

Page 1	Page 3
<p>1 Wednesday, 19 December 2012 2 (10.00 am) 3 THE CHAIRMAN: Mr Beresford. 4 MR BERESFORD: Mr Chairman, I have handed in and distributed 5 a chronology of the 999 calls that are listed and 6 transcribed in bundle E. 7 THE CHAIRMAN: Yes. 8 MR BERESFORD: If I can just explain that briefly. There 9 are 21 of them. I've given a column for the time, 10 a description of the call, giving the name of the caller 11 and the centre that received the call -- 12 THE CHAIRMAN: Do we have this scanned so that it can be 13 followed by others? 14 MR BERESFORD: It hasn't been scanned yet, but I can provide 15 a soft copy if somebody can give me a USB. 16 THE CHAIRMAN: Yes. I'm sorry, I interrupted you. 17 MR BERESFORD: No, not at all. I believe that a USB is just 18 being obtained, so perhaps I can just proceed with the 19 explanation? 20 THE CHAIRMAN: Yes. 21 MR BERESFORD: In the sources, you will see that the first 22 source is the same in every case. That's a reference to 23 the list of 999 calls that was provided by the emergency 24 services. The second reference is the Chinese 25 transcript. The third reference is the English</p>	<p>1 A. Yes. 2 Q. -- your son, Kwok Man-hei, aged 3, and your daughter, 3 Kwok Leung-ying, aged 4? 4 A. Yes. 5 Q. Mr Kwok, I'd just like to ask you about your location on 6 the Lamma IV. If we could please have the seating plan 7 on the screen. 8 You told us you were sitting on the lower deck. 9 THE INTERPRETER: I'm sorry, the witness would like to ask 10 a question. 11 MR BERESFORD: Yes? 12 A. Sir, are you referring to the trip to or back from -- 13 Q. The trip from Lamma towards Central. 14 A. (Chinese spoken). 15 THE CHAIRMAN: May I ask you to speak into the microphone in 16 front of you. 17 A. I was sitting at 131, but I think there should be four 18 seats on the row behind me instead of only three seats. 19 MR BERESFORD: Thank you, Mr Kwok. 20 So you were sitting on 131 on the main deck; your 21 son, Kwok Man-hei, in 132? 22 A. Yes. 23 Q. Your wife on the right of your son in 133? 24 A. Yes. 25 Q. And your daughter, Kwok Leung-ying, in 134?</p>
Page 2	Page 4
<p>1 translation of the Chinese transcript. And the fourth 2 reference is the bundle reference of the witness 3 statement, or alternatively, where we have it, the 4 transcript reference. That's just an aide memoire, 5 Mr Chairman. 6 THE CHAIRMAN: Yes, thank you. 7 MR BERESFORD: Mr Chairman, the first witness today is 8 Mr Kwok Yin-tang. 9 MR KWOK YIN-TANG (affirmed in Puntì) 10 (All answers via interpreter unless otherwise indicated) 11 Examination by MR BERESFORD 12 MR BERESFORD: Mr Kwok, your full name is Kwok Yin-tang? 13 A. Yes. 14 Q. We understand that you very tragically lost a son and 15 daughter in this accident. 16 A. Yes. 17 Q. The Commissioners sympathise with your loss, and I want 18 to thank you for coming here today to help us. 19 Mr Kwok, you are aged 37 and your occupation is as 20 a driver of Kowloon Motor Bus? 21 A. Yes. 22 Q. You were educated to secondary 5 level? 23 A. Yes. 24 Q. On the day in question, 1 October, you were travelling 25 with your wife, Wong Yee-yi --</p>	<p>1 A. Yes. 2 Q. Thank you. Mr Kwok, I understand that you've previously 3 given the police a statement concerning this accident 4 which is to be found in our bundle A1 at page 88. 5 A. Yes. 6 Q. There's a second one at page 91. 7 A. Yes. 8 Q. Which goes on to page 103. 9 A. Yes. 10 Q. Have you been shown those statements this morning and 11 given an opportunity to remind yourself of the contents? 12 A. Yes. 13 Q. Are there any amendments that you would wish to make? 14 A. No. 15 Q. So are the contents of those statements true? 16 A. Yes. 17 Q. Thank you. In order to save time, I'm going to read 18 from the English translation of the main statement. The 19 Chinese will be shown on the screen. If you could 20 follow, and if there is anything that occurs to you as 21 inaccurate, then please stop me and let me know. 22 A. I understand. 23 Q. I'm going to read from paragraph 9. 24 THE CHAIRMAN: I think it would help if you started at 25 paragraph 8, to set the scene.</p>

