q. How about the rest? Did you see passengers grabbing the</p> <p>12 seats apart from those first two rows you mentioned?</p> <p>13 A. They couldn't grab the seats because the seats had</p> <p>14 already fallen down.</p> <p>15 Q. Did you yourself see, before those other seats fell</p> <p>16 down, whether any passengers grabbed them?</p> <p>17 A. I don't know.</p> <p>18 MS LOK: I have no further questions, Mr Chairman.</p> <p>19 THE CHAIRMAN: Thank you.</p> <p>20 Mr Beresford?</p> <p>21 Further examination by MR BERESFORD</p> <p>22 MR BERESFORD: Mr Chan, just one or two more questions, if</p> <p>23 you please.</p> <p>24 Could the witness please be shown bundle E at</p> <p>25 page 1219-10, the English translation of which is at</p>	<p>1 THE CHAIRMAN: Where do I find that?</p> <p>2 MR BERESFORD: There's a list of telephone calls at</p> <p>3 page 1255-87, which is towards the back of this bundle.</p> <p>4 This is not exactly a chronology because it lists them</p> <p>5 by reference to the Regional Command and Control Centre</p> <p>6 that receives the calls. This is the third one in the</p> <p>7 first block to the Marine Regional Command and Control</p> <p>8 Centre, telephone number marked "unknown", I believe.</p> <p>9 THE CHAIRMAN: From this, what do we discern is the time?</p> <p>10 MR BERESFORD: I'm sorry, I'm being corrected. It's the</p> <p>11 last one in the second block, ending 775, with the name</p> <p>12 Lam Yun-ho. That's the name taken from the transcript.</p> <p>13 But this doesn't show the time of that. We believe the</p> <p>14 time was 20:21:29.</p> <p>15 THE CHAIRMAN: The time must be available from the 999</p> <p>16 recipient.</p> <p>17 MR BERESFORD: Yes, Mr Chairman. I believe we discovered</p> <p>18 the time by making enquiries with them.</p> <p>19 THE CHAIRMAN: Yes. At all events, if we've got the</p> <p>20 telephone call, let's play it and see if the witness is</p> <p>21 able to identify it.</p> <p>22 MR BERESFORD: This should be on the disk, item 2.</p> <p>23 (Audio played)</p> <p>24 There is a file number.</p> <p>25 THE CHAIRMAN: Did you recognise your voice there or not?</p>
Page 22	Page 24
<p>1 page 1219-32.</p> <p>2 Mr Chan, you will see at the top of the page there</p> <p>3 a telephone number which ends in 775. I see it's been</p> <p>4 redacted on the screen, but hopefully you've got</p> <p>5 an unredacted copy in front of you. Can you see that</p> <p>6 number?</p> <p>7 Mr Chan, I believe you're being shown an unredacted</p> <p>8 copy now.</p> <p>9 THE CHAIRMAN: Do you see numbers where we see black on the</p> <p>10 screen, and are those numbers 775?</p> <p>11 A. (In English) Yes.</p> <p>12 MR BERESFORD: Do you recognise that telephone number?</p> <p>13 A. Yes.</p> <p>14 Q. Do you believe that might be your telephone number, now</p> <p>15 that you see the whole of it?</p> <p>16 A. Yes.</p> <p>17 Q. And do you recognise any of this conversation? How much</p> <p>18 of it was yours?</p> <p>19 THE CHAIRMAN: First of all, was any of it yours?</p> <p>20 Are we able to identify this tape and play it?</p> <p>21 MR BERESFORD: I believe we can.</p> <p>22 Can we play the tape?</p> <p>23 THE CHAIRMAN: Do we have a chronology for these telephone</p> <p>24 calls?</p> <p>25 MR BERESFORD: Yes, we do, Mr Chairman.</p>	<p>1 MR BERESFORD: It's the third call.</p> <p>2 THE CHAIRMAN: Could you recognise your voice or not on what</p> <p>3 we've played so far?</p> <p>4 A. No.</p> <p>5 THE CHAIRMAN: No.</p> <p>6 (Audio played)</p> <p>7 Did you recognise any of the voices there as being</p> <p>8 yours?</p> <p>9 A. No.</p> <p>10 (Audio played)</p> <p>11 MR BERESFORD: Here is the number. The last one.</p> <p>12 (Audio played)</p> <p>13 THE CHAIRMAN: Do you recognise your voice there?</p> <p>14 A. (In English) Yes.</p> <p>15 THE CHAIRMAN: The second voice, the male, the older man's</p> <p>16 voice, was that the person to whom you handed the phone?</p> <p>17 A. (In English) Yes.</p> <p>18 MR BERESFORD: Mr Chan, can you look at the transcript,</p> <p>19 please, at page 1219-10. You see on the left there's</p> <p>20 a counter for each item of conversation. Up to which</p> <p>21 number was your conversation?</p> <p>22 A. 14.</p> <p>23 Q. Thank you.</p> <p>24 Mr Chan, I'd just like to turn now to some questions</p> <p>25 that my learned friend on my left asked you about, some</p>

<p style="text-align: right;">Page 25</p> <p>1 lights. 2 Could the chart at miscellaneous bundle tab 6, 3 page 18, be shown on the screen, please. Perhaps 4 Mr Chan can be shown a copy. It's easier to look at. 5 Mr Chan, you see Lamma Island on the right side of 6 the chart, and you see the power station? The chart on 7 the screen is zooming in towards the power station. Do 8 you see that? 9 A. (Witness nods). 10 Q. The Lamma IV, we know, was sailing north from the power 11 station. 12 THE CHAIRMAN: Are you able to follow this? 13 A. Yes. 14 MR BERESFORD: If we can zoom out, please. 15 You see, Mr Chan, some islands to the left, 16 including Cheung Chau. There's Cheung Chau, the Chi 17 Ma Wan peninsula on Lantau, and to the north there is 18 Hei Ling Chau. According to the chart, the distance is 19 about 3 or 4 miles. 20 My learned friend asked you if you could see lights 21 on the islands west of Lamma. When you answered "yes", 22 was that the sort of direction you were talking about? 23 I'm not asking you specifically to say you saw 24 lights on Cheung Chau. I'm just asking whether that was 25 the sort of direction you saw lights; to the west.</p>	<p style="text-align: right;">Page 27</p> <p>1 A. I felt something. 2 Q. Finally, Mr Chan, you said that you saw the Sea Smooth 3 inserted into the port side of Lamma IV; do you remember 4 that? 5 A. Yes. 6 Q. I want to get some impression of how long it was 7 inserted there. In other words, was it a glancing blow, 8 leaving some of the bow in the Lamma IV, but the Sea 9 Smooth moving off very quickly; or was it stuck? Can 10 you give us some idea of how long it was inserted there? 11 A. I don't know how long, because after it was struck, 12 I took out the mobile phone and made the 999 call. That 13 is why I have no such recollection. 14 MR BERESFORD: Thank you, Mr Chan. I have no further 15 questions. 16 Questions by THE COMMISSION 17 THE CHAIRMAN: I'd like you to help us with one matter, and 18 that is how crowded that open upper deck was when the 19 vessel set off from the power station. 20 Could we have the Lamma IV plan on the screen. 21 You were able to secure a seat at bench 1, were you 22 not? 23 A. Yes. 24 THE CHAIRMAN: As far as you could see, were all the other 25 seats occupied?</p>
<p style="text-align: right;">Page 26</p> <p>1 THE CHAIRMAN: If you don't remember, just say so. 2 A. I don't remember. 3 MR BERESFORD: Okay. My learned friend also asked you about 4 a light ahead of Lamma IV. But did you actually see any 5 light ahead of Lamma IV? 6 MR MCGOWAN: I didn't say anything specific; it was just 7 "lights ahead of Lamma IV". 8 A. What is "the lights ahead of Lamma IV"? 9 MR BERESFORD: In front. In the direction the Lamma IV was 10 going. 11 A. I saw light. 12 Q. Ahead? 13 A. Yes. 14 Q. My learned friend also asked you about the acceleration 15 or possible acceleration of the vessel immediately 16 before the collision. I think you said in your 17 statement that you felt a vibration. 18 THE CHAIRMAN: That's what he said in his testimony as well, 19 that it suddenly vibrated. 20 MR BERESFORD: Yes. 21 My learned friend asked whether you sensed the 22 acceleration by reference to what you could see. So 23 I just wanted to clarify whether you felt the 24 acceleration from your sight, from your hearing, sound, 25 or from feeling?</p>	<p style="text-align: right;">Page 28</p> <p>1 A. Bench 2 and bench 3 were also occupied. And also 2 bench 4. 3 THE CHAIRMAN: All seats occupied, therefore standing room 4 only? 5 A. Yes. 6 THE CHAIRMAN: That's where I'd like your help. How crowded 7 was the position with all the people standing? 8 A. The people stand there. 9 THE INTERPRETER: He was showing the area to the left-hand 10 side of the lifebuoys. Now he is showing the area near 11 the lifebuoys. 12 THE CHAIRMAN: Were they then standing beyond where the 13 benches were and to where the lifebuoys were; is that 14 what you're saying? 15 A. No. They were concentrated -- they all stood near the 16 lifebuoys. 17 THE CHAIRMAN: Can you help us as to how crowded it was? 18 A. There were about 20 people. 19 THE CHAIRMAN: 20 standing? 20 A. No. Some children were sitting on the lifebuoys. 21 THE CHAIRMAN: When you say "20 people", are you saying 20 22 other than seated on the seats? There were an extra 20? 23 A. They include the people standing and those who were 24 sitting. 25 THE CHAIRMAN: Yes. But seated other than on the bench</p>

Page 29	Page 31
<p>1 seats; is that it? 2 A. Yes. 3 THE CHAIRMAN: Thank you. Your evidence is complete and we 4 thank you for coming to assist us by giving testimony. 5 The Commission joins in offering you deepest condolences 6 on the loss of your father. But as I said, your 7 evidence is finished and you're now free to go, if you 8 wish, or you can listen to the other evidence as it 9 unfolds, in the public gallery. Thank you for your 10 help. 11 (The witness withdrew) 12 MR BERESFORD: Mr Chairman, the next witness is Ms Cheng 13 Yin-bun. 14 THE CHAIRMAN: That is this witness's mother, is it? 15 MR BERESFORD: That's correct, Mr Chairman. 16 MADAM CHENG YIN-BUN (affirmed in Punti) 17 (All answers via interpreter unless otherwise indicated) 18 Examination by MR BERESFORD 19 MR BERESFORD: Madam Cheng, thank you very much for coming 20 along to help the Commission today. 21 Madam, I understand you've given a statement to the 22 police previously. 23 Could the witness please be shown bundle A2, tab 52, 24 pages 470 to 478. The translation for those following 25 the English is at pages 478-1 to 478-5.</p>	<p>1 strikes you as inaccurate, then please tell me. Please 2 interrupt or tell the interpreter. 3 With the Chairman's permission, I'm going to start 4 with the part that starts "In order to take seats with 5 good viewing point". 6 Madam Cheng, while I read in English, the Chinese is 7 going to be flashed up on the screen so that those who 8 want to follow in Chinese can do so. 9 "In order to take seats with good viewing point to 10 watch the fireworks display, around 7.30 pm the same 11 day, the four of us walked to Lamma Power Plant pier to 12 board a ferry. During the time, a staff member told us 13 which ferry which would drop passengers at Central. The 14 four of us walked to the upper deck and sat on a bench 15 on the left of the stern. Then I leaned against my 16 husband to take a rest and listen to radio broadcasting. 17 My sons were taking photos around." 18 Just pausing there, Ms Cheng. Could we please take 19 a quick look at the seating plan for Lamma IV. The 20 bench that you refer to, is that the bench marked 21 "bench 1" on the upper deck? 22 A. Yes. 23 Q. Thank you. Continuing: 24 "At 8 pm the same day, I was listening to the news 25 from the radio, and the ferry set sail. The speed was</p>
Page 30	Page 32
<p>1 Madam Cheng, do you recognise that as your 2 statement? 3 A. Yes. 4 Q. Have you been given an opportunity to refresh your 5 memory as to the content? 6 A. Yes. 7 Q. Are the contents true? 8 A. Yes. 9 Q. Madam, you're aged 48; is that correct? 10 A. Yes. 11 Q. Occupation: housewife? 12 A. Yes. 13 Q. Educated to form 5? 14 A. Yes. 15 Q. On 1 October, you were travelling with your husband, 16 Mr Chan Wing-kei, sadly now deceased? 17 A. Yes. 18 Q. And your sons, Chan Kam-hei and Chan Kam-ho; is that 19 correct? 20 A. Yes. 21 Q. Your husband had been working in the accounts department 22 of Hongkong Electric for more than 30 years? 23 A. Yes. 24 Q. Madam Cheng, I'm just going to read the key parts of 25 your statement. So if there's any part of it that</p>	<p>1 low. Then I went to the toilet. When I returned, 2 I continued the chat with my husband. Moments later, 3 the exact time of which I am not sure, I suddenly saw 4 a blue vessel dashing towards the seats where we were. 5 However, I was not sure about the distance, and 6 I realised that the vessel was coming at high speed. At 7 that time I yelled, 'Don't ram into us!' As soon as 8 I finished my yell, the vessel rammed into our vessel. 9 It was a hard impact and we ran into a state of chaos. 10 I noticed that my husband was pressing his body against 11 my oldest son's. At that time my oldest son was 12 unconscious and he was bleeding heavily. Then my 13 husband told me that his legs and back could not move. 14 At this juncture, water rushed into the vessel from 15 different directions and made it tilt. I told my oldest 16 son aloud that the vessel was sinking, trying to wake 17 him. I grabbed the shirt collar of my husband with one 18 hand, and held the edge of the vessel with the other 19 hand. Water rushed in so fast, the bow rose, and 20 objects came from all directions. Eventually I lost 21 sight of my husband and oldest son. I managed to hold 22 the vessel edge and walked to the upper deck cabin 23 slowly. As water rushed into the stern, the bow began 24 to rise slowly. At that time I heard people call out 25 names. I also called out aloud the names of my two</p>

<p style="text-align: right;">Page 33</p> <p>1 sons, and they responded. At that time I did not know 2 where on the vessel they were but I felt at ease that at 3 least they were safe. 4 Moments later, I saw vaguely that lights were coming 5 from outside. Then I saw someone trying to smash the 6 windowpanes on both sides, but I do not know which side 7 of the vessel it was. I saw kids holding onto the 8 pillars on the upper deck. Someone yelled, 'Tell the 9 kids to hold it tight and don't fall.' Very soon, the 10 windowpane on one side of the vessel was smashed. 11 Passengers lined up to escape through the window. As 12 water rushed into the stern so fast, the window flooded. 13 At this point a person, who looked like a staff member 14 and he was wearing a white shirt, said he had got injury 15 to the arm. He told us to go to the bow to escape 16 through the window. Then I held the edge of the vessel 17 to go slowly towards the bow to escape through a window. 18 While I was floating on water, someone came to my rescue 19 and put me on a round lifeboat. Before long, firemen 20 rescued me, and they arranged for me to go to hospital 21 for treatment." 22 Then, Madam Cheng, you were asked a series of 23 questions and I will just pick out a few. You were 24 asked if you heard any sound of horns from the vessel at 25 the moment when the vessel was rammed, and you said no.</p>	<p style="text-align: right;">Page 35</p> <p>1 THE CHAIRMAN: Thank you. 2 MR McGOWAN: Could I please, sir, ask the witness some 3 questions? 4 THE CHAIRMAN: In which area? 5 MR McGOWAN: They concern the speed of Lamma IV and actions 6 of the crew members of Lamma IV. 7 THE CHAIRMAN: Yes. 8 MR McGOWAN: Also it's not clear to me whether or how she 9 was listening to the radio. I'd like to clarify that 10 too. 11 THE CHAIRMAN: Very well. 12 Examination by MR McGOWAN 13 MR McGOWAN: Madam Cheng, I'm representing Hongkong Electric 14 and the crew of the Lamma IV. I wish to express, on 15 behalf of those people, our condolences for the loss of 16 your husband that night. 17 We just have one or two questions to ask you, 18 please. 19 You say that you were listening to the radio after 20 the Lamma IV sailed. 21 A. Yes. 22 Q. Were you doing that through headphones? 23 A. Yes, I have earplugs. They are in the form of earplugs. 24 Q. Did you still have those in at the time of the 25 collision?</p>
<p style="text-align: right;">Page 34</p> <p>1 You were also asked: 2 "At the moment the vessel was rammed, did you feel 3 any increase or decrease of speed of the vessel you were 4 on?" 5 You said: 6 "I didn't pay attention to that." 7 A. Yes. 8 Q. You said you didn't know if there was any broadcast of 9 message before or after the collision? 10 A. Yes. 11 Q. The sea was calm and visibility was good? 12 A. Yes. 13 Q. You were asked what was the speed of the vessel that 14 rammed into your vessel, the blue vessel, and you 15 answered: 16 "It sailed so fast and, within ten seconds, the 17 vessel rammed into ours." 18 A. Yes. 19 Q. As for injuries, both of your hands -- you had abrasions 20 on your hands? 21 A. Yes. 22 Q. And sadly we know that your husband is deceased as 23 a result of this accident, but your sons survived. 24 A. Yes. 25 MR BERESFORD: Those are my questions, Mr Chairman.</p>	<p style="text-align: right;">Page 36</p> <p>1 A. No. 2 Q. When did you take the earplugs, earpieces, out? 3 A. I turned off the radio after the -- after the 8 pm news, 4 a song was played but I didn't like the song so I turned 5 off the radio. 6 Q. All right. So after that, your hearing wasn't 7 obstructed in any way? 8 A. No. 9 Q. You were asked a question by the police which was: 10 "At the moment the vessel was rammed, did you hear 11 any sound of horn from vessels?" 12 And you said "No." 13 A. Yes. 14 Q. I suggest to you, Madam Cheng, that a short time before 15 the collision, the Lamma IV had sounded its whistle or 16 horn. 17 A. At the time after I turned off the radio, I went to the 18 toilet and then when I came back and took a seat, the 19 vessel began to set sail. 20 Q. Right, yes. What I'm suggesting to you is two things 21 now. Firstly, when she set sail, she set sail at a slow 22 speed or a low speed? 23 A. Yes. 24 Q. And also that shortly before the moment of impact, 25 perhaps 30 seconds or a minute before, the Lamma IV</p>

<p style="text-align: right;">Page 37</p> <p>1 sounded its whistle or horn, depending on how you 2 describe it. 3 A. I didn't hear that because after I came back to my seat, 4 after going to the toilet -- shortly after I returned to 5 my seat after going to the toilet, I saw a vessel 6 approaching us, and so I didn't pay attention to the 7 horns. 8 Q. Right. You were given directions by a crew member in 9 a white shirt, telling you to go to the bow so you could 10 escape, after the collision. 11 A. After the collision, my husband fell onto the ground and 12 I was focused on attending to him. 13 Q. Yes. Sorry, I perhaps didn't get the time scale quite 14 right, Madam Cheng. Later on, after the collision, you 15 were given directions to go to the bow by a member of 16 the crew; correct? 17 A. You mean after the collision? 18 Q. Yes. 19 A. After the collision, I went from the back of the 20 cabin -- I went slowly into the cabin from the back, and 21 at that time the vessel was already immersed in water. 22 And I heard a man in white shirt telling us to -- he 23 said, "Sorry. We have already reported to the police. 24 Stay calm." 25 Q. Didn't that man also tell you to go up to the bow so you</p>	<p style="text-align: right;">Page 39</p> <p>1 A. I didn't wear the life jacket. My son gave me the life 2 jacket and I could only put it round my neck. 3 Q. So you did at least put it over your head? 4 A. Yes. I had tried to tie the straps, but I couldn't do 5 it. 6 Q. Right. But it was still at least on your body? 7 A. Yes. It was put round my neck. 8 Q. Did it help you float when you were outside, in the 9 water? 10 A. Basically no, because the life jacket kept coming 11 towards my face and I was grabbing the lifebuoy of the 12 people next to me. 13 MR MCGOWAN: Thank you. 14 MR SUSSEX: Mr Chairman, I have no questions for Madam 15 Cheng. 16 MS LOK: Mr Chairman, I seek permission to question on three 17 areas. 18 THE CHAIRMAN: Yes. 19 MS LOK: It's in relation to the open deck; the relative 20 position of the two vessels after the collision; and the 21 objects that fell over. 22 THE CHAIRMAN: Yes. Please do. 23 Examination by MS LOK 24 MS LOK: Madam Cheng, can you tell us, at the time when you 25 boarded Lamma IV, how many people were sitting on the</p>
<p style="text-align: right;">Page 38</p> <p>1 could escape through the window? 2 A. There was not yet any ship. The crew only asked us to 3 stay calm and said that "The rescuers are coming", and 4 then I saw light from the window and the crew said they 5 knew that we were trapped, "so stay calm". Then I heard 6 the window being broken open about twice, and then it 7 stopped for a while and then we hear -- and then the 8 crew asked us to climb out slowly. When I had climbed 9 out of the window, the window had already sank and 10 nobody can climb out from that window anymore. So the 11 crew in white said, "You can no longer escape from this 12 window; you have to escape through the window from the 13 top." 14 Q. Right. So he told you there was another place of 15 escape; is that correct? 16 A. Yes. We had to climb up to the window at the bow, 17 because he said he knew there was another window there 18 through which we could escape. 19 Q. Right. So he told you that and you followed his 20 direction and were able to escape? 21 A. Yes. 22 Q. And that was a man wearing a white shirt, again? 23 A. Yes, it was white. 24 Q. Right. I think just one other point, Madam Cheng. Were 25 you wearing a life jacket when you escaped?</p>	<p style="text-align: right;">Page 40</p> <p>1 benches by reference to the plan which was shown to you 2 earlier? The four benches we see on the map. 3 A. At that time, all the people were sitting on the 4 benches. 5 Q. They were full? 6 A. Yes. 7 Q. How about rucksacks and baggage? The passengers brought 8 with them rucksacks and baggage, did they not? 9 A. Some were put on the floor, some were on their backs, 10 and some of them put them by their side. 11 Q. So by "on the floor", you mean the floor area between 12 the four benches? 13 A. From where I sat, since we were sitting in a position 14 that were facing each other, I could see the people on 15 the second bench and I saw some of them putting their 16 bags and rucksacks on the floor, and some put them by 17 their side. But I couldn't see the people on bench 4. 18 Q. Did you see people standing in the upper deck open area? 19 A. Yes. 20 Q. Can you identify where they were standing by reference 21 to the benches and the lifebuoys? 22 A. Some stood by the rails, some stood by the buoys, and 23 some parents, seeing there were no more seats, they just 24 held their kids and embraced them and surrounded them. 25 Q. Do you remember, and can you help us, with the number of</p>

Page 41	Page 43
<p>1 people standing around and the number of children 2 sitting on the buoys? 3 A. I'm not sure about the number, but there should be at 4 least more than 10 people, because the parents were 5 surrounding the children who were sitting on the buoys. 6 MS LOK: A matter of translation: "and the railings". 7 THE INTERPRETER: The rings? 8 MS LOK: No, the railings. She mentioned the railings. 9 A. I saw there were more than 10 people, and the parents 10 put the children to sit on the lifebuoys or the rings, 11 and the parents surrounded them for fear that they will 12 fall down. 13 Q. You mentioned earlier that some other people stood by 14 the railings. So by mentioning the figure "about 15 10 people", do you include those people standing by the 16 railings too? 17 THE CHAIRMAN: I think she's put it as being more than 18 10 people. 19 MS LOK: Yes. Or more than 10 people. 20 A. Yes, because you were asking me about how many people 21 were standing and I included the people who were 22 standing by the railings. 23 Q. Thank you, Ms Cheng. I want you to focus on that moment 24 when the other vessel hit Lamma IV. 25 Did you see that other vessel inserted into</p>	<p>1 I decided that if I don't go inside the cabin, I will 2 also fall into the sea. So I walked into the cabin by 3 the side of the ship. At that time, there were a lot of 4 people immersed in water. 5 Q. At the time when you entered the cabin, were the chairs 6 still there? 7 A. When I moved into the cabin, the ship was already in 8 a vertical position so I didn't pay attention. I only 9 focused on grabbing onto things. 10 Q. What kind of things? 11 A. It was very crowded at that time, and I was not wearing 12 a life jacket and I couldn't swim. So I just grabbed on 13 anything I could. At that time, it happened that there 14 was a person with a lifebuoy, and so I grabbed the 15 lifebuoy. 16 Q. My last question is, at the time when you entered into 17 the cabin, do you remember whether there was any light 18 on in the cabin? 19 A. No. It was dark. 20 MS LOK: Thank you. I have no further questions. 21 THE CHAIRMAN: Mr Beresford? 22 Further examination by MR BERESFORD 23 MR BERESFORD: Ms Cheng, there may be an ambiguity in the 24 translation. I just wonder, when the crew member told 25 you to go to the bow, can you point by reference to the</p>
Page 42	Page 44
<p>1 Lamma IV? 2 A. Yes. I saw it ramming into us. 3 Q. So it was actually inserted into Lamma IV? 4 A. Yes, when it rammed into us, my husband fell onto the 5 ground. 6 Q. Did the other vessel immediately drift apart, or was it 7 stuck there? Do you remember seeing that? 8 A. After the collision, I paid my full attention to my 9 husband, who fell onto the ground. So I didn't know 10 when the vessel left. But as soon as it left, water 11 began to rush in. 12 Q. So you remember that the water rushed in after the other 13 vessel left? 14 A. Yes. 15 Q. I want you to focus on the moment when you walked slowly 16 into the cabin, after the collision. You mentioned in 17 your statement that all sorts of objects fell on you. 18 What are those objects? 19 A. I don't know, but they include debris, bottles that were 20 floating, shoes, slippers, handbags. It was very 21 chaotic at that time. 22 Q. Did you use the chairs in the cabin to hold yourself and 23 help you to climb inside the cabin? 24 A. I was at the stern of the ship and not inside the cabin 25 at that time. After my husband fell into the sea,</p>	<p>1 plan to show us which part of the vessel you understood 2 him to be telling you to go to? 3 A. At that time, I was holding the railings of the 4 staircase and floating up. The crew in the white shirt 5 also helped me to move up. It was the window near the 6 top. 7 Q. So he was directing you towards a window? 8 A. Yes. Yes, I was the last three or four persons who 9 escaped from the ship. 10 Q. Thank you, Ms Cheng. 11 Then one other question. You said that after the 12 collision, immediately after the collision, you went 13 into the cabin but the vessel was already immersed. Can 14 you explain what you meant by "the vessel"? Which part 15 of the vessel was immersed? 16 A. What do you mean by which part of the vessel? 17 Q. Before the vessel began, the bottom part of its hull was 18 sitting in the water and so was immersed. After the 19 collision, presumably part of the vessel sank into the 20 water and was immersed under the sea surface, but not 21 the whole of the vessel. And we know that at the end, 22 after everybody was got off the vessel, there was still 23 the bow sticking out above the water. So which part of 24 the vessel was immersed when you were going into the 25 cabin? If it would help you, Ms Cheng, you can point to</p>

Page 45	Page 47
<p>1 a place on this model.</p> <p>2 A. But when I went inside the cabin, the inside of the</p> <p>3 vessel was already immersed in water and I have no idea</p> <p>4 as to how much of the ship was immersed in water.</p> <p>5 Q. So your feet were in water?</p> <p>6 A. Yes.</p> <p>7 THE CHAIRMAN: Is that the first time the water had reached</p> <p>8 you, when you went inside the cabin?</p> <p>9 A. Yes.</p> <p>10 MR BERESFORD: When you went inside the cabin, were you</p> <p>11 going uphill?</p> <p>12 A. Yes.</p> <p>13 Q. Can you give us an idea of what sort of angle? Was it</p> <p>14 very steep to go up, or a gentle incline? Were you</p> <p>15 climbing, swimming? Did you have to use your hands?</p> <p>16 A. When I went inside the cabin, I used one of my hands to</p> <p>17 hold on to something and the other hand tried to grab</p> <p>18 hold of something that could help me float. And I don't</p> <p>19 know where the water was up to.</p> <p>20 MR BERESFORD: All right. Thank you very much, Ms Cheng.</p> <p>21 THE CHAIRMAN: Madam, thank you very much for coming to</p> <p>22 assist us by giving evidence. Your evidence is now</p> <p>23 finished. The Commission would like to join with others</p> <p>24 in offering you our deepest condolences on the loss of</p> <p>25 your husband. Thank you for coming to help us. You may</p>	<p>1 Q. Do you have any amendment to make?</p> <p>2 A. Not for the time being.</p> <p>3 Q. Are the contents of these statements true?</p> <p>4 A. Yes.</p> <p>5 Q. Madam Lam, you're aged 46 and your occupation is</p> <p>6 housewife?</p> <p>7 A. Yes.</p> <p>8 Q. And you've received primary education in Hong Kong?</p> <p>9 A. Yes.</p> <p>10 Q. On 1 October, you were travelling at the invitation of</p> <p>11 your cousin Szeto Pui-wah, with your husband Tsu</p> <p>12 Chi-keung, your son Tsu Wai-chung --</p> <p>13 A. Should be Szeto Lan.</p> <p>14 Q. And Szeto Lan as well. Were there not four of your</p> <p>15 husband's relatives: Szeto Pui-wah, Szeto Lan and Szeto</p> <p>16 Ying?</p> <p>17 A. It should be Szeto Wah and not Szeto Pui-wah.</p> <p>18 Q. Okay. That may be my mistake.</p> <p>19 Madam Lam, I'm now going to read certain parts of</p> <p>20 your statement to save me having to ask you a lot of</p> <p>21 questions, and I hope it will save us some time. If</p> <p>22 there's anything that you think is inaccurate, please</p> <p>23 interrupt and tell me; okay?</p> <p>24 A. (In English) Okay.</p> <p>25 Q. I am reading from an English translation. The Chinese</p>
Page 46	Page 48
<p>1 remain in the public gallery and listen to the evidence</p> <p>2 if you wish, or you may leave.</p> <p>3 (The witness withdrew)</p> <p>4 THE CHAIRMAN: We'll take a 15-minute break at this stage.</p> <p>5 (12.05 pm)</p> <p>6 (A short break)</p> <p>7 (12.20 pm)</p> <p>8 THE CHAIRMAN: Yes, Mr Beresford.</p> <p>9 MR BERESFORD: Mr Chairman, the next witness is Madam Lam</p> <p>10 Muk-lin.</p> <p>11 MADAM LAM MUK-LIN (affirmed in Puntì)</p> <p>12 (All answers via interpreter unless otherwise indicated)</p> <p>13 Examination by MR BERESFORD</p> <p>14 MR BERESFORD: Madam Lam, thank you very much for coming</p> <p>15 today. I have some questions to ask you on behalf of</p> <p>16 the Commission.</p> <p>17 I believe that you've given two statements to the</p> <p>18 police before this. If you could just be shown those</p> <p>19 statements, please. They are in bundle A2 at pages 388</p> <p>20 and 391. For those following the English, the</p> <p>21 translations are at pages 397-1 to 37-3; and 397-4</p> <p>22 to 397-9.</p> <p>23 Madam, have you been given an opportunity to refresh</p> <p>24 your memory as to the content of these statements?</p> <p>25 A. Yes.</p>	<p>1 will be shown on the screen. I'm going to read, with</p> <p>2 the Chairman's permission, from the paragraph beginning</p> <p>3 "At 7:45 pm on the same day".</p> <p>4 "At 7.45 pm on the same day [that's 1 October],</p> <p>5 having arrived at the pier, we followed the instructions</p> <p>6 of the employees of Hongkong Electric to embark the</p> <p>7 vessel that would terminate at Central Pier after the</p> <p>8 fireworks display. I took no notice of the name of the</p> <p>9 vessel at that time. When my family and I reached the</p> <p>10 upper deck of the vessel, we left our rucksacks on the</p> <p>11 bench in the centre of the open area of the deck. My</p> <p>12 husband and my son sat on the buoys placing at the stern</p> <p>13 on the upper deck, while I stood between the rear</p> <p>14 staircase and railings at the stern, facing to the left</p> <p>15 and chatting with my husband."</p> <p>16 Madam Lam, just pausing there. If I can ask for the</p> <p>17 seating plan to be displayed on the screen.</p> <p>18 When you say that you left your rucksacks on the</p> <p>19 bench in the centre of the open area of the deck, is</p> <p>20 that what corresponds to benches 2 and 3 on the upper</p> <p>21 deck plan?</p> <p>22 A. The third one.</p> <p>23 Q. Bench 3?</p> <p>24 A. Yes.</p> <p>25 Q. Then when you said that your husband and son sat on the</p>