<p style="text-align: right;">Page 5</p> <p>1 MR BERESFORD: Certainly, Mr Chairman. 2 "Around 7.45 pm, my wife took me and our two 3 children to Lamma Island pier where we boarded a vessel 4 [later known as Lamma IV]. At that time, there were 5 also other people going on board. Afterwards, our 6 family of four went upstairs to the upper deck and 7 stayed there for a while. However, seeing that there 8 were no unoccupied seats on the upper deck which was 9 crowded, our family of four went downstairs to the lower 10 deck and sat on the last row of seats at the starboard 11 quarter. I sat on the left-most passenger seat of the 12 last row on the starboard side [ie position X in annex 3 13 of the statement]. My son Kwok Man-hei sat on my right. 14 My wife sat on the right of my son and my daughter Kwok 15 Leung-ying sat on the right of my wife. 16 Around 8.15 pm, the vessel set sail from the pier. 17 After the vessel set sail for about 5 minutes, 18 a loud bang was suddenly heard. At that moment, I was 19 playing with my son and did not notice what my wife and 20 my daughter were doing. At that time, we thought it was 21 just a minor accident and heard someone nearby shout, 22 'Call the police.' So, I dialled 999 to report the case 23 with my mobile phone. As I was not certain about the 24 location at that time, I passed the phone to my wife. 25 After calling the police, I heard someone shout, 'Water</p>	<p style="text-align: right;">Page 7</p> <p>1 At that time, I all along saw the person have my son 2 beside him. 3 A while later, I heard the sound of breaking glass. 4 At that time, I saw people together running in the same 5 direction. I was kicked into the water. When I got 6 back to the water surface, I lost sight of my son. So, 7 I followed some other people to a broken (window) at 8 port bow and climbed out of the cabin through the 9 window. Outside the cabin, there was an inflatable 10 boat. An ambulanceman on the boat asked if I could 11 swim. I said no. So, someone threw a rope to me. 12 I climbed down the rope onto the inflatable boat and the 13 two marine policemen in blue pulled me onto the 14 inflatable boat. 15 Finally, together with some other people, I boarded 16 a ferry whose name was 'First Ferry'. On the ferry, I 17 found my wife but all along could not find my two 18 children." 19 Then, Mr Kwok, you go on to describe the situation 20 at the hospital and on the shore. You say you sustained 21 multiple abrasions on your limbs and as your head bled, 22 you had to be hospitalised for further examination. 23 In answer to questions, you were asked: 24 "Did you see any signs on the vessel briefing on 25 life-saving equipment and positions of escape routes?</p>
<p style="text-align: right;">Page 6</p> <p>1 is pouring in.' I saw water beginning to emerge from 2 (the floor) below my feet. At the same time, the 3 ceiling of the lower deck suddenly came off. As my 4 family and I had already fallen on the floor at that 5 moment, we were not hit by the ceiling. At that moment, 6 our family of four did not have time to put life jackets 7 on. So, I brought my son with me and ran towards the 8 bow along the passage on the side. It got harder and 9 harder to run forwards as I found the vessel getting more 10 and more tilted. 11 When reaching the front, I found my feet wet 12 already. My son and I were then submerged by water. 13 I then quickly emerged out from the water surface and 14 got hold of an iron bar. At that time, my son and 15 I were both floating on the seawater. I also found the 16 vessel had gone vertical. At the same time, I had 17 already lost my wife and daughter. 18 At that time, I saw other people above me. These 19 people were not in the water. It seemed that they were 20 standing on some facilities. As I could not swim, 21 I shouted loudly if anybody could help to take my son up 22 there. Afterwards, someone took my son out of the 23 water. However, there was already no illumination 24 around. I could not see the face of the person who took 25 my son away.</p>	<p style="text-align: right;">Page 8</p> <p>1 Answer: No, I did not take notice of these. Maybe 2 there were such signs. 3 Question: How were the visibility and waves on the 4 sea. 5 Answer: I did not take notice of these. 6 Question: How was the marine traffic at that time? 7 Answer: I did not take notice of that. 8 Question: Did you notice how many crewmen or 9 captains were on the vessel after you boarded the 10 vessel. 11 Answer: I did not notice that. 12 Question: Did any crewmen or captain give any 13 instructions before or after the collision? 14 Answer: I did not see any crewmen or captain. Nor 15 did you receive any instruction. 16 Question: Did the vessel change speed or course 17 before the collision? 18 Answer: I did not take notice of these." 19 You said you didn't see the course of the accident. 20 You were asked if the two vessels stuck together after 21 the accident, and you said you didn't take any notice of 22 that. 23 You were asked if you knew the positions of life 24 jackets and you said you were not sure, and you were 25 asked if you heard the sound of any whistle blowing or</p>

Page 9	Page 11
1 any peculiar sound before the collision, and you said 2 no. 3 Mr Kwok, I wonder if I can just show you some 4 photographs. 5 It should be number 24. Can we try pages 147 to 149 6 in photo album III, please. Yes, can we stop there. 7 Mr Kwok, you referred to the ceiling falling down. 8 Is that what we can see in the photograph? 9 A. I would like to know whether the position is facing the 10 bow of the ship. 11 Q. Well, Mr Kwok, it appears not because we are looking at 12 the front of the seats. So it looks as though we're 13 looking aft. 14 A. Because when the ceiling fell after the collision, the 15 ceiling separated me and my wife. At that time, I was 16 sitting with my son, and my wife was sitting with my 17 daughter. 18 Q. Can we go on to the next photograph. And the next one. 19 Do you recognise this, Mr Kwok? 20 A. I should be sitting at the seat at the back with the 21 wall against me. At this position (indicates). 22 THE CHAIRMAN: You're pointing to the left-hand side of the 23 photograph? 24 A. Yes. 25 MR BERESFORD: Mr Kwok, did you make any telephone call?	1 THE CHAIRMAN: Do you have a glass of water? 2 A. I don't need one. 3 MR BERESFORD: Mr Kwok, we all appreciate that was a very 4 distressing experience. 5 Did you hear your voice at the beginning of that 6 call? 7 A. Yes. 8 Q. And then after that, that was your wife's voice that you 9 heard? 10 A. Yes. 11 Q. You said in the statement that after calling the police, 12 you heard someone shout "Water is pouring in". Can you 13 help us with this, please. Was that while your wife was 14 on the telephone? 15 A. Yes. 16 Q. Mr Kwok, in relation to that, are you able to -- sorry, 17 let me tie this to a moment in your statement. You said 18 a little later in your statement that you found that the 19 vessel had gone vertical. Can you help us, please, with 20 the sequence of events and the time in relation to the 21 telephone call that we've just heard and the vessel 22 tilting and going vertical? 23 A. First of all, I made the phone call. And then I felt 24 water at my feet. And then my wife asked me to hold my 25 son, so I went upwards along the aisle and at that time,
Page 10	Page 12
1 A. Yes. 2 Q. What was that, please? 3 THE CHAIRMAN: He's told us, when you read it out in the 4 statement, that he dialled 999 because he heard someone 5 calling out "Call the police", and then he gave the 6 phone to his wife. 7 Is that right, Mr Kwok? You heard someone calling 8 out "Call the police", so you did call the police and 9 then you gave the phone to your wife because you weren't 10 sure of the position of the vessel? 11 A. Yes, because when I called 999, the person who answered 12 the phone asked me where I was located. Since I was not 13 sure about the location, so I gave my phone to my wife. 14 MR BERESFORD: Thank you, Mr Kwok. Can we perhaps turn to 15 the audiotape. It's number 2 on my schedule, 16 Mr Chairman. 17 THE CHAIRMAN: Yes. Thank you. 18 (Audio played) 19 MR BERESFORD: Do you wish to rise for five minutes, 20 Mr Chairman? 21 THE CHAIRMAN: We'll just give the witness a chance to 22 digest what he's just heard. 23 Mr Kwok, do you feel able to continue, or would you 24 like us to take a short break? 25 A. I can continue.	1 the ship began to tilt upwards. Very soon, it became 2 completely vertical. And because things happened too 3 quickly, I sank into the water and then I floated to the 4 surface. 5 MR BERESFORD: Okay. Thank you, Mr Kwok. Please wait 6 there. 7 MR MCGOWAN: Mr Chairman, I don't have any questions for 8 Mr Kwok, but I would like to express my clients' 9 condolences to him. 10 THE CHAIRMAN: Please do. 11 MR MCGOWAN: Thank you. 12 Mr Kwok, I'm counsel for Hongkong Electric and the 13 crew of the Lamma IV. I don't have any questions for 14 you, but I would like, on behalf of my clients, to 15 express their condolences to you and all your family for 16 your loss on that day. 17 Thank you. 18 MR SUSSEX: Mr Chairman, I'd just like to ask one question 19 relating to sound signals. 20 THE CHAIRMAN: Yes, of course. Please do. 21 Examination by MR SUSSEX 22 MR SUSSEX: Mr Kwok, at question 12 at the end of your 23 longer statement, you were asked: 24 "Did you hear the sound of whistle blowing or any 25 peculiar sound before the collision?"