<p style="text-align: right;">Page 49</p> <p>1 buoys placed at the stern on the upper deck, is that 2 those circles where -- perhaps the pointer can be moved 3 to point to them. There. Indicating life rings at the 4 stern. 5 A. Yes. On the front row near the staircase. 6 Q. And then you stood on the other side of the staircase, 7 between that staircase and the railings; is that right? 8 A. The place where the cursor moved, yes, this is the right 9 position. 10 Q. I see. When you say you were facing to the left, is 11 that the side on which bench 1 is to be found? 12 A. Not facing that side, but facing the stern of the ship. 13 Q. You were facing the stern? 14 A. That area. 15 THE INTERPRETER: The witness was pointing at the area 16 around the buoys. 17 MR BERESFORD: Yes, I see. Thank you, Madam Lam. I'm now 18 going to continue reading: 19 "At about 8 pm, the vessel set sail at a normal 20 speed, about 10 minutes after, however, I felt a sudden 21 surge of acceleration and said to my husband then, 22 'Rushing for the fireworks display'. At this juncture, 23 I saw a vessel ramming into the port side of our vessel 24 at speed. It just took place in a few seconds. Then 25 they fell on the deck, and I helped my son to get on his</p>	<p style="text-align: right;">Page 51</p> <p>1 boat, waiting for rescue. Before long, a police vessel 2 came to my rescue and searched for other victims all 3 around. In the end, we were sent to a larger police 4 launch and landed at Ap Lei Chau pier where we were sent 5 to Kwong Wah Hospital for medical treatment." 6 Madam Lam, you were then asked a series of questions 7 by the police. In particular you were asked if you had 8 heard a siren rung by any vessel before the collision, 9 and you answered "No". 10 A. Yes. 11 Q. You were then asked if you'd seen the other vessel sail 12 away after the collision, and you replied that you heard 13 the sound of starting up the engine of the other vessel 14 and moving backwards, and that you were so clear about 15 it, you said, "because I had grabbed hold of the 16 railings at the stern and did not lose my balance, while 17 my husband and son fell down". 18 A. Yes. 19 Q. You were asked if any announcement was made before or 20 after the collision, and you replied "No". 21 A. Yes. 22 Q. You were asked: 23 "What were the conditions at sea that night?" 24 And you said: 25 "It was okay and the weather was terrific."</p>
<p style="text-align: right;">Page 50</p> <p>1 feet right away. Afterwards, when my husband and 2 I returned to the centre of the deck, he said to me, 3 'The vessel is about to sink'. No sooner had he said 4 that, than it tilted to the side abruptly, and the stern 5 came to go down as well, leaving it in turmoil. My 6 husband distributed buoys on the upper deck to other 7 passengers, both my son and I got a buoy from him. It 8 was so chaotic that when I intended to take our 9 rucksacks back, all I could get was my husband's 10 rucksack. There I was, carrying my husband's rucksack 11 and holding my son's hand. The water flooded in, 12 resulting in the sinking of the stern, while my son and 13 I lost our balance and were thrown into the sea one 14 after the other. Fortunately there was a vacant 15 inflatable boat. I was so weary that I managed in vain 16 to push my son to get into the inflatable boat. All 17 I could do was to grab hold of the buoy on my son with 18 one hand, while I held the ropes at one end of the 19 inflatable boat with another, waiting for rescue. 20 Having waited for about 20 minutes, other people 21 swam to the inflatable boat, and I pushed my son to get 22 into the boat with the help of a man. Exhausted as he 23 was, he asked me to pass him my rucksack and put it on 24 the inflatable boat. Since we were all worn out, 25 I could just grab the ropes at one end of the inflatable</p>	<p style="text-align: right;">Page 52</p> <p>1 A. Yes. 2 Q. As for injuries, your waist and feet were injured? 3 A. Yes. 4 Q. And you lost two cameras valued at about \$10,000? 5 A. Some of the lenses. 6 Q. I'd just like to ask you a supplemental question about 7 the vacant inflatable boat that you found. 8 I would ask, please, that the photographs in marine 9 bundle 10 at pages 2926-1 to 2926-7 be displayed on the 10 screen, starting with page 2926-1. 11 A. You mean the orange one? 12 Q. Well, I was going to ask you. Is this the type of boat 13 you were referring to? 14 A. The orange one. 15 Q. The orange one was similar. And this was the type of 16 boat that you tried but failed to push your son to get 17 into? 18 A. Yes. 19 Q. But eventually succeeded with the help of a man? 20 A. Yes, he helped to lift my son onto the boat. 21 Q. And you were in the water holding the ropes on the side 22 of the inflatable boat, waiting for rescue, until in 23 fact you were picked up by the police? 24 A. Yes. 25 Q. As I understand it, neither you nor your son had life</p>

Page 53

1 jackets on. You had life rings, the buoys at the back
2 of the vessel, but not life jackets; is that right?
3 A. Yes, but while I was escaping, I lost hold of the buoy.
4 MR BERESFORD: Thank you, Madam Lam. Just wait there,
5 please.
6 MR McGOWAN: May I please, Mr Chairman, ask questions of
7 this witness in relation --
8 THE CHAIRMAN: In which areas?
9 MR McGOWAN: In relation to the events immediately before
10 the collision, and the events immediately after the
11 collision, and also the lifebuoys.
12 THE CHAIRMAN: Very well.
13 MR McGOWAN: Thank you.
14 Examination by MR McGOWAN
15 MR McGOWAN: May I start with the lifebuoys, please,
16 Madam Lam. Your husband gave a lifebuoy to yourself and
17 to your son; is that correct?
18 A. Yes.
19 Q. And that was from a large pile of lifebuoys at the back
20 of the upper open deck?
21 A. Yes.
22 Q. At one stage there was a crew member helping distribute
23 the buoys as well, wasn't there?
24 A. No. It was my husband who distributed them.
25 Q. Right. Your son was able to put the lifebuoy on; is

Page 54

1 that correct?
2 A. Yes.
3 Q. And it was still on your son when he was eventually
4 placed in the inflatable raft?
5 A. Yes.
6 Q. Thank you. Now, just going back in time to the period
7 before the collision. Lamma IV was sailing at what you
8 described as a normal speed after leaving Lamma Island?
9 A. Yes.
10 Q. The first time you became aware that anything was
11 happening was when you described feeling a sudden surge
12 of acceleration?
13 A. Yes.
14 Q. Could you just tell us what you mean by that, please,
15 Madam Lam?
16 A. Because when the ship started to set sail, the speed was
17 slow and there is a feeling of leisure. I have
18 a leisure feeling. And then suddenly it accelerated and
19 the speed was much faster than before. Because its
20 speed increased suddenly, so I had to put my hands on
21 the railings on both sides. My husband asked, "Why does
22 it accelerate suddenly? Is it because it wants to rush
23 to go to the fireworks scene?" And then the collision
24 happened.
25 Q. Right. You were still looking out over the stern, were

Page 55

1 you, at this stage?
2 A. Yes.
3 Q. This surge of acceleration, was that a noise you heard
4 or were things just seeming to move past Lamma IV or
5 Lamma IV moved past things more quickly?
6 A. No, I didn't see any abnormalities; I just felt that the
7 speed increased very suddenly and it was moving very
8 fast. I just thought that it wanted to rush to the
9 fireworks display scene in the Victoria Harbour.
10 Q. So you didn't hear any change in the engine noise of
11 Lamma IV?
12 A. I felt from the noise of the engine that the vessel was
13 accelerating, but I didn't notice any ship ramming into
14 us.
15 Q. Could the noise you heard, the engine, be the noise of
16 the other vessel, the ferry that was coming towards
17 Lamma IV?
18 A. At the time, we were sitting at the stern, and it was
19 already very noisy. So I didn't feel any sound of
20 engine from any other vessel, nor did I feel any vessel
21 rushing towards us. The sea was very dark, and so
22 I didn't notice any vessel sailing towards us.
23 Q. Right. But what you did feel is something that made you
24 reach out to support yourself?
25 A. Because of the sudden increase in speed, and we were

Page 56

1 sitting at the stern, I didn't feel safe so I used my
2 left hand to grab the railing at the stern and used my
3 right hand to grab the railing that leads to the lower
4 deck.
5 Q. Right. Wasn't that actually, that unsteadiness, caused
6 by Lamma IV turning sharply? And that's what caused you
7 to become unsteady?
8 A. I didn't feel that the ship was turning -- I didn't feel
9 a sudden turn of the vessel. But what I felt was that
10 it suddenly wanted to speed up. At that time, the sea
11 was very rough and we were sitting at the stern and we
12 were -- actually it was very bumpy, so I felt that
13 I needed to hold on to the rail.
14 Q. Right. So it was actually the movement of the ship from
15 side to side that was making you want to hold on?
16 A. It was not because the ship was moving side to side, but
17 because it was moving that way.
18 THE INTERPRETER: Witness was demonstrating with her hand to
19 show that the ship was moving that way.
20 MR McGOWAN: Shaking?
21 A. It was not shaking.
22 THE CHAIRMAN: The demonstration you gave was up and down of
23 the hand, just for the record.
24 MR McGOWAN: Yes.
25 A. The ship moved up and down as the wave went by the ship.

<p style="text-align: right;">Page 57</p> <p>1 Q. Right. So it was -- right, thank you for that, 2 Madam Lam. 3 I suggest that shortly before that, the siren, the 4 whistle of Lamma IV, was sounded once? 5 THE CHAIRMAN: I think if we call it a horn. A whistle 6 suggests Popeye the Sailor Man taking out a whistle, 7 which is perhaps not what we want to convey. This is 8 a large horn that has an audibility of 1 nautical mile. 9 Could you translate that to the witness. 10 MR McGOWAN: What I'm suggesting, Madam Lam -- 11 THE CHAIRMAN: Translate what I said first of all. 12 When counsel refer to a whistle, they are in fact 13 referring to a horn that is projected through 14 a loudspeaker. It has an audibility of 1 nautical mile. 15 In that context, put your suggestion, Mr McGowan. 16 MR McGOWAN: Yes. I'm suggesting that horn was sounded 17 shortly before the collision. 18 A. No. 19 Q. And the other vessel rammed into your port side at high 20 speed? 21 A. Yes. 22 Q. And then, after a period of time, you heard it start its 23 engine again? 24 A. Yes. 25 Q. And you saw it move backwards, away from Lamma IV?</p>	<p style="text-align: right;">Page 59</p> <p>1 MR McGOWAN: Thank you. 2 MR SUSSEX: Mr Chairman, I ask for leave to question this 3 witness about what she saw of the collision and her 4 evidence in relation to the starting up of the engine of 5 the other vessel. 6 THE CHAIRMAN: Yes, certainly. 7 Examination by MR SUSSEX 8 MR SUSSEX: Madam Lam, you've told us that before the 9 collision, you were standing at the stern of the vessel 10 in the area between the rear stairwell and the right 11 side of the vessel; is that correct? 12 A. By the side of the staircase which leads to the lower 13 deck. 14 THE INTERPRETER: The witness is pointing at the staircase 15 next to the lifebuoys. 16 MR SUSSEX: Would I be right to infer that even before the 17 collision, you had one hand on the railing of the 18 staircase and one hand on the railing at the stern of 19 the vessel? 20 A. Yes. 21 Q. Your husband was sitting on the lifebuoys at the stern 22 of the vessel? 23 A. Yes. 24 Q. So would I be right that you were looking to your right? 25 So you were facing the stern of the vessel, or at least</p>
<p style="text-align: right;">Page 58</p> <p>1 A. When the other vessel rammed into our vessel, it 2 actually bounced back, and then there were a few seconds 3 in which both vessels stood still. And then I heard 4 somebody yelling, "Collision". I looked at the place 5 where the collision took place, and then I looked for my 6 son and helped him to return to bench 3. And then 7 I heard somebody yelling, "The ship is going to sink". 8 And then I saw the vessel moving backwards, probably in 9 an attempt to leave our vessel. 10 Q. Yes, and it was after that other vessel started moving 11 backwards that Lamma IV did begin to sink? 12 A. Actually, water began to rush in at the moment the 13 collision took place, and when I helped my son to return 14 to bench 3, I saw that the lower deck beneath the place 15 where I stood was already immersed in water. So it was 16 not when the water began to rush in, when it sank. In 17 fact, water began to rush in as soon as the collision 18 took place. 19 THE INTERPRETER: Sorry, amendment: "It was not that when 20 water began to rush in, when the vessel left. It began 21 to rush in during the collision." 22 MR McGOWAN: Yes. But the pace or the rate of sinking 23 increased markedly after the other vessel left; that's 24 correct, isn't it? 25 A. Yes.</p>	<p style="text-align: right;">Page 60</p> <p>1 45 degrees to the stern of the vessel, looking to your 2 right in order to converse with your husband? 3 A. I don't quite understand what you mean by "45 degrees". 4 Q. Well, I'm assuming -- you've got your right hand on the 5 railing of the staircase that leads down to the lower 6 deck, you've got your left hand on the stern railing. 7 Am I right that you are essentially looking sideways 8 between the two railings? 9 A. Actually I could see a very wide spectrum. 10 Q. Yes. But your husband was to your right, because he was 11 sitting on the lifebuoys at the stern of the vessel? 12 A. Yes. 13 Q. You say that from that vantage point, you saw a vessel 14 ramming into the port side of the Lamma IV at speed? 15 A. Yes. 16 Q. Are you able to help us concerning the angle of the 17 collision, the angle of the vessel that collided with 18 the Lamma IV? 19 A. It rammed into us vertically, at a right angle. 20 Q. All right. You then told us this morning that the 21 colliding vessel, the other vessel, "bounced back". 22 A. Yes. 23 Q. Did you see that bouncing-back? 24 A. Yes. 25 Q. And did that happen immediately upon the collision?</p>