Page 13	Page 15
<p>1 To which you answered "No".</p> <p>2 Can you confirm that you did not hear the Lamma IV</p> <p>3 sound its horn before the collision?</p> <p>4 A. Since I was sitting at the stern quarter at the lower</p> <p>5 deck, and the door was closed, so I didn't hear any</p> <p>6 sound at all.</p> <p>7 MR SUSSEX: Thank you very much, Mr Kwok.</p> <p>8 MS LOK: Mr Chairman, I only have two questions in relation</p> <p>9 to the situation of the upper deck and to clarify</p> <p>10 Mr Kwok's seating.</p> <p>11 THE CHAIRMAN: Very well.</p> <p>12 Examination by MS LOK</p> <p>13 MS LOK: Mr Kwok, you told us in your statement that when</p> <p>14 you boarded Lamma IV, you first went to the upper deck</p> <p>15 and found it very crowded.</p> <p>16 A. Yes.</p> <p>17 Q. Can you describe to us how crowded it was?</p> <p>18 A. All the seats were occupied, and our family couldn't</p> <p>19 find a seat. So we went back to the lower deck.</p> <p>20 Q. You sat on the last row of the lower deck, to the right</p> <p>21 side; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. Can you perhaps turn to your statement at page 103.</p> <p>24 THE CHAIRMAN: Is that in the English?</p> <p>25 MS LOK: No, the Chinese. That's where he drew his seat.</p>	<p>1 MR BERESFORD: Madam Wong, thank you very much for coming</p> <p>2 today. The Commissioners and all of us sympathise with</p> <p>3 you on your loss.</p> <p>4 Can you just confirm that you have heard your</p> <p>5 husband's evidence given just now?</p> <p>6 A. (In English) Yes.</p> <p>7 Q. I'll try not to ask you any unnecessary questions, and</p> <p>8 I certainly won't be playing the audiotape again.</p> <p>9 Madam Wong, you've given two statements previously</p> <p>10 to the police. They are to be found in bundle A1 at</p> <p>11 pages 104 and 108.</p> <p>12 Can the witness please be shown those statements.</p> <p>13 A. (In English) Correct.</p> <p>14 Q. Have you had an opportunity to look at those this</p> <p>15 morning and remind yourself of the contents of those</p> <p>16 statements?</p> <p>17 A. (In English) Yes.</p> <p>18 Q. Do you have any amendments to make?</p> <p>19 A. When you come across the statement, I might need to make</p> <p>20 some supplementary information.</p> <p>21 Q. Yes. Subject to those supplementary remarks, are the</p> <p>22 contents of those statements true?</p> <p>23 A. (In English) Yes.</p> <p>24 Q. Madam Wong, you're aged 28 and your occupation is you're</p> <p>25 employed as an executive assistant, generation section,</p>
Page 14	Page 16
<p>1 Do you find a cross drawn by you?</p> <p>2 A. Yes, it's a cross.</p> <p>3 Q. That was your seat?</p> <p>4 A. Yes.</p> <p>5 Q. And you confirm there was no other row of chairs behind</p> <p>6 you?</p> <p>7 A. Yes.</p> <p>8 MS LOK: Thank you, Mr Kwok.</p> <p>9 THE CHAIRMAN: Mr Beresford?</p> <p>10 MR BERESFORD: No re-examination.</p> <p>11 THE CHAIRMAN: Mr Kwok, we thank you for your bravery in</p> <p>12 coming to assist his Commission by giving your</p> <p>13 testimony, but it is now complete. We too wish to</p> <p>14 express our condolences to you and your wife for the</p> <p>15 loss of your son and daughter.</p> <p>16 Your evidence is finished, and you can leave the</p> <p>17 witness box. You may, of course, remain in the hearing,</p> <p>18 and I understand your wife is to give evidence next.</p> <p>19 You can, of course, be present to help her.</p> <p>20 Thank you.</p> <p>21 (The witness withdrew)</p> <p>22 MR BERESFORD: Mr Chairman, I call Madam Wong Yee-yi.</p> <p>23 MADAM WONG YEE-YI (affirmed in Puntì)</p> <p>24 (All answers via interpreter unless otherwise indicated)</p> <p>25 Examination by MR BERESFORD</p>	<p>1 by Hongkong Electric; is that correct?</p> <p>2 A. (In English) Administrative assistant.</p> <p>3 Q. And you're a university graduate?</p> <p>4 A. (Witness nods).</p> <p>5 Q. What is your degree?</p> <p>6 A. (In English) Yes.</p> <p>7 Q. What is your degree?</p> <p>8 A. Commercial and industrial management and information</p> <p>9 systems and --</p> <p>10 A. (In English) Management of organisations.</p> <p>11 A. -- and management of organisation.</p> <p>12 MR BERESFORD: Madam Wong, besides the members of your</p> <p>13 immediate family, there were quite a number of people on</p> <p>14 board who you knew?</p> <p>15 A. Yes.</p> <p>16 Q. There was a Mr Tsui Chi-wai, who unfortunately is one of</p> <p>17 the deceased, together with his wife, son and daughter?</p> <p>18 A. Yes.</p> <p>19 Q. There was Mr Lin Ka-wang, from whom we've already heard</p> <p>20 evidence in this Inquiry, who was witness 6.</p> <p>21 A. (Witness nods).</p> <p>22 Q. There was Mr Koo Man-Cheong and his female friend?</p> <p>23 A. (In English) Yes.</p> <p>24 Q. Mr Koo is another one of the deceased. There is</p> <p>25 a Mr Leung Ka-kit, also deceased; Mr Edwin Hui, also</p>

Page 17	Page 19