Page 61	Page 63
<p>1 A. Yes. 2 Q. So am I right to understand you to be saying that there 3 was no stage at which the two vessels were stuck 4 together? 5 A. No, it was not stuck. 6 Q. Am I right that it was after the colliding vessel, the 7 other vessel, had bounced back that you heard the sound 8 of an engine starting? 9 A. After the collision, both vessels stood still, probably 10 because of the collision, and then the other vessel 11 bounced back and drift away. After maybe eight to ten 12 seconds, I looked for my son and helped him to return to 13 the bench, then I heard the sound of engine. And then 14 it moved back and turned. 15 Q. This bouncing-back that you described, you've said that 16 that was something that happened upon the collision. 17 A. After the collision, it just separated like this and not 18 moved back. 19 Q. Am I right that it was after the separation that you 20 heard what you took to be the starting of an engine? 21 A. Yes, after a short while. 22 Q. All right. You told Mr McGowan that you saw the other 23 vessel moving backwards. 24 A. Yes. 25 Q. Are you able to help us? How far away from the Lamma IV</p>	<p>1 MS LOK: Madam Lam, at the time of the collision, were there 2 any other people sitting or standing around the buoys to 3 the right of your husband and your son? 4 A. I don't think so. 5 Q. So your family were the only ones standing or sitting at 6 the buoys? 7 A. No. 8 Q. There were other people? 9 A. No. There were several kids at the -- about four kids 10 were at the railings near the staircase, and a little 11 bit behind the staircase, there was a mother and son. 12 And then by the side, at the side of it, there was 13 a pair of lovers. 14 Q. Throughout the journey, did any crew member on the 15 vessel come and tell you not to stay in the open area of 16 the upper deck? 17 A. No. 18 Q. At the time of the collision, you described to us you 19 saw the other vessel bounce back and then drift away. 20 A. Yes. 21 Q. Can you help us; do you remember whether or not the 22 direction of Lamma IV changed? 23 A. It should be sailing towards Central. I don't think it 24 had deviated from its course, because I go to Lamma 25 Island frequently. I don't think it deviated from the</p>
Page 62	Page 64
<p>1 was the other vessel when you saw her moving backwards? 2 A. About 20 feet. 3 THE CHAIRMAN: Mr Sussex, clearly the witness's evidence is 4 going to go over into the afternoon session so we'll 5 take the break now. 6 Madam Lam, we're going to take a lunch break now. 7 I'm going to have to ask you to come back to complete 8 your evidence this afternoon, and to do so at 2.30. 9 A. I can't do that. I have to take care of my child, to 10 take him back from school. 11 THE CHAIRMAN: Mr Sussex, how long do you expect to be? 12 MR SUSSEX: Not very much longer at all. 13 THE CHAIRMAN: Very well. We'll press on and see if we can 14 finish you before lunch. 15 A. Thank you. 16 MR SUSSEX: You said you heard the sound of an engine 17 starting up. Is it possible that you merely became 18 aware of the sound of the other vessel's engine at that 19 time? 20 A. Yes. 21 MR SUSSEX: Thank you, Madam Lam. 22 MS LOK: Mr Chairman, just two quick questions on the open 23 deck, and the drifting away. 24 THE CHAIRMAN: Very well. 25 Examination by MS LOK</p>	<p>1 course towards Central. 2 Q. Yes, Madam Lam. I want to clarify with you after the 3 bounce back. So you told us that both vessels stopped 4 for a short time? 5 A. Yes. 6 Q. The other one drifted away. I want you to focus at that 7 point in time. Did you see Lamma IV change its 8 direction or somehow drift? 9 A. It had already stopped. 10 Q. So you do not remember whether or not it drifted? 11 A. It did drift, because both vessels did bounce back upon 12 the collision. 13 MS LOK: Thank you. I have no further questions. 14 MR BERESFORD: No re-examination, Mr Chairman. 15 THE CHAIRMAN: Madam Lam, your evidence is now complete 16 Thank you for coming to assist the tribunal by giving 17 testimony. 18 A. (In English) Thank you. 19 THE CHAIRMAN: Since clearly you have other duties to 20 perform, you're free to go. 21 (The witness withdrew) 22 THE CHAIRMAN: We'll resume at 2.30 this afternoon. 23 (1.12 pm) 24 (The luncheon adjournment) 25 (2.30 pm)</p>

Page 65	Page 67
<p>1 THE CHAIRMAN: Yes, Mr Beresford. 2 MR BERESFORD: Mr Chairman, the next witness is Mr Chiu 3 Ping-chuen. 4 MR CHIU PING-CHUEN (sworn in Punti) 5 (All answers via interpreter unless otherwise indicated) 6 Examination by MR BERESFORD 7 MR BERESFORD: Mr Chiu, thank you very much for coming this 8 afternoon. 9 I believe you've given a previous statement to the 10 police, which is to be found in bundle A2 at page 520. 11 There's a second, longer statement at page 523. The 12 translations for those following the English, are at 13 pages 532-1 to 532-13. 14 Mr Chiu, have you had an opportunity to refresh your 15 memory of the content of these statements? 16 A. Yes. 17 Q. And do you have any amendment to make? 18 A. Yes. 19 Q. Could you tell us what it is, please? 20 A. On page 5. 21 Q. There are two statements, Mr Chiu. One is dated 22 2 October and one is dated 6 October. I assume that 23 you're referring to the one dated 6 October; is that 24 right? 25 A. Yes.</p>	<p>1 A. Yes. Two years and 10 months. 2 Q. I'm sorry, that's your daughter. I'm misreading the 3 statement. Is that your daughter? 4 A. Yes. Chiu Chung-yan is my daughter. 5 Q. Your friend's son, Wong Sheung-pan? 6 A. Yes. 7 Q. Also aged two? 8 A. Yes. Two years old and five months. 9 Q. Your friend Wong Ching-hung? 10 A. Yes. 11 Q. Another friend, Fan Er-hong? 12 A. Yes, his wife. 13 Q. And your elder sister, Chiu Siu-king, who unfortunately 14 is deceased? 15 A. Yes. 16 Q. Mr Chiu, you boarded the vessel originally in Central in 17 the afternoon, and your younger brother reported the 18 names of your group to the staff members of his company. 19 He had registered you as "Chiu Ping-chuen", six people, 20 as two children would be counted as one adult; is that 21 correct? 22 A. Yes. 23 Q. I'm going to read from your statement to save me having 24 to ask you a series of questions. If there is anything 25 inaccurate about it, then please interrupt me and let me</p>
Page 66	Page 68
<p>1 Q. What is the amendment you wish to make? 2 A. At about line 9 to 10, in fact when I fell into the sea, 3 I was dragged to the bottom of the sea by a whirlpool. 4 Also at that time, I was carrying a very heavy knapsack. 5 So when I sank to the bottom of the sea, my ear hurt 6 badly. It was after I struggled very hard that 7 I managed to float to the surface of the sea. 8 That's all. 9 Q. Right. Thank you, Mr Chiu. 10 Subject to that amendment, are the contents of these 11 statements true? 12 A. Yes. 13 Q. Mr Chiu, you're aged 51? 14 A. Yes. 15 Q. And you're an editor of the Ming Pao newspaper; is that 16 right? 17 A. Yes. 18 Q. You've been educated to tertiary level? 19 A. Yes. 20 Q. On that day, on 1 October, you had six companions, 21 I believe. There was your wife, Madam Chen Mao-rong? 22 A. Yes. 23 Q. Your daughter's friend, Chiu Chung-yan? 24 A. Yes. 25 Q. Aged two.</p>	<p>1 know. 2 A. Yes. 3 Q. I'm going to read from the paragraph beginning "Having 4 got on board the vessel". 5 I'm sorry, I'm getting ahead of myself. I'm going 6 to read, if the Chairman approves, "I remember that from 7 the time when I got on board the vessel", over the page. 8 "I remember that from the time when I got on board 9 the vessel in Central Pier and the vessel departed, to 10 the time when I got off the vessel, none of the staff 11 members of the Hongkong Electric Company Ltd or the crew 12 members of the vessel introduced the life-saving 13 facilities or the way of putting on life jackets to us. 14 There was not any instruction that children had to put 15 on life jackets. Escape way or route was never 16 mentioned. When I got on board the vessel in Central, 17 I saw 8 columns of red lifebuoys in four rows piled up 18 in the rear part on the upper deck. I did not see any 19 rescue facilities under the bench on which I was 20 sitting. 21 When I was waiting on the vessel during the return 22 trip, I saw some red life jackets wrapped by white 23 plastic bags in a number of rows under the benches in 24 the middle of the upper deck. Still, nobody explained 25 to us about the rescue facilities or the escape route.</p>

<p style="text-align: right;">Page 69</p> <p>1 Around 8.15 pm that day, our vessel started to 2 depart from the pier of Hongkong Electric Company Ltd on 3 Lamma Island and it travelled slowly. At that time, 4 there were many people [over 100] on the vessel. During 5 the time when the vessel started to travel, the lights 6 in the cabin was turned off. As my daughter was 7 frightened, my whole family and the family of my friends 8 went to the rear of the upper deck where we joined my 9 elder sister and the wife of my friend and stood near 10 the lifebuoys. There was seating on the deck [in a 11 vertical position in the middle] but it was full. All 12 of us were standing. At that time, I did not notice if 13 there was any rescue facility under the benches. Nobody 14 told us about the rescue facility or the escape route." 15 Pausing there, Mr Chiu. If I may draw your 16 attention to a seating plan of the Lamma IV. When you 17 say that there was seating on the deck in a vertical 18 position in the middle, but it was full, are you 19 referring to what is marked on the plan as "bench 2" and 20 "bench 3"? 21 A. All the benches, 1, 2 and 3, were full. 22 Q. So you stood between those benches and the life rings at 23 the stern; is that correct? 24 A. Yes. 25 Q. Thank you. So, continuing reading:</p>	<p style="text-align: right;">Page 71</p> <p>1 vessel. Please send somebody to help us as soon as 2 possible.' Then, the said staff member came to the 3 position where lifebuoys were placed at the stern of the 4 vessel to unpack the lifebuoys. He then distributed 5 lifebuoys to me and other people and I passed lifebuoys 6 to my family members and friends. [At that time, the 7 said staff member was wearing a blue T-shirt with a 8 'Power Assets' logo on the chest. He is aged about 30, 9 medium-build, 5'9" tall.] 10 At that time, when I was passing lifebuoys to my 11 family members, I [facing the bow of the vessel] saw 12 that on the left side of the stern of the vessel there 13 was a very big vessel sticking to our vessel. 14 I believed it's the bow of that vessel which stuck into 15 our vessel. The two vessels stuck together. There was 16 a very strong beam of spotlight on me. At that time, I 17 took out a Samsung R smart phone from the left front 18 pocket of the jeans which I was wearing and took a snap 19 of the direction of the collision part of the vessel. 20 I did not know what image was captured. As the 21 situation was dangerous at that time, I put it back to 22 the front pocket of my jeans after having taken a photo. 23 At that time, I saw that the stern of the vessel was 24 near the sea and there was seawater surging into the 25 vessel. I felt that the stern of the vessel was</p>
<p style="text-align: right;">Page 70</p> <p>1 "That day, during the time when the vessel started 2 travelling, the weather was good. There was not big 3 wave in the sea and there was a light breeze. I did not 4 see any vessel near our vessel. There were spotlights 5 on the upper deck at that time and it was bright. The 6 visual field and the visibility were very good. At that 7 time, I could see the situation of the sea in over 8 100 metres away. 9 After the departure, my back was facing the bow of 10 the vessel and I was looking at the sea behind the 11 vessel. [At that time, I was standing at the stern of 12 the vessel.] Around 5 minutes after the departure 13 [a very short period of time], I suddenly heard and felt 14 a huge noise 'Pang'. The force of the impact was so 15 great that I fell backward and slipped beneath the 16 benches. At that time, I felt a little bit dizzy but 17 I was conscious. I immediately climbed to get up and 18 found that my right forearm was painful and weak. 19 I felt that it was around 1 minute from the time when 20 I fell to the time when I got up. 21 When I got up, I heard that a staff member of the 22 Hongkong Electric Company Ltd made a phone call to make 23 a report to the police. The brief contents were, 'It is 24 the sea off Lamma Island and there is a vessel 25 collision. There are over a hundred people on the</p>	<p style="text-align: right;">Page 72</p> <p>1 slanting toward the sea and sinking. Suddenly, 2 I slipped downwards into the sea and sank. During the 3 time when I slipped into the sea, I saw that the 4 opposite vessel left. [I am not sure how the opposite 5 vessel left, whether it moved backward due to the force 6 of impact after the collision or it was steered 7 backwards.]" 8 Pausing there, Mr Chiu. That is the point that you 9 made the amendment to say that you were dragged under by 10 a whirlpool and you were also wearing a heavy knapsack; 11 is that right? 12 A. Yes. 13 Q. To continue, then: 14 "Besides, when I slipped into the sea, I saw that my 15 elder sister was holding a lifebuoy and slipping. After 16 having sunk, I could not see her. I struggled in the 17 sea. As I know how to swim, I kept stepping. During 18 that time, I caught a lifebuoy and put it on me and 19 I floated above water. I saw my daughter being rescued 20 by Lamma II, another vessel of Hongkong Electric Company 21 Ltd. [My daughter wore a pair of red trousers that 22 day.] 23 While floating in the sea, I saw a female in middle 24 age [aged around 30, a Chinese, I can't remember her 25 clothing] next to me holding a lifebuoy but she could</p>

<p style="text-align: right;">Page 73</p> <p>1 not put it on her. The distance between us was around 2 one arm's length. I, therefore, dragged her and helped 3 her to put on the lifebuoy. The two of us were close to 4 each other. I also saw a male in middle age [aged 5 around 50, wearing clothes in light colour, a Chinese, 6 I can't remember other details.] floating in the sea 7 without any lifebuoy. We were near. I swam and 8 supported the head of the male with my right hand. 9 I told him not to drink water or sink but to hold on. 10 The three of us were close to each other by two 11 lifebuoys. The said male became unconscious and we were 12 floating above water. 13 The people on Lamma II threw rope to us but we could 14 not catch it. I then dragged the two of them and kept 15 swimming towards Lamma II. When we were near Lamma II, 16 somebody on the vessel released two ladders and climbed 17 down the ladders to help to catch the male. I supported 18 the male to climb up. After the male had been rescued, 19 I supped the female to climb up. I, then, climbed up to 20 the vessel. 21 Having got on Lamma II, somebody gave us plastic 22 bags to warm ourselves. I refused as I had to look for 23 my wife and daughter. At that time, I saw that the 24 whole family of my friend were on Lamma II. My friend 25 and his wife were vomiting and their son was being held</p>	<p style="text-align: right;">Page 75</p> <p>1 of my daughter was not good and she had to stay in the 2 intensive care unit for observation. I received 3 treatment and took an X-ray in the A&E department. 4 I suffered from fracture on my right forearm and it was 5 in plaster. There were also injuries on my left elbow, 6 upper arm, right front chest, left shoulder and left 7 leg. I stayed in the hospital and was discharged around 8 1 am on 2 October 2012." 9 Then you address certain points about the vessel and 10 its sailing. You said that you could see from where you 11 were sitting on the trip from Central that there were 12 crew members working in the wheelhouse, and also during 13 the return trip when you set off from Lamma Island, you 14 saw people in the wheelhouse and you believed they were 15 crew members. 16 You said "the weather was fine and there was not big 17 wave in the sea. The speed of the vessel was not high." 18 "Before the collision, I did not feel that the 19 vessel turned or reduced speed suddenly. The incident 20 happened suddenly. My back was facing the bow of the 21 vessel. After the collision, apart from a staff member 22 of Hongkong Electric Company Ltd making a report to the 23 police and distributing lifebuoys, I did not see any 24 crew members giving instructions to us or other 25 passengers on the vessel."</p>
<p style="text-align: right;">Page 74</p> <p>1 in arms by a female. I also saw that my daughter was 2 also being held in arms by another female. At that 3 time, the clothes of my daughter had been taken off and 4 she was wrapped by other clothes. My wife was also on 5 the vessel, vomiting seriously. I did not see my elder 6 sister on the vessel and nobody on the vessel knew her 7 whereabouts. They just said that they had rescued all 8 of the people whom could be rescued. I used somebody's 9 phone to call my younger brother, telling him that 10 I could not find our elder sister. I told him to pay 11 attention. I asked the crew members of Lamma II about 12 the situation of my eldest sister and they replied that 13 the rescuer and other vessels were still rescuing 14 people. 15 When I was in the sea, I just saw Lamma II but did 16 not notice other vessel. Having got on Lamma II for 17 around five minutes, I saw rescuers of Marine Police and 18 the Fire Services Department coming to Lamma II for 19 triage treatment. I saw the rescuers putting oxygen 20 masks, bandaging and checking pulse for the victims. 21 My wife and daughter were in class (1) red." 22 You then go on to deal with your and your family's 23 visit to the hospital. As to injuries, you told the 24 police: 25 "After diagnosis, the doctor said that the condition</p>	<p style="text-align: right;">Page 76</p> <p>1 Then you say that when you tried to recover the 2 photograph, no image could be seen. 3 Mr Chiu, that's your evidence. I don't believe 4 I have any supplemental questions for you, so perhaps if 5 you'll wait there. 6 THE CHAIRMAN: Mr McGowan? 7 MR McGOWAN: I don't have any questions. I would like to 8 just offer Mr Chiu condolences on the loss of his 9 sister. 10 THE CHAIRMAN: Yes. 11 MR McGOWAN: Mr Chiu, I am representing Hongkong Electric 12 Company and the crew of the Lamma IV. Although I have 13 no questions for you, I would wish to offer you their 14 condolences for the loss of your sister that afternoon. 15 Thank you. 16 MR SUSSEX: Mr Chairman, with the leave of the tribunal, 17 I'd like to ask some questions relating to what this 18 witness actually witnessed of the collision, and the 19 separation of the vessels. 20 THE CHAIRMAN: Yes. Please do. 21 Examination by MR SUSSEX 22 MR SUSSEX: Mr Chiu, you said in your longer statement that 23 you were standing at the stern of the vessel, your back 24 was facing the bow of the vessel, so you were looking 25 over the stern, and you were looking at the sea behind</p>

<p style="text-align: right;">Page 77</p> <p>1 the vessel; is that right? 2 A. Yes. 3 Q. You then say that after about five minutes following the 4 departure from Lamma, you "suddenly heard and felt 5 a huge noise, 'Pang'". 6 A. Yes. 7 Q. So is it your evidence that you didn't actually see the 8 collision, the moment of collision? 9 A. I was at the right-hand side and I was looking at the 10 back. After the collision, I fell down onto the ground 11 and actually slipped underneath a bench. 12 Q. Are you able to identify which bench it was you slipped 13 underneath? 14 A. (In English) Bench 4. 15 Q. So you slipped underneath bench 4. As I understand it, 16 then, you merely heard the collision and you were 17 knocked backwards under bench 4? 18 A. (In English) Yes. 19 Q. So you didn't actually see the collision? 20 A. I managed to catch a glimpse of the collision with my 21 right eye. 22 Q. I see. So are you saying that before you slipped under 23 bench 4, you did see something? Or when did you see 24 this? 25 A. The collision took place at the side of my right eye,</p>	<p style="text-align: right;">Page 79</p> <p>1 indicating to the side of the life raft on the starboard 2 side of the vessel. 3 THE CHAIRMAN: Thank you. 4 MR SUSSEX: The stern, yes. 5 You said that you think that you were on the ground 6 for about a minute? 7 A. Yes, about one minute. 8 Q. Is it possible that your estimate of time in the 9 slightly dizzy condition could be inaccurate? 10 A. I think it is correct. 11 Q. You say: 12 "... when I was passing lifebuoys to family members, 13 I ... saw that on the left side of the stern of the 14 vessel there was a very big vessel sticking to our 15 vessel". 16 A. Yes. While I was distributing the buoys, the ship was 17 sticking onto our vessel. 18 Q. You say "There was a very strong beam of spotlight on 19 me". Was that spotlight coming from the other vessel? 20 A. I'm not sure. 21 Q. Was that spotlight blinding? 22 A. No. 23 Q. What I want you to do is describe for us why it is that 24 you say "The two vessels stuck together". 25 A. From what I could see with my naked eyes, the collision</p>
<p style="text-align: right;">Page 78</p> <p>1 and I saw it at the moment of the collision. 2 Q. So are you saying that you saw from the side -- you 3 caught a glimpse from the side of the collision? 4 A. I was standing on the starboard quarter, near the stern. 5 I saw the vessel colliding into our vessel from the 6 right-hand side, and at that time I was facing the 7 stern. After the collision I was knocked down and 8 slipped under bench 4. 9 MR SUSSEX: Right. Could I just ask who's moving the 10 cursor? It's not the witness who's indicating any 11 position with a cursor, is it? The secretary, right. 12 I'm bound to say I'm not quite certain where you 13 were standing. Could you perhaps be more specific as to 14 where you were standing before you were aware of the 15 collision? 16 A. (Indicates). 17 MR SUSSEX: Thank you for that. 18 THE CHAIRMAN: Could you put that onto the record, 19 Mr Sussex, as to where the witness demonstrated. 20 I didn't see it. 21 MR BERESFORD: Mr Chairman, there is a plan which the 22 witness marked at page 522. 23 THE CHAIRMAN: He just demonstrated something in the 24 hearing, and that's what I want on the record. 25 MR SUSSEX: Mr Chairman, my understanding was he was</p>	<p style="text-align: right;">Page 80</p> <p>1 took place on my opposite side and the position was 2 very, very close. 3 Q. Right. So are you saying that your impression was that 4 the vessels were sticking together because the other 5 vessel was very close? 6 A. Probably because there's a distance between me and it, 7 so from what my naked eye could see, I feel like they 8 are stuck together. 9 Q. But you can't be certain, can you, that they were 10 physically stuck to one another? 11 A. Yes. 12 Q. So you're agreeing with me that you can't be certain; is 13 that right? 14 A. Yes, you can put it that way. 15 MR SUSSEX: Thank you very much. 16 MS LOK: Mr Chairman, just two short questions on the same 17 subject. 18 THE CHAIRMAN: Yes, very well. 19 Examination by MS LOK 20 MS LOK: Mr Chiu, you mentioned in your statement that after 21 you saw the vessels stuck into each other which you have 22 just explained, you mentioned that you saw the opposite 23 vessel left. Then you explained: 24 "I am not sure how the opposite vessel left, whether 25 it moved backward due to the force of impact after the</p>

<p style="text-align: right;">Page 81</p> <p>1 collision or it was steered backwards". 2 A. I feel that it steered backwards. 3 Q. Why do you say so? 4 A. Because it was moving. Its light was moving. 5 Q. Did you hear any sound of engine? 6 A. Yes. 7 Q. From where? 8 A. Should be from that vessel. 9 Q. Let's put the time one moment before, at the time of the 10 collision. When you were distributing the lifebuoys, 11 did you observe or do you remember now where was the bow 12 of Lamma IV pointing? 13 THE CHAIRMAN: This is at the time after the collision when 14 he's helping distribute lifebuoys? 15 MS LOK: That's correct. 16 THE CHAIRMAN: Which direction was the bow of the Lamma IV? 17 MS LOK: Yes. 18 A. It should be at my back, near the crew of Hongkong 19 Electric who distributed the buoys. I was facing the 20 stern. 21 Q. So when you were facing the stern, can you now tell us 22 where you were facing? 23 A. I was facing the back of the buoys. 24 Q. But in terms of the direction, can you help us whether 25 that was, for example, towards the direction of Central</p>	<p style="text-align: right;">Page 83</p> <p>1 A. I was facing the buoys. I didn't manage to grab it, so 2 I slipped. 3 THE CHAIRMAN: You were facing towards the part of your 4 vessel that had been hit; is that what you're saying? 5 A. The stern. I was facing the stern. 6 THE CHAIRMAN: Because you were facing that way, you could 7 see this other vessel moving away? 8 A. Yes. 9 MR BERESFORD: May I just clarify that. You say you were 10 facing the stern, but you were pointing at this long 11 line at the top of the seating plan (indicates), which 12 is what we would call the port side of the vessel. Were 13 you facing the port side or the stern, which is this 14 short end here? 15 A. The side, the port side quarter of the vessel, because 16 at that time we were already sinking and we were very 17 close to the water. I could see very clearly that the 18 vessel steered -- has left. 19 Q. My second question arising out of that statement is that 20 you said: 21 "I am not sure how the opposite vessel left, whether 22 it moved backward due to the force of impact after the 23 collision or it was steered backwards." 24 That suggests, does it not, that if it moved 25 backwards or could have moved backwards due to the force</p>
<p style="text-align: right;">Page 82</p> <p>1 or Lamma Island? 2 A. Should be the direction of Lamma Island. 3 Q. So you were facing the stern, and you were facing Lamma 4 Island? 5 A. Yes. 6 MS LOK: I have no further questions. 7 THE CHAIRMAN: Mr Beresford? 8 MR BERESFORD: Just one question, if I may, Mr Chiu, arising 9 out of Mr Sussex's questioning on the disengagement of 10 the two vessels. 11 Further examination by MR BERESFORD 12 MR BERESFORD: You said in your statement, if I may remind 13 you: 14 "Suddenly, I slipped downwards into the sea and 15 sank. During the time when I slipped into the sea, 16 I saw that the opposite vessel left. [I am not sure how 17 the opposite vessel left, whether it moved backward due 18 to the force of impact after the collision or it was 19 steered backwards.]" 20 Do you recall that? 21 A. Yes. 22 Q. So if you were in the process of slipping into the sea, 23 how did you see the opposite vessel leaving? 24 A. Because I was facing that direction (indicates). 25 Q. You were facing the --</p>	<p style="text-align: right;">Page 84</p> <p>1 of the impact, that the two vessels were not together 2 for very long? Is that right, or can you give us some 3 indication of how long they were stuck together, if you 4 like? 5 THE CHAIRMAN: Well, he's already told us that he's not 6 certain they were stuck together. 7 MR BERESFORD: Perhaps "stuck together" is the wrong -- how 8 long they were close together? 9 A. It should be very brief. 10 MR BERESFORD: Okay. Thank you, Mr Chiu. I have no further 11 questions. 12 Questions by THE COMMISSION 13 THE CHAIRMAN: Mr Chiu, you've told us that all the seats on 14 that open stern upper deck were full when you and your 15 family and friends arrived there. 16 A. Yes. 17 THE CHAIRMAN: So that you stood in the position that you've 18 told us. We've heard evidence that other people were 19 standing in that area; that is to say, on that open 20 deck. 21 A. Yes. 22 THE CHAIRMAN: Can you help us by estimating how many people 23 there were, you think, standing rather than sitting, in 24 the open upper deck? 25 A. I believe that it was about 20 to 30 people.</p>

<p style="text-align: right;">Page 85</p> <p>1 THE CHAIRMAN: Thank you. Your evidence is complete. We 2 thank you for coming to assist the Commission in 3 discharging its duties, and we offer you our condolences 4 for the loss of your sister's life. Thank you for 5 giving evidence. You are free to go, but of course you 6 may remain and sit in the public gallery if you wish. 7 A. (In English) Thank you. 8 (The witness withdrew) 9 THE CHAIRMAN: Yes, Mr Beresford. 10 MR BERESFORD: Mr Chairman, I call Chan Wing-hang. 11 MR CHAN WING-HANG (affirmed in Puntì) 12 (All answers via interpreter unless otherwise indicated) 13 Examination by MR BERESFORD 14 MR BERESFORD: Mr Chan, thank you very much for coming today 15 to help the Commission. 16 I believe you've given a previous statement to the 17 police in this matter, which is at bundle A1. In fact, 18 there are three statements, items 20, 20A and 20B. 19 Pages 183-185; 186-198; and 199-202. 20 Could the witness please be shown those statements. 21 A. Yes, correct. 22 Q. Mr Chan, have you had an opportunity to refresh your 23 memory as to the content of those statements? Have you 24 been shown those statements today? 25 A. Yes, I have reviewed them all.</p>	<p style="text-align: right;">Page 87</p> <p>1 Q. Those who worked for the? 2 THE INTERPRETER: "Tours". 3 MR BERESFORD: For the tours. For the recreation 4 department? 5 A. When I say "those who worked", I refer to the people who 6 worked for this tour. 7 A. (In English) Yes. 8 Q. Yes. Thank you, Mr Chan. 9 I'm going to read from your statement to save asking 10 you a long series of questions. If there is anything 11 that you believe is inaccurate, then please let me know. 12 We are conscious that the third statement amends in 13 certain respects the second statement that you made, but 14 I'm going to be reading primarily from the second 15 statement. 16 A. I understand. 17 Q. I'm going to read from the second sentence of 18 paragraph 4, so if the Chinese can be shown on the 19 screen. 20 "After my family members and I had had the meal, at 21 about 7.45 pm the same day [that's 1 October 2012], we 22 were on board a vessel known as Lamma IV getting ready 23 to go to Victoria Harbour for watching fireworks. When 24 it's almost 8 pm the same day, a male captain surnamed 25 Chow appeared and told the passengers that there were</p>
<p style="text-align: right;">Page 86</p> <p>1 Q. Do you have any amendment you would wish to make to any 2 of those statements? 3 A. No. 4 Q. Are the contents of those statements true? 5 A. Yes. 6 Q. Mr Chan, you're aged 59, and an engineer of Hongkong 7 Electric Company, is that right? 8 A. Correct. 9 Q. You've completed post-secondary education in Hong Kong? 10 A. Correct. 11 Q. The events in question, on the day of 1 October, you 12 were travelling with your family members, your wife Ho 13 Miu-lan -- 14 A. Correct. 15 Q. -- your son, Chan Lap-kei -- 16 A. Yes. 17 Q. -- and your daughter Chan Kin-yan? 18 A. Yes, correct. 19 Q. For your wife and children, you had to buy tickets at 20 \$100 per head; is that right? 21 A. Yes. All those who participated needed to pay \$100, 22 except the staff members. 23 Q. Thank you. 24 A. (In English) Not staff members, but those who worked for 25 the tours.</p>	<p style="text-align: right;">Page 88</p> <p>1 big waves and strong wind in Victoria Harbour, so he did 2 not want to go and wait at Victoria Harbour too early 3 because he worried that some passengers on board might 4 have seasick. Hence, he would start the vessel later. 5 According to my knowledge, Lamma IV should set off at 6 8 pm actually. The captain did not further tell us what 7 time the vessel would depart. Since I usually went to 8 work by vessel arranged by my company, either Lamma IV 9 or Lamma II, I knew who the captain of Lamma IV was and 10 he was surnamed Chow. Then, I thought that it's about 11 15 minutes later when the Lamma IV set off. Having been 12 sailing about 5 minutes, I suddenly felt that the vessel 13 Lamma IV that I was on board was strongly collided. My 14 family members also fell on the deck of the vessel. At 15 that moment, my family members and I, four of us, sat on 16 a row of bench on the open upper deck starboard stern of 17 Lamma IV ..." 18 You there refer to a plan annexed to your statement. 19 May I refer you, Mr Chan, to a seating plan we've been 20 looking at. 21 A. Yes, I have seen it and I understand. 22 Q. When you say "four of us, sat on a row of bench on the 23 open upper deck starboard stern of Lamma IV", is that 24 bench 4 or one of the other benches? 25 A. (In English) Correct.</p>