<p>1 deceased, and his female friend?</p> <p>2 A. (In English) Yes.</p> <p>3 Q. Mr Wong Kwok-hing, together with his wife, son and</p> <p>4 daughter?</p> <p>5 A. (In English) Yes.</p> <p>6 Q. Ms Leong Wai-mei, together with her elder sister and</p> <p>7 female friend?</p> <p>8 A. Yes.</p> <p>9 Q. Mr Lum Chung-yin, together with his wife and son?</p> <p>10 A. Yes.</p> <p>11 Q. And Mr Chan Wing-hang, who is another witness from whom</p> <p>12 we've heard, witness 17 in this Inquiry, together with</p> <p>13 his wife, son and daughter.</p> <p>14 A. Yes.</p> <p>15 Q. And Mr Lee Kin-fai and his parents, one of whom --</p> <p>16 I think his father -- is also amongst the deceased.</p> <p>17 A. (Witness nods).</p> <p>18 Q. Madam Wong, I'm going to read from your statement, from</p> <p>19 the longer statement, from paragraph 7. If you feel the</p> <p>20 need to interrupt me to amend anything, then please</p> <p>21 do so.</p> <p>22 "At around 7.45 pm on the same day [that is to say,</p> <p>23 1 October], I, together with my husband and children,</p> <p>24 arrived at the pier off Lamma Island. We embarked on</p> <p>25 the vessel that would disembark its passenger at the</p>	<p>1 been using, please, and focus in at the stern of the</p> <p>2 main deck.</p> <p>3 There should be another seat next to seat 135; is</p> <p>4 that correct, Madam Wong?</p> <p>5 A. (In English) Correct. So I think my husband should be</p> <p>6 referring to the last row.</p> <p>7 Q. Yes.</p> <p>8 A. (In English) Because the plan may have some mistakes on</p> <p>9 it, so he is confused.</p> <p>10 Q. Anyway, you've marked that very clearly on your plan at</p> <p>11 page 117 of the bundle.</p> <p>12 A. Yes.</p> <p>13 Q. I'm going to continue reading now.</p> <p>14 "Later, the vessels we had embarked cast off Lamma</p> <p>15 Island at around 8.10 pm. After the vessel had</p> <p>16 travelled for about 5 minutes, I walked towards the</p> <p>17 window side (ie the window by the last row near the</p> <p>18 stern on the starboard side of the lower-deck cabin) to</p> <p>19 take a look outside. I then felt the vessel accelerate</p> <p>20 suddenly. (Since I go to work by vessel every day,</p> <p>21 I can feel the difference). About 10 seconds later,</p> <p>22 I heard a 'bang' sound. I fell onto the ground and</p> <p>23 heard some people shout 'vessel collision'. I told my</p> <p>24 husband to call the police. I saw my husband call the</p> <p>25 police and pass the phone to me. I told the staff of</p>
Page 18	Page 20
<p>1 Central Pier at the fireworks display (later known as</p> <p>2 Lamma IV).</p> <p>3 As seats were not assigned and the upper deck was</p> <p>4 full when we had embarked on board, we returned to the</p> <p>5 lower deck. We took our seats in the last row near the</p> <p>6 stern of the lower-deck cabin. Counting from the</p> <p>7 starboard side, I took the third seat and my husband</p> <p>8 took the first. The fourth seat sat my elder daughter,</p> <p>9 while the second seat sat my younger son."</p> <p>10 You make reference to an annex 3 to your statement.</p> <p>11 A. I would like to make some supplementary information.</p> <p>12 When we took our seats at the lower deck, at first my</p> <p>13 husband was sitting at the outermost seat near the</p> <p>14 aisle. At first I took the window seat. My son was</p> <p>15 sitting next to my husband, and my daughter next to my</p> <p>16 son. But shortly after the vessel set sail, my son and</p> <p>17 daughter fought, so I made them change their seats.</p> <p>18 I changed my seat with my daughter.</p> <p>19 Q. Thank you, Madam Wong. We can see the plan that you</p> <p>20 referred to as annex 3 at page 117 of bundle A1.</p> <p>21 A. This is the position before the collision happened.</p> <p>22 Just now, when my husband gave evidence, the plan that</p> <p>23 was shown on the screen, I would like to amend that.</p> <p>24 The last row should have four seats.</p> <p>25 MR BERESFORD: Yes. Can we show the seating plan that we've</p>	<p>1 999 that we were in waters off Lamma Island. Meanwhile,</p> <p>2 I noticed that the upper deck started to collapse. The</p> <p>3 situation was getting worse. I heard someone shout</p> <p>4 again. 'Water pours in the vessel'. I looked downwards</p> <p>5 subconsciously, found water poured in. I thereby</p> <p>6 instructed my husband to run away with my son. I saw my</p> <p>7 husband and my son ran away by way of the main passage</p> <p>8 of the vessel. As it was in chaos, my husband, elder</p> <p>9 daughter, younger son and I hadn't put on our life</p> <p>10 jackets. Objects fell from the upper deck. My elder</p> <p>11 daughter and I thus failed to escape through the main</p> <p>12 passage. We were trapped. At the same time, in front</p> <p>13 of us, ie the ladder leading to the upper deck from</p> <p>14 lower deck, reference can be made to the * location</p> <p>15 marked on ... annex 3 ..."</p> <p>16 Perhaps we can just show annex 3, which is the</p> <p>17 position in front of the central stair.</p> <p>18 "... I saw a member of the crew. I looked at him</p> <p>19 and shouted, pleading him to save my elder daughter</p> <p>20 first. I alarmed him twice before the member of the</p> <p>21 crew hurrying hurdled the seats, approached my elder</p> <p>22 daughter. He carried my daughter, hurdled the seats of</p> <p>23 the vessel. I followed them across the seats. When the</p> <p>24 member of the crew carried my daughter approached the *</p> <p>25 location marked on ... annex 3, water suddenly flooded</p>