<p style="text-align: right;">Page 89</p> <p>1 Q. Bench 4? 2 A. Yes, correct. Bench 4. 3 Q. Thank you. 4 "After that, I helped my wife to get up. I also saw 5 a passenger lying near me. His family members were 6 continuously crying 'help', and shouted to wake him up 7 and asked someone to call the police. On the other 8 hand, I also saw that there was a boat stopped on the 9 portside stern of our vessel with its bow facing the 10 portside stern of our vessel. It's unreasonably close 11 to our vessel Lamma IV. At that time, I only knew that 12 the vessel was a catamaran. Next day, when I went home 13 and watched TV news report, then I knew that the vessel 14 was called Sea Smooth. Then, I helped my wife to get 15 up. After that, I went over to take a look at the 16 passenger, an old man, lying near me. However, when I 17 heard my children shouting loudly that the vessel began 18 to speak, I immediately dragged my wife into the upper 19 deck of the cabin to take a life jacket; on the other 20 hand, I also felt that Lamma IV was sinking. After my 21 wife and I had arrived at the upper cabin, I took a life 22 jacket, and then I heard a big sound of explosion. 23 Later, I suddenly got a black-out and I felt lots of 24 things and people stacked on my body. I sensed that 25 I needed to push away all those things. After that, I</p>	<p style="text-align: right;">Page 91</p> <p>1 the direction of light. Later, my wife and I were 2 rescued by a firefighting vessel. The firemen gave my 3 wife and me initial medical treatment and also comforted 4 us. At that time, I found that my four limbs got 5 abrasion. After that, my wife and I had been waiting 6 for about 2 hours on board the firefighting vessel. We 7 were then arranged to go on shore via Hongkong Electric 8 Company's pier at Hoi Yee Fa Yuen (sic). Furthermore, 9 my wife and I were sent to Queen Elizabeth Hospital for 10 medical treatment. After being treated, I myself was 11 discharged right away. But my wife was admitted to 12 hospital for further treatment, because my wife was 13 found with higher cardiac enzymes after physical 14 examination. When I was on the way to the hospital by 15 ambulance, I borrowed a mobile phone from an 16 ambulanceman. I phoned to ask my younger brother about 17 the couple of my kids. Then, my younger brother told me 18 that my children were rescued safely. I could then be 19 relaxed." 20 Mr Chan, you were then asked some questions. You 21 were asked if you saw any instructions or introductions 22 of life-saving facilities and an escape route plan on 23 the vessel, and you said you didn't notice any. 24 A. The crew didn't make any introduction of the instruction 25 of the life-saving facilities and escape route on that</p>
<p style="text-align: right;">Page 90</p> <p>1 swam back to the sea surface, but I saw that the whole 2 cabin had already sunk into the sea vertically. I was 3 totally trapped in the cabin, but not completely downed. 4 I could still breathe. On the other hand, I tried my 5 best to get hold of my wife, because my wife did not 6 know how to swim. About 10 minutes later, I found some 7 light shining into the cabin. Right at the time, 8 I again felt that the vessel began to sink. Thus, my 9 wife and I carried on lifting up our heads to keep 10 breathing and to prevent us from drowning, waiting for 11 rescue. About 25 minutes later [my own feeling of the 12 dimension of time], I saw a fireman breaking the glass 13 window on my right side, that is starboard cabin, and 14 then I saw the fireman riding on an edge of the window. 15 Then, I heard a big noise. I believed that it's some 16 object like stool falling down. Following that, I found 17 that the passengers around me swam towards the broken 18 window slowly one by one. Thus, my wife and I, together 19 with a life jacket [that I had put on] also followed the 20 other passengers to swim out of the cabin. Before 21 swimming out of the cabin, I heard a male's voice that 22 was believed to be captain saying sorry to everyone. 23 Then, I swam out of the cabin and got hold of a rope of 24 the cabin of Lamma IV. However, I felt that the vessel 25 began to sink again. Thus, I swam with my wife towards</p>	<p style="text-align: right;">Page 92</p> <p>1 day. But there were indications of the locations of the 2 life jackets and the escape route on the ship, and also 3 the way to use the life jackets. 4 Q. Yes. In fact you have said in your third statement at 5 paragraph 4 that there were pictures showing how to wear 6 a life jacket and a fire escape route plan. 7 A. Yes. There were pictures showing the method of putting 8 on life jackets and the plan of the escape route on 9 board the ship. 10 Q. Thank you. Then you were asked if you knew where the 11 life jackets were put, and you said yes, they were put 12 under the stairs? 13 A. Yes, correct. 14 THE CHAIRMAN: Under the chairs rather than stairs. 15 MR BERESFORD: I thought I said chairs, Mr Chairman. I'm 16 sorry. 17 THE CHAIRMAN: Have a look at the transcript. You'll see 18 that you didn't. 19 MR BERESFORD: I might take issue with the shorthand writer 20 THE CHAIRMAN: No, that's what I heard as well, and so 21 I looked at the transcript. 22 MR BERESFORD: Then I apologise to everyone. Certainly the 23 statement says "chairs". 24 You were asked if you wore a life jacket during the 25 vessel collision, and you replied "Yes"?</p>

<p style="text-align: right;">Page 93</p> <p>1 A. I didn't say that I was wearing a life jacket during the 2 collision. It was after we knew that the ship was going 3 to sink that I and my wife went back to the cabin to 4 retrieve the life jackets. 5 Q. Yes, I see. Then you go on to say: 6 "When I was trapped in the cabin in the sea, I wore 7 (it)." 8 A. You can barely say so, because when I floated up to the 9 surface of the sea, I was still holding the life jacket. 10 I wanted to put it on, but it was very difficult to put 11 on the life jacket in the water. 12 Q. I see. Thank you. Then you were asked about the 13 visibility of the sea at the time, and you said: 14 "It's dark. I did not pay attention to the 15 situation of the sea." 16 A. Correct. 17 Q. And you said: 18 "The sea was calm." 19 A. Yes. I felt that it was very calm, because I took 20 a boat ride very often and that night was a calm one. 21 THE CHAIRMAN: When you say you took a boat ride very often, 22 you took this and Lamma II, these two vessels, to and 23 from work very often; is that what you're saying? 24 A. Correct. 25 THE CHAIRMAN: Would that be daily, when you were working?</p>	<p style="text-align: right;">Page 95</p> <p>1 were when you were rescued, and you said that you were 2 on the port side near the ceiling window in the cabin. 3 A. At that time I was not yet rescued. I was trapped in 4 the cabin. When the ship sank, my wife and I retrieved 5 the life jacket and we pushed away the items that 6 trapped us, and we floated up to the water surface. At 7 that time, we found that we landed on the port side near 8 the ceiling. 9 Q. Can you give some indication on the plan? Do you know 10 whereabouts that might have been? 11 A. (In English) When we go up above the water, we are -- 12 I and my wife was nearly in this position. 13 THE CHAIRMAN: Can you just read out the seat number where 14 you -- do you see the numbers? 15 A. (In English) I cannot locate the exact number of the 16 seat. 17 THE CHAIRMAN: I follow that, but give us an idea. 18 A. (In English) Around here. 19 THE CHAIRMAN: Can you read the number out? 20 A. (In English) 19-20. 21 THE CHAIRMAN: 19-20. Thank you. 22 MR BERESFORD: Is that where you were when the fireman broke 23 the window? 24 A. Yes, it was through the window, but the fireman broke 25 open the window on the right-hand side so my wife and</p>
<p style="text-align: right;">Page 94</p> <p>1 A. Correct. Because I work in Lamma Island. 2 THE CHAIRMAN: Thank you. 3 MR BERESFORD: Then, unless anybody else wants me to refer 4 any of these other questions, I'm going to jump to 5 question 14. 6 MR McGOWAN: What about question and answer 9? 7 MR BERESFORD: Question 9. You were asked: 8 "Before the vessel collided, did Lamma IV change the 9 vessel speed? 10 Answer: The vessel speed was slow before leaving 11 the typhoon shelter. After leaving the typhoon shelter, 12 the vessel speed was normal." 13 A. Correct. 14 Q. Then at question 13, you were asked: 15 "After the accident had occurred, did the two 16 material vessels, that is, Lamma IV and Sea Smooth, 17 cling together? 18 Answer: I am not sure if they clung together or 19 not, but the two vessels were unreasonably close to each 20 other." 21 A. Because at that time I was sitting at the starboard 22 side, and the vessel collided into us from the port 23 side. After the collision, I didn't go over to the port 24 side so I don't know whether they were stuck together. 25 Q. Thank you. Then you were asked in what position you</p>	<p style="text-align: right;">Page 96</p> <p>1 I had to cross over the boat, the vessel, in order to 2 escape from the window. 3 Q. Yes. The fireman broke the window on the starboard 4 side, so you had to cross the cabin? 5 A. Correct. 6 MR BERESFORD: Thank you, Mr Chan. If you'll wait there, 7 please. 8 MR McGOWAN: Sir, could I ask a couple of questions. One is 9 relating to which way Mr Chan was facing at the time of 10 the collision, and the other one is whether he could 11 help us with what he means by "explosion" in his witness 12 statement. 13 THE CHAIRMAN: Yes, please do. 14 MR McGOWAN: Thank you. 15 Examination by MR McGOWAN 16 MR McGOWAN: Mr Chan, just a couple of points. 17 Which way were you facing when you were sitting on 18 bench 4 before you became aware of the collision, 19 please? 20 A. After I felt the vibration of the collision, I was 21 originally sitting on the first seat on the left-hand 22 side of bench 4. After the collision, I found that 23 I had moved to the right-most seat on bench 4 and my 24 family all fell onto the ground by the side of bench 4. 25 Without noting the situation on the vessel,</p>

<p style="text-align: right;">Page 97</p> <p>1 I immediately helped my family members to get up. But 2 I could see a catamaran which was very near to the port 3 side, and I believe that it could be very close to the 4 hull of the vessel. 5 Q. Yes. Mr Chan, just before you became aware that the 6 collision happened, were you facing inboard or outboard 7 on bench 4? Looking out towards the sea on your side of 8 the vessel, or facing towards bench 3, please? 9 A. I don't remember clearly, because at that time I might 10 be chatting with my family or looking at any direction 11 of the sea. But I'm sure that I didn't see the vessel 12 that was close to us. 13 Q. Right. And you were unaware of any alteration of course 14 by Lamma IV before the collision? 15 A. I don't feel it. 16 Q. Right. The other point that I'd just be grateful if you 17 could help us with. In your statement at paragraph 4, 18 which in English appears on page 202-6, you mention the 19 word "explosion". It's in the sentence which starts: 20 "After my wife and I had arrived at the upper cabin, 21 I took a life jacket, and then I heard a big sound of 22 explosion." 23 A. Yes, correct. Yes, I suspect that it was because water 24 went into the engine room of Lamma IV and caused the 25 explosion.</p>	<p style="text-align: right;">Page 99</p> <p>1 a few questions to explain and clarify paragraph 4 of 2 his statement. 3 THE CHAIRMAN: As to which issue? 4 MS LOK: As to two issues. The first is the situation of 5 the open deck before the collision; and secondly, as to 6 the blackout and the falling of objects. 7 THE CHAIRMAN: Yes, very well. 8 Examination by MS LOK 9 MS LOK: Mr Chan, before the collision, when you were aboard 10 Lamma IV, you told us that you and your family members, 11 the four of you, sat on bench 4? 12 A. Correct. 13 Q. Were there any other people sitting on bench 4 apart 14 from you four? 15 A. No, because the bench was just enough for the four of 16 us. 17 Q. Did you observe as to the seating at benches 1, 2 and 3; 18 how many people were they accommodating at the time? 19 A. They were all occupied. There were four people each on 20 bench 1 and bench 4, and there were more people on 21 benches 2 and 3, but I don't remember exactly how many 22 people were there. But there were no empty seats. 23 Q. As to the people standing in the open deck, can you help 24 us with about how many people were there standing? 25 A. About 20 people. I don't remember the exact number.</p>
<p style="text-align: right;">Page 98</p> <p>1 Q. Do you mean there was a bang? What exactly -- 2 A. (In English) "Bang!" This way. 3 Q. I think that's very graphic. Quite how the stenographer 4 is going to deal with it, I'm not sure. But it was that 5 sort of noise, Mr Chan? 6 A. Yes, correct. 7 Q. And it appeared to come from the vicinity of the engine 8 room? 9 A. I believe so. 10 Q. Somewhere below and behind you -- sorry, below you and 11 towards the stern? 12 A. Correct. 13 Q. Was that near the position where the catamaran had been 14 in collision with the Lamma IV? 15 A. I couldn't tell. 16 MR MCGOWAN: Right. Thank you very much. 17 THE CHAIRMAN: When this bang occurred, did anything happen 18 to the lights on the Lamma IV? 19 A. They all went out. 20 THE CHAIRMAN: At the same time as the bang? 21 A. Correct. 22 THE CHAIRMAN: Yes, Mr Sussex? 23 MR SUSSEX: Mr Chairman, I have no questions for Mr Chan. 24 THE CHAIRMAN: Thank you. 25 MS LOK: Mr Chairman, I seek permission to ask the witness</p>	<p style="text-align: right;">Page 100</p> <p>1 But for that area, it was not crowded at all for 2 20 people to stand there. It was quite spacious. And 3 also, because we took that trip for the purpose of 4 a boat ride and to watch the fireworks display, so 5 naturally people tend to stay on the deck. 6 Q. I want to understand your evidence of -- the sentence 7 "It was quite spacious". When you said that, do you 8 mean that people were actually walking around? 9 A. Correct. 10 Q. Thank you. In a paragraph of your statement, you 11 referred to the explosion and then you said this: 12 "Later, I suddenly got a black-out and I felt lots 13 of things and people stacked on my body." 14 Firstly, I want to understand what you mean -- 15 A. First of all, I want to point out that I didn't faint. 16 THE INTERPRETER: Sorry, it was a mistranslation. He just 17 felt that he saw darkness, because at that time the ship 18 sank and a lot of things stacked on him. 19 A. So, I couldn't open my eyes. 20 MS LOK: Because I'm reading your English statement, you 21 see. When it says "black-out", I want to clarify what 22 you mean by that. So you were just telling us that you 23 were in the water, and that's the "black-out"; is that 24 correct? 25 A. Yes. I couldn't see in the water, but I feel that I was</p>

<p style="text-align: right;">Page 101</p> <p>1 conscious.</p> <p>2 Q. Were you able to observe what were the things falling on</p> <p>3 you?</p> <p>4 A. I couldn't see because at that time, I was busy</p> <p>5 attending to my wife. Those objects could be people or</p> <p>6 could be the seats, the chairs. But at that time, I was</p> <p>7 focusing my attention on survival. So I tried very hard</p> <p>8 to remove these objects which may be people or may be</p> <p>9 the other objects, until I reached the surface of the</p> <p>10 water.</p> <p>11 Q. Is it the case that you fell into the water or rather</p> <p>12 slipped into the water all of a sudden because the upper</p> <p>13 deck suddenly became very tilted?</p> <p>14 A. At that time the stern of the ship sank and the vessel</p> <p>15 went into a vertical position, and the position where</p> <p>16 I was was in the cabin of the upper deck. So when the</p> <p>17 vessel was in the vertical position, I was at the</p> <p>18 bottom. So naturally the objects fell on me and my</p> <p>19 wife.</p> <p>20 Q. Do you remember how tilted the upper deck was at the</p> <p>21 time when you fell into the water?</p> <p>22 A. It was very tilted and the time from when it became</p> <p>23 tilted to becoming vertical -- there was only a very</p> <p>24 brief period of time.</p> <p>25 Q. Can you give us a very brief degree in terms of how</p>	<p style="text-align: right;">Page 103</p> <p>1 A. Yes.</p> <p>2 Q. In fact, the first reference begins at page 189, the</p> <p>3 last line:</p> <p>4 "(Chinese spoken)."</p> <p>5 Do you see that?</p> <p>6 A. Yes, I can see the first reference.</p> <p>7 Q. And then at two-thirds of page 190, you said it again:</p> <p>8 "(Chinese spoken)".</p> <p>9 A. Now I am clear about where you are referring to.</p> <p>10 Q. So, back to my question; it's just by way of</p> <p>11 clarification. After you sank into the water and before</p> <p>12 you came out from the upper deck cabin, the vessel</p> <p>13 continued sinking; is that true?</p> <p>14 A. Yes. It continued to sink. Even after we emerged from</p> <p>15 the vessel, I feel that it was continuing to sink.</p> <p>16 MS LOK: Thank you, Mr Chan.</p> <p>17 I have no further questions.</p> <p>18 THE CHAIRMAN: Mr Beresford?</p> <p>19 MR BERESFORD: Yes, if I may just clarify one matter,</p> <p>20 please, Mr Chan.</p> <p>21 Further examination by MR BERESFORD</p> <p>22 MR BERESFORD: You said that when the vessel went vertical</p> <p>23 you were at the bottom.</p> <p>24 I wonder if we could please have a look at the</p> <p>25 seating plan.</p>
<p style="text-align: right;">Page 102</p> <p>1 tilted the upper deck was at the time when you fell into</p> <p>2 the water?</p> <p>3 A. Since one cannot stand steadily, so it should be about</p> <p>4 45 degrees.</p> <p>5 A. (In English) More than 45.</p> <p>6 A. Should be more than 45 degrees.</p> <p>7 Q. My last question is this. In the later part of</p> <p>8 paragraph 4 of your statement, you referred to "the</p> <p>9 vessel began to sink" two times after you fell into the</p> <p>10 water.</p> <p>11 So by way of clarification, is it the case that</p> <p>12 after you sank into the water and before you were</p> <p>13 rescued from the cabin, the vessel continued sinking?</p> <p>14 A. First of all, I would like to refer to my statement and</p> <p>15 take a look at where you are referring to.</p> <p>16 Q. Sure.</p> <p>17 I should give the Commission the English translation</p> <p>18 first. It is at pages 202-6 and 202-7.</p> <p>19 THE CHAIRMAN: Thank you.</p> <p>20 MS LOK: The first reference is the last line at page 202-6,</p> <p>21 and the second reference is in the middle of page 202-7.</p> <p>22 Mr Chan, I think your Chinese statement is beginning</p> <p>23 at tab 20A, at around page 190.</p> <p>24 A. Where is tab 20A?</p> <p>25 Q. Just refer to page 190. That will be easier.</p>	<p style="text-align: right;">Page 104</p> <p>1 When you say you were at the bottom, do you mean</p> <p>2 that you were against the wall behind seats 57-63?</p> <p>3 A. Yes, and I was also against the port side.</p> <p>4 MR BERESFORD: Thank you, Mr Chan.</p> <p>5 No further questions, Mr Chairman.</p> <p>6 THE CHAIRMAN: Mr Chan, your evidence is complete. We thank</p> <p>7 you for giving your time to assist the tribunal with</p> <p>8 your evidence, but now you're free to go. If you wish,</p> <p>9 you may stay in the back of the hearing room.</p> <p>10 A. Thank you, everybody.</p> <p>11 (The witness withdrew)</p> <p>12 THE CHAIRMAN: Yes, Mr Beresford?</p> <p>13 MR BERESFORD: The next witness, Mr Chairman, is Chan</p> <p>14 Lap-kei.</p> <p>15 MR CHAN LAP-KEI (affirmed in Puntì)</p> <p>16 (All answers via interpreter unless otherwise indicated)</p> <p>17 Examination by MR BERESFORD</p> <p>18 MR BERESFORD: Good afternoon, Mr Chan. Thank you very much</p> <p>19 for coming.</p> <p>20 Mr Chan, I understand that you are the son of the</p> <p>21 witness we have just heard from.</p> <p>22 A. (In English) Yes.</p> <p>23 Q. Mr Chan, there are two previous statements that you have</p> <p>24 given to the police which may be found in bundle A1 at</p> <p>25 pages 212 and 215.</p>

<p style="text-align: right;">Page 105</p> <p>1 Could the witness please be shown those statements. 2 The English translations are at pages 229-1 to 3 229-11. 4 Mr Chan, have you had the opportunity to remind 5 yourself of the content of those two statements? 6 A. Yes, I have reviewed it. 7 Q. Do you need to make any amendments? 8 A. No. 9 Q. Are the contents of those two statements true? 10 A. Yes. 11 Q. Mr Chan, you are aged 26? 12 A. (In English) Yes. 13 Q. A vehicle promoter? 14 A. (In English) Yes. 15 Q. You have received university education in Hong Kong? 16 A. (In English) Yes. 17 Q. On 1 October, your companions on this trip were your 18 father, Mr Chan Wing-hang? 19 A. (In English) Yes. 20 Q. Your mother Madam Ho Miu-lan? 21 A. (In English) Yes. 22 Q. And your sister Ms Chan Kin-yan? 23 A. (In English) Yes. 24 Q. You boarded the vessel at about 7.45 pm? 25 A. (In English) Correct.</p>	<p style="text-align: right;">Page 107</p> <p>1 of Lamma IV, bench 4 on the plan? 2 A. (In English) Yes, it's bench 4. 3 Q. Bench 4, thank you. 4 "When I boarded the vessel, I saw some pictures 5 showing the emergency escape route. After the vessel 6 had travelled for 5 minutes or so, I suddenly heard 7 a very loud crunching sound. Then, I dropped all over 8 onto the deck from the seat. So did my family members. 9 When I rose to my feet again, I saw that it was very 10 chaotic on the vessel. I heard someone screaming and 11 saw someone falling unconscious. Afterwards, I saw (as 12 the position I was standing was the open area on the 13 upper deck on the starboard side of the stern) a vessel 14 bearing the letters 'HKFF' on its bow, with its bow 15 pointing to the stern of our Lamma IV, at a distance of 16 less than 10 metres. Then, I immediately dialled 999 17 with my mobile phone to report to the police, telling 18 the police console that a vessel collision took place in 19 Lamma Island waters and it was an emergency with people 20 falling unconscious and the vessel was taking in water 21 and about to sink, asking them to send someone over as 22 soon as possible. At the same time, I found that the 23 hull of Lamma IV began to tilt. Therefore, my parents, 24 younger sister and I went back to the cabin (near the 25 open deck) in the middle of the upper deck to get the</p>
<p style="text-align: right;">Page 106</p> <p>1 Q. I'm going to read from your statement, Mr Chan, to save 2 me asking a long series of questions. If anything does 3 strike you as inaccurate as I read, please stop me and 4 let me know. I'm going to read from the English 5 translation, but the original Chinese statement will be 6 shown on the screen. 7 I'm going to start reading, with the Chairman's 8 permission, partway through paragraph 4, beginning with 9 the words "At about 8.15 pm". 10 THE CHAIRMAN: Yes, please do so. 11 MR BERESFORD: "At about 8.15 pm on 1 October 2012, the 12 vessel Lamma IV that my family and I boarded began to 13 depart from Hongkong Electric Company on Lamma Island 14 and setting off for Victoria Harbour for watching 15 fireworks display. At that time, our family of four, 16 including my parents, younger sister and me, were 17 sitting on a bench in the open area on the upper deck on 18 the starboard side of the stern of Lamma IV ..." 19 Then you refer to an upper deck floor plan. 20 Perhaps, Mr Chan, I can pause there and refer to our 21 own plan that I have been using for identification 22 purposes. 23 Could you please help us by identifying where on 24 that plan you were sitting. Was the bench in the open 25 area on the upper deck of the starboard side, the stern</p>	<p style="text-align: right;">Page 108</p> <p>1 life jackets. At that time, I felt that the hull began 2 to tremble violently and my call with 999 console was 3 disconnected. I also saw that the door to the cab on 4 the upper deck was open and saw a person sitting in the 5 cab (with his back facing me). However, I was not clear 6 if he was the skipper or a sailor. Before I could get 7 a life jacket, the hull was already tilting at right 8 angle, that means the bow was facing upwards and the 9 stern downwards. The whole vessel was sinking. 10 At that time, I fell into the sea together with the 11 articles onboard including some hard objects. When I 12 fell into the sea, I felt complete darkness and felt 13 that my upper part, that means the top of my head, was 14 pressed by some hard objects believed to be the benches 15 on the vessel. I kept struggling in the cabin filled 16 with seawater, with a view to swimming upwards to the 17 water surface. In about 30 seconds, I successfully swam 18 back to the water surface. At that time, I saw that the 19 vessel had already sunk into the sea and the vessel 20 became stable. By then I was still inside the cabin. 21 When I raised my head, I was at the bow side. At that 22 time, I kept treading water in order to keep myself 23 floating on the water surface for breathing. On the 24 other hand, I managed to drag a life jacket from the 25 water and put it on and waited for rescue.</p>

<p style="text-align: right;">Page 109</p> <p>1 While I was waiting for rescue, I saw some other 2 passengers in the vessel screaming loudly over the water 3 surface. I also tried to open an openable glass window 4 in the cabin, but failed as I did not have enough 5 strength to do so. Afterwards, another passenger tried 6 to open that openable glass window with the assistance 7 provided by my younger sister, other passengers and me, 8 but also failed. Subsequently, about ten-odd minutes 9 later, rescuers arrived. The rescuers told us to stay 10 calm and they would rescue us out. Then, I heard some 11 glass breaking sound and the firemen asked us to close 12 our eyes and lower our heads. Afterwards, the firemen 13 entered the cabin and began to rescue us. The firemen 14 first rescued the passengers above my head, as some 15 passengers were hanging on the benches in the cabin. 16 Later, the vessel started sinking again. 17 The firemen asked us to swim out of the cabin 18 through the broken glass window in the cabin. After 19 I had swum out of the cabin, I swam towards a life raft. 20 Then, a fire frogman took me to a fireboat. As the boat 21 was too high, I could not board the boat. Afterwards, I 22 was arranged and sent to a Marine Police boat. By then 23 I started feeling that my left arm was very painful and 24 could not move. Subsequently, I was arranged by the 25 Marine Police officers to take Marine Police vessel</p>	<p style="text-align: right;">Page 111</p> <p>1 vessel collision took place, my instinct response was to 2 get a life jacket under my seat." 3 You were asked about visibility. You said that 4 apart from the fact it was dark, it was clear. 5 You said: 6 "There was wind and wave on the sea surface. The 7 intensity of the wind and wave could be described as 8 medium level." 9 You didn't pay attention to traffic conditions. 10 You were asked about the speed of the Lamma IV 11 before the collision and you said: 12 "The speed was average, not so fast." 13 You were also asked: 14 "Well, before the collision did the sailing 15 direction of Lamma IV change? 16 Answer: No change." 17 You were asked if you saw the course of the 18 accident, and you said "No". 19 You were asked if you saw what the skippers or 20 sailors on Lamma IV did when the incident happened, and 21 you said you didn't know. 22 You were asked: 23 "After the accident happened, did the two vessels 24 involved, ie Lamma IV and Sea Smooth, touch each other? 25 Answer: They did not touch each other."</p>
<p style="text-align: right;">Page 110</p> <p>1 No. 43 to South Horizons and landed at the Hongkong 2 Electric pier. Then, I was sent to Ruttonjee Hospital 3 by ambulance for treatment. At that time, I borrowed 4 a mobile phone from the rescuers to contact my relative, 5 telling him about the vessel collision incident and 6 reported my safety. At this moment, I learnt from this 7 relative that my younger sister was also safely rescued, 8 but I still did not know the news of my parents then. 9 At about 1.30 am on 2 October 2012, when I was 10 receiving treatment at Ruttonjee Hospital, I received 11 a call from my relative, informing that my parents were 12 safely rescued. At about 2 am, I finished receiving 13 treatment and it was confirmed that my left shoulder was 14 dislocated but I could be discharged and regular 15 follow-up treatment was needed. Besides suffering 16 a dislocation, there were also abrasions on my limbs." 17 Then you were asked specifically about instructions 18 or introductions on the vessel about life-saving 19 facilities or showing the escape route, and you 20 answered: 21 "When I boarded Lamma IV, I just saw an escape route 22 diagram posted on the vessel." 23 Then you were asked if you knew where the life 24 jackets were put, and you said: 25 "I cannot tell whether I know or not. After the</p>	<p style="text-align: right;">Page 112</p> <p>1 Question: After you had boarded the vessel, did you 2 take notice how many sailors or skippers were onboard? 3 Answer: I know that there at least two sailors 4 onboard because a sailor opened the vessel's 5 spring-board door for our passengers to board the 6 vessel. The other explained to us why the departure 7 time was delayed." 8 You were asked: 9 "After the vessel collision, did the skipper or 10 sailors give any instructions? 11 Answer: After the vessel collision, I went into the 12 cabin with my family. I saw that the door to the cab on 13 the vessel was open. I heard a voice from the cab, 14 saying, 'Stay calm, get the life jackets.' On the 15 other, as far as I know, when the vessel sank into the 16 sea at right angle, I saw a male who claimed himself to 17 be the skipper said to our passengers, 'Excuse me, 18 sorry, I have reported to the police already. The 19 rescuers are coming to save us very soon.' I saw that 20 male who claimed himself to be the skipper was hanging 21 on the railing at the entrance to the staircase in the 22 middle of the upper deck. 23 Question: Where you were before being rescued? 24 Answer: I was in the cabin of the vertically tilted 25 vessel, on the second level (in the middle by the window</p>