<p style="text-align: right;">Page 21</p> <p>1 in through the doorway on starboard side of the lower 2 deck (the [triangle] location marked on ... annex 3)." 3 We can see that as being just about a beam on the 4 starboard side. 5 "Water covered my entire body. I lost sight of my 6 husband, elder daughter and younger son. 7 I was covered by seawater. The current at the same 8 time hauled me to the doorway, ie the [triangle] 9 location of ... annex 3. There were railings near the 10 doorway. I thereupon grasped the railings. By that 11 time, the vessel was vertical. The bottom of the vessel 12 sank inside the sea. I was holding the railings, while 13 my body was immersed in the sea. 14 Stayed at the aforementioned railings for a while, 15 I saw two vessels approach. I waved my arms, trying to 16 attract attentions for rescue. When the two vessels 17 approached, I realise that one was a police launch, and 18 one was a fireboat. They threw me a buoy. I put the 19 buoy around my body and swam towards them, and finally 20 embarked on the police launch. 21 Thereafter, I moved from the police launch to 22 a bigger police launch, then further moved to a First 23 Ferry. I united with my husband, Kwok Yin-tang, on the 24 First Ferry, but yet to see my elder daughter and 25 younger son."</p>	<p style="text-align: right;">Page 23</p> <p>1 A. While I was making the phone call to the 999 station, 2 I heard somebody shouting "Water rushing in", and so 3 I looked downwards and I found that the water coming in 4 was not in large amount, but it was like water flowing 5 in, in small amount. But I knew that it was a big 6 problem. So I think -- so I had to stop the call, and 7 I asked my husband to take care of my son while I myself 8 took care of my daughter. 9 MR BERESFORD: Yes, I see. Thank you very much, Madam Wong 10 MR McGOWAN: Mr Chairman, I have an application that I be 11 allowed to ask Madam Wong some questions dealing with 12 the matter of the acceleration, and the crew member. 13 THE CHAIRMAN: Yes. 14 MR McGOWAN: Thank you very much. 15 Examination by MR McGOWAN 16 MR McGOWAN: Madam Wong, before I start to ask you any 17 questions, I'm representing Hongkong Electric and the 18 crew of the Lamma IV, and I wish to express their 19 condolences to you and your family, not just for the 20 loss of your children but also your friends and 21 colleagues that day. 22 I just have one or two questions. 23 In your statement, you say that you went to the 24 window on the starboard side to look outside and you 25 felt the vessel accelerate suddenly. Can I just ask you</p>
<p style="text-align: right;">Page 22</p> <p>1 Then, Madam, you indicated that you suffered 2 injuries. Both your thighs and shanks sustained bruises 3 caused by the collision and your left elbow, nose and 4 left forehead got grazed. 5 In the questions and answers after the main text of 6 your statement, you were asked if you saw the course of 7 the incident. You said you didn't see it. You said you 8 didn't see what the captain and crew were doing, or 9 whether both vessels were stuck together after the 10 occurrence of the incident. 11 You were asked if you saw where on board the life 12 jackets were placed, and you said you did; that they 13 were under the seats. You said you didn't pay any 14 attention to whether there were any illustrations or 15 instructions to the life-saving facilities or escape 16 routes on the vessel. You were asked if you saw the 17 radar on the vessel spun, and you said no. And you 18 didn't see the navigation lights of the two vessels, and 19 you didn't pay attention to the traffic. 20 That, Madam Wong, is your statement. Madam Wong, 21 you heard the audio recording of the 999 call. 22 A. (Witness nods). 23 Q. The 999 call comes to an abrupt end. Can you tell us 24 what happened at that stage? Did you hang up or did you 25 lose contact, and what was happening to you, please?</p>	<p style="text-align: right;">Page 24</p> <p>1 to describe what you felt at that moment? 2 A. When the vessel began to set sail, the speed was very 3 steady and even slower than the usual speed when I go 4 back and forth from work. But when I looked out of the 5 window, I found that it suddenly accelerated. 6 Q. Did things appear to be going past the window faster? 7 A. I couldn't see anything outside. 8 Q. Right. It felt as if it was going faster? 9 A. It was very sudden, because when it accelerated, my body 10 actually reclined backwards and I felt that the 11 acceleration was not a slow one. 12 Q. So your body moved as a consequence of this? 13 A. Yes. Yes, backwards. 14 Q. Was the vessel turning at the same time? Did you feel 15 that? 16 A. (In English) No. 17 Q. After the collision, everything was very noisy on board; 18 is that correct? 19 A. At that time, yes, it was very noisy because people were 20 shouting for help and shouting "Collision", "Ship 21 collision". But because at that time we were sitting at 22 the starboard quarter of the lower deck, I actually fell 23 onto the ground because of the collision. But since 24 I confirmed that my family was safe at that time, so 25 I didn't return to my seat at once because I noticed</p>

<p style="text-align: right;">Page 25</p> <p>1 that debris was falling from the ceiling, and the 2 situation was more serious in the front. But at the 3 starboard quarter, I only found one debris falling down. 4 But the situation was more serious towards the front, so 5 I didn't go out at that moment for fear that if we go 6 out, we will be hit by more debris falling down. 7 Q. Right. When you say the debris was more serious at the 8 front, do you mean heading towards the front of the 9 vessel? Perhaps you could show us on the plan in your 10 hand. 11 A. I was referring to the area from the staircase to the 12 middle of the starboard quarter; that is, around row 89. 13 Q. That's actually on the port side, the opposite side to 14 where you were sitting? 15 A. Yes. I was not referring to the bow, but the middle 16 section, from the staircase to the stern of the vessel. 17 Q. Madam Wong, thank you. Were the lights on in the cabin 18 at the time of the impact? 19 A. It was not out immediately. It was only after I was 20 washed out of the vessel from the right-hand side that 21 it began to dim out. 22 Q. Did the lights go out suddenly? 23 A. I didn't pay attention, but when my head was submerged 24 underwater, the light was still on. But after I grabbed 25 a rail and steadied my body, I noticed that the light</p>	<p style="text-align: right;">Page 27</p> <p>1 A. I would like to make some clarification. Just now, when 2 my husband gave his evidence, counsel read from the 3 English translation of his statement. But actually the 4 name of my son and my daughter on their birth 5 certificate was Laura and Matthew only. Just that. 6 THE CHAIRMAN: Thank you, Madam. 7 MS LOK: Mr Chairman, I have no questions. 8 MR BERESFORD: No further questions, Mr Chairman. 9 Questions by THE COMMISSION 10 THE CHAIRMAN: Just one matter that you might be able to 11 help us with, Madam Wong. 12 You worked on Lamma Island, did you not? 13 A. (In English) Yes. 14 THE CHAIRMAN: You were telling us about your experiences of 15 travelling on the Lamma IV or the Lamma II vessel to 16 Lamma Island. Was that on a daily basis? 17 A. Since I live in the New Territories, usually I go to 18 board the ship in Tsim Sha Tsui and usually the vessels 19 are contracted out to other companies, and the Lamma II 20 and Lamma IV only set sail from South Horizons. But 21 sometimes, if I had to work overtime and had to leave at 22 about 6 pm, then I would take my company's vessel to Ap 23 Lei Chau. Sometimes I will take the vessels four to 24 five times a month, and sometimes only two to three 25 times.</p>
<p style="text-align: right;">Page 26</p> <p>1 was out. 2 Q. You mentioned that a crew member gave you assistance. 3 A. Yes. I recognised that as a colleague. 4 Q. Was he wearing a uniform? 5 A. He was wearing a white shirt and deep blue trousers. 6 Q. Right. So his top was white? 7 A. (In English) Yes. 8 Q. Thank you. Do you know the name of that colleague? 9 A. I can only recognise him when I see his face. 10 Q. Do you know what position he had on the vessel? 11 A. I'm not sure. 12 MR MCGOWAN: Thank you very much. I have no further 13 questions. 14 MR SUSSEX: Mr Chairman, I have no questions for Madam 15 Wong -- it's no doubt remiss of me -- but would the 16 Commission consider it appropriate if I were to offer 17 condolences on behalf of my clients? 18 THE CHAIRMAN: Of course. Please do. 19 MR SUSSEX: I'm grateful. 20 Madam Wong, I act here for the owners, operators and 21 crew of the vessel Sea Smooth, and they ask me to 22 express their very profound regret at this tragic 23 accident, and to offer their most sincere condolences to 24 yourself and your husband at the loss of your two 25 children and at the loss of your friends and colleagues.</p>	<p style="text-align: right;">Page 28</p> <p>1 THE CHAIRMAN: Over how many months or years have you been 2 doing that, travelling on those journeys on Lamma II and 3 Lamma IV, to Ap Lei Chau on those occasions? 4 A. Actually I have been travelling like this since I joined 5 the company. I joined the company in May 2011. By the 6 time the collision happened, I had joined the company 7 for one year and five months. 8 THE CHAIRMAN: Thank you very much. 9 Madam, your evidence is complete now. The 10 Commission too wishes to extend our deep condolences to 11 you for your loss, and we thank you for coming to help 12 us by giving evidence. Now you're free to go. 13 (The witness withdrew) 14 MR BERESFORD: Mr Chairman, the next witness is Mr Lai 15 Ho-yin. I anticipate that his evidence is likely to 16 take the rest of the morning. 17 THE CHAIRMAN: Yes, very well. 18 MR LAI HO-YIN (affirmed in Punti) 19 (All answers via interpreter unless otherwise indicated) 20 Examination by MR BERESFORD 21 MR BERESFORD: Mr Lai, thank you very much for coming here 22 today. You have previously given a statement to the 23 police, I understand, which is contained in our 24 bundle A2 at page 631, the English translation of which 25 is at page 646-1 to page 646-32.</p>