<p style="text-align: right;">Page 113</p> <p>1 on the starboard side of the upper deck cabin." 2 Just pausing there, Mr Chan. If you go back to our 3 plan, our seating plan, can you indicate approximately 4 where, by reference to the seat number, you mean when 5 you say "in the middle by the window on the starboard 6 side of the upper deck cabin"? 7 A. Actually, when water rushed into the vessel, I was 8 inside the cabin and at least three rows of seats of the 9 vessel was submerged in water, and the water also went 10 up to the staircase. So I didn't know where the water 11 was when I was rescued, but I believe that it was at 12 seats 34-35, and also 28, 29 and 30. 13 A. (In English) Yes. 14 Q. Thank you, Mr Chan. When you were asked about rescue, 15 you said you helped to give a life jacket to one of the 16 passengers. 17 A. (In English) Yes. 18 Q. Can you explain why that was necessary? Were they in 19 difficulty? 20 A. At that time I noticed two women on my side. They were 21 panicking and they didn't know how to swim. I saw 22 a seat which was lying horizontally in the water, and 23 there were life jackets underneath. So I received a 24 life jacket and gave it to one of them, and then I also 25 gave another life jacket to the other one. As for</p>	<p style="text-align: right;">Page 115</p> <p>1 Did you recognise your voice there? 2 A. (In English) Yes. Just now, the one that played, it was 3 my call, yes. 4 THE CHAIRMAN: Thank you. 5 MR BERESFORD: This is on an earlier disk. It should be on 6 the first disk of 999 calls. 7 (Audio played) 8 Mr Chairman, Mr Lui has arranged for it to be muted 9 at the end because it discloses the telephone number. 10 THE CHAIRMAN: Thank you. 11 Did you recognise your voice on that track as well? 12 A. (In English) Yes. 13 THE CHAIRMAN: Did you initiate both phone calls? 14 A. (In English) Let me say that I'm a little bit murky 15 afterwards, but I can assure you that the first one 16 is -- I'm not too sure if I made two phone calls. 17 I think you need to refer to the record, to my phone 18 number. But at least the first one I positively confirm 19 that that was mine. The second one, if the number is 20 mine, it's probably mine. Because I couldn't remember 21 very well. I think I made two calls to the police, and 22 one of them was just right before the ship was tilted. 23 So I'm not too sure how much got through on that one. 24 So I'm not too positively confirmed on that. 25 But, yes, the first one is definitely after the</p>
<p style="text-align: right;">Page 114</p> <p>1 myself, I retrieved a life jacket from another seat. 2 A. (In English) Just to clarify, it's not "the other one". 3 Because one of them was in a life jacket, and the other 4 one, I give the life jacket to her. 5 THE INTERPRETER: I'm sorry. 6 THE CHAIRMAN: Thank you. 7 MR BERESFORD: Mr Chan, you mentioned in your statement that 8 you dialled 999. 9 A. (In English) Yes. 10 Q. We appear to have a record of two calls, 999 calls, from 11 you. 12 A. (In English) Okay. 13 Q. I'm just wondering if you can help to clarify that. If 14 I can show you the records. The first one is in 15 bundle E. The Chinese is at page 1220-7 and the English 16 is at page 1220-58. 17 THE CHAIRMAN: Do we have the audio track? 18 MR BERESFORD: Yes, we do, Mr Chairman. 19 (Audio played) 20 That call was timed at 20:21:09 hours. 21 A. (In English) Yes. 22 Q. The next one was timed at 20:22:31. The transcript of 23 the call is to be found in Chinese at bundle E, tab 1A, 24 page 1218-1; and the English at tab 1B, page 1218-19. 25 THE CHAIRMAN: Thank you.</p>	<p style="text-align: right;">Page 116</p> <p>1 collision, and I was on the ground and then I just 2 looked up and I saw people fainted on the ground, so 3 I just called the police. And I feel that, yes, the 4 ship is sinking. I think that it was quite desperate 5 times, so I called the police. 6 THE CHAIRMAN: Thank you. 7 MR BERESFORD: Mr Chairman, the two recordings were recorded 8 by different control centres. The first call was 9 recorded by the Hong Kong Regional Command and Control 10 Centre, and the second call was recorded by the Marine 11 Regional Command and Control Centre. 12 Of course I don't expect you to be able to answer 13 this, but there was some indication that you were being 14 transferred from one console to another? 15 A. (In English) Okay. 16 Q. It may just be that that's the explanation for there 17 being two recordings. 18 A. (In English) Okay. 19 Q. Mr Chan, you said that the ship was about to sink at 20 numerous points during the course of those calls, and it 21 was about to turn over. Can you give us some indication 22 of what was happening in relation to the angle of the 23 ship to the surface of the water? 24 A. When I made the two phone calls, I was by the side of 25 bench 4 and against the cabin, and I was looking out at</p>

Page 117	Page 119
<p>1 the sea. I believed that the ship was sinking because 2 I felt that it was wobbling side to side in a strong, 3 wobbly action and it began to tilt. The ship was 4 affected by the waves seriously. So in the phone call, 5 I told the console that the ship was going to sink. 6 MR BERESFORD: Thank you, Mr Chan. 7 Mr Chairman, I have no further questions. 8 THE CHAIRMAN: Thank you. 9 Mr McGowan? 10 MR MCGOWAN: Yes. I'd just like to ask some questions about 11 the seats, please, sir. 12 THE CHAIRMAN: Yes. 13 Examination by MR MCGOWAN 14 MR MCGOWAN: Mr Chan, you have told us in your statement, 15 which was read through to you, that you went back into 16 the cabin and the hull began to tremble violently, and 17 then the vessel went effectively upright. You said: 18 "Before I could get a life jacket, the hull was 19 already tilting at right angle ..." 20 A. (In English) Yes. 21 Q. "... that means the bow was facing upwards and the stern 22 downwards." 23 You actually went into the water after that? 24 A. (In English) Yes. 25 Q. When you went into the water, the vessel was effectively</p>	<p>1 A. (In English) Yes. I figure so, because as you say may 2 see on my statement, I lost my glasses. But I did see 3 shadows on top of those people that indicates that there 4 are people up in there that were hanging there. 5 THE CHAIRMAN: They were holding on while the vessel was -- 6 A. (In English) I'm not too sure. I am not too sure about 7 that. 8 Q. That's how it appeared to you to be the situation? 9 A. (In English) Yes, yes. 10 Q. And the benches were still in position, screwed to the 11 deck? 12 A. (In English) I think there are, like, three rows of 13 benches right above me, from I think -- to indicate, 14 I would say, I don't know, row 6, rows 15, 22. I think 15 they are still hanging in there. 16 MR MCGOWAN: Thank you very much. 17 THE CHAIRMAN: Mr Sussex? 18 MR SUSSEX: Mr Chairman, with your permission I'd like to 19 ask questions about the sequence following the hearing 20 of the crunching sound. 21 THE CHAIRMAN: Yes. 22 Examination by MR SUSSEX 23 MR SUSSEX: Mr Chan, you give evidence that you suddenly 24 heard a crunching sound and then you say: 25 "Then, I dropped all over onto the deck from the</p>
Page 118	Page 120
<p>1 almost upright? 2 A. (In English) It happened very quickly. 3 Q. Yes, I'm sure it did. 4 A. (In English) When I was walking up towards the cabin 5 actually, it was quite tilted and I had to get the 6 assistance with my sister who is actually holding the 7 rim of the door to pull me up to get into the cabin, to 8 try to get a life jacket. At that moment, I go to 9 the -- I think it's the last seats, somewhere like 10 row 52, 53 or something like that, to get at my life 11 jacket under those chairs. It was at that moment -- 12 actually, it was quite difficult to actually reach those 13 chairs already. And at that moment, when I was trying 14 to get my life jacket, it just goes straight. It just 15 goes straight, head-up, stern-down. 16 Q. And there were still benches in position, screwed to the 17 deck, at that stage? 18 A. (In English) I think at least, at least from -- I would 19 say from row 28 -- I mean, from row 28 to row 62, they 20 were all gone down. 21 Q. Right. The vessel was upright? 22 A. (In English) Yes, when the vessel was upright, it all 23 crashed into the wall of the cabin. 24 Q. You also mentioned that you'd seen some passengers 25 hanging on the benches in the cabin.</p>	<p>1 seat." 2 May it take it that you were knocked from bench 4 by 3 the force of the collision? 4 A. Yes. 5 Q. Then you say: 6 "When I rose to my feet again, I saw that it was 7 very chaotic on the vessel." 8 A. (In English) Yes. 9 Q. Then you said: 10 "Afterwards, I saw ... a vessel bearing the letters 11 'HKFF' on its bow, with its bow pointing to the stern of 12 our Lamma IV, at a distance of less than 10 metres." 13 A. (In English) Yes, that's correct. 14 Q. "Then, I immediately dialled 999 with my mobile 15 phone ..." 16 A. (In English) I could not say that the sequence is like 17 that. Everything happened simultaneously. So at that 18 moment, I saw -- I saw the ferry over there, and then 19 I called 911. I'm not too sure if the sequence is like 20 that. But it happened simultaneously. Maybe I picked 21 up the phone and I saw it; I'm not too sure. 22 Q. Right. So either before or when you were on the phone, 23 you saw the vessel? 24 A. (In English) Yes. 25 Q. And at that time, the vessel was less than 10 metres</p>

Page 121	Page 123
<p>1 away?</p> <p>2 A. (In English) I would say so.</p> <p>3 Q. Do you remember whether you were on your feet or on the</p> <p>4 ground?</p> <p>5 A. (In English) I already picked myself up at that moment.</p> <p>6 I already, like -- because when I was falling down,</p> <p>7 I was facing actually the -- just a moment. I was</p> <p>8 actually facing, you know, like, bench 2 and bench 3,</p> <p>9 and then I saw people fainted. And then -- and then</p> <p>10 somewhere in between, I saw the ferry, you know, HKFF,</p> <p>11 and then I called the police. And then I turned around,</p> <p>12 tried to figure out which location I'm at.</p> <p>13 Q. Is it possible that you rose to your feet while you were</p> <p>14 talking to the police?</p> <p>15 A. (In English) You mean during the 999 call, right?</p> <p>16 Q. Yes.</p> <p>17 A. I was on my feet already.</p> <p>18 MR SUSSEX: You were on your feet already. I see. Thank</p> <p>19 you very much.</p> <p>20 MS LOK: Mr Chairman, just one question on the sequence of</p> <p>21 events right after the collision.</p> <p>22 THE CHAIRMAN: Yes.</p> <p>23 Examination by MS LOK</p> <p>24 MS LOK: Mr Chan, can you give us a rough estimate as to the</p> <p>25 time between when you heard the loud crunching sound and</p>	<p style="text-align: center;">I N D E X</p> <p>1 MR CHAN KAM-HO (affirmed in Punti)3</p> <p>2 Examination by MR BERESFORD3</p> <p>3 Examination by MR McGOWAN13</p> <p>4 Examination by MS LOK19</p> <p>5 Further examination by MR BERESFORD21</p> <p>6 Questions by THE COMMISSION27</p> <p>7 (The witness withdrew)29</p> <p>8 MADAM CHENG YIN-BUN (affirmed in Punti)29</p> <p>9 Examination by MR BERESFORD29</p> <p>10 Examination by MR McGOWAN35</p> <p>11 Examination by MS LOK39</p> <p>12 Further examination by MR BERESFORD43</p> <p>13 (The witness withdrew)46</p> <p>14 MADAM LAM MUK-LIN (affirmed in Punti)46</p> <p>15 Examination by MR BERESFORD46</p> <p>16 Examination by MR McGOWAN53</p> <p>17 Examination by MR SUSSEX59</p> <p>18 Examination by MS LOK62</p> <p>19 (The witness withdrew)64</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 122	Page 124
<p>1 when you saw the sign "HKFF"?</p> <p>2 A. (In English) I'm not too sure. Within a minute or</p> <p>3 something. Because I was looking around, you know,</p> <p>4 seeing everything is chaotic. People fainted on the</p> <p>5 ground and trying to pick themselves up, somebody is</p> <p>6 yelling. I think within a minute. That's the best</p> <p>7 estimate I can give.</p> <p>8 MS LOK: Thank you, Mr Chan. I have no further questions.</p> <p>9 THE CHAIRMAN: Mr Beresford?</p> <p>10 MR BERESFORD: No re-examination.</p> <p>11 THE CHAIRMAN: Mr Chan, thank you for coming to assist us</p> <p>12 with your evidence. Your evidence is complete and you</p> <p>13 are free to go. We thank you for your assistance.</p> <p>14 A. (In English) Thank you, your Honour.</p> <p>15 (The witness withdrew)</p> <p>16 THE CHAIRMAN: We will adjourn proceedings until 10 o'clock</p> <p>17 tomorrow, but let me indicate now, in relation to winter</p> <p>18 solstice, we will rise early, at 3.30 on that day, in</p> <p>19 order to try and help people make arrangements for the</p> <p>20 traditional family dinner. So, Friday will be 3.30.</p> <p>21 For current purposes, we'll adjourn until tomorrow</p> <p>22 at 10 o'clock. Thank you.</p> <p>23 (4.37 pm)</p> <p>24 (The hearing adjourned until 10 am on the following day)</p> <p>25</p>	<p style="text-align: center;">I N D E X</p> <p>1 MR CHIU PING-CHUEN (sworn in Punti)65</p> <p>2 Examination by MR BERESFORD65</p> <p>3 Examination by MR SUSSEX76</p> <p>4 Examination by MS LOK80</p> <p>5 Further examination by MR BERESFORD82</p> <p>6 Questions by THE COMMISSION84</p> <p>7 (The witness withdrew)85</p> <p>8 MR CHAN WING-HANG (affirmed in Punti)85</p> <p>9 Examination by MR BERESFORD85</p> <p>10 Examination by MR McGOWAN96</p> <p>11 Examination by MS LOK99</p> <p>12 Further examination by MR BERESFORD103</p> <p>13 (The witness withdrew)104</p> <p>14 MR CHAN LAP-KEI (affirmed in Punti)104</p> <p>15 Examination by MR BERESFORD104</p> <p>16 Examination by MR McGOWAN117</p> <p>17 Examination by MR SUSSEX119</p> <p>18 Examination by MS LOK121</p> <p>19 (The witness withdrew)122</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>