<p style="text-align: right;">Page 29</p> <p>1 Mr Lai, have you been shown your statement today and 2 have you had an opportunity to remind yourself of its 3 content? 4 A. (In English) Yes. 5 Q. Is there any amendment that you would wish to make? 6 A. Not for the moment. 7 Q. So are the contents of this statement true? 8 A. Yes. 9 Q. Mr Lai, you are aged 34 and your occupation or 10 employment is as a recreation officer of Hongkong 11 Electric; is that correct? 12 A. (In English) Yes. 13 Q. And you've received secondary 5 education? 14 A. Yes. 15 MR BERESFORD: Mr Chairman, I thought I might start reading 16 this statement a little earlier as he recounts the 17 organisation of the trip. 18 THE CHAIRMAN: Yes, I think that's appropriate. 19 MR BERESFORD: Mr Lai, I'm proposing to read from the 20 English translation of your written statement. The 21 Chinese original will be shown on the screen. If at any 22 stage you feel there's anything that should be 23 corrected, then please interrupt and tell me. 24 I'm going to read from paragraph 5: 25 "On 1 July 2012, our company organised a tour</p>	<p style="text-align: right;">Page 31</p> <p>1 didn't count the exact attendance. There were 2 altogether 67 participants boarding at Tsim Sha Tsui 3 Ferry Pier as shown on the enrolment list. The number 4 was inaccurate as far as I remember. However, I can't 5 provide the exact because I didn't seriously count how 6 many passengers were on board that day. 7 At around 1.30 pm the same day, Lamma IV departed 8 for its second stop, ie, Pier 9 at Central, after 9 carrying all passengers at Tsim Sha Tsui Ferry Pier. At 10 around 1.45 pm, our ferry arrived at Pier 9 at Central 11 to pick up the second batch of passengers. My colleague 12 Fok Wing-kei assisted me in doing the attendance check 13 when the passengers boarded one after the other. The 14 passengers were all on board after 10 minutes. Fok 15 Wing-kei didn't join us and left the pier. The ferry 16 then headed to the third destination, Ap Lei Chau ferry 17 pier, to pick up the third batch of passengers. At 18 around 2.20 pm, the ferry arrived at Ap Lei Chau ferry 19 pier, where my colleague Leung Kwok-wai boarded. I then 20 joined him to coordinate the tour according to the 21 pre-arranged itinerary. Leung was responsible for 22 counting the number of passengers onboard at Ap Lei Chau 23 ferry pier, therefore I had no idea of how many people 24 boarded at that pier. Having picked up all 25 participants, the ferry departed and arrived at Lamma</p>
<p style="text-align: right;">Page 30</p> <p>1 consisting of a visit to the company-owned power station 2 and a fireworks display outing on a sightseeing ferry. 3 It was open to all employees to enrol, while 4 participants were selected by lot drawing. Successful 5 applicants could bring along with their relatives and 6 friends to join the tour. A tour fee of \$100 was 7 charged against each participant. Having not enrolled 8 the tour on 1 July, I was assigned by the company 9 earlier on to organise the same tour on 1 October as a 10 fireworks display would be launched to celebrate the 11 National Day. 12 By the end of September 2012, my colleague Fok 13 Wing-kei briefed me and Leung Kwok-wai on the tour 14 arrangement, including the fireworks display outing and 15 a visit to power station, of 1 October. He also 16 provided us with an itinerary, that is, at annex 1, for 17 our reference. Leung Kwok-wai and I were then assigned 18 to be the coordinators of such tour. 19 At around 1 pm on 1 October 2012, I got to Tsim Sha 20 Tsui Ferry Pier (the public pier) by myself to get ready 21 for tour. At around 1.15 pm, the company-owned ferry 22 (later known as Lamma IV) arrived at the pier. 23 According to the itinerary (annex 1) provided by Fok 24 Wing-kei, I simply checked the attendance against the 25 enrolment list by calling the names out one by one but</p>	<p style="text-align: right;">Page 32</p> <p>1 Island Power Station pier at around 2.50 pm. The 2 participants were split into groups to visit various 3 facilities at the power station. I was one of the 4 guides leading the participants during the visit. 5 At around 6 pm the same day, we got back to the 6 staff cafeteria at Lamma Island Power Station for 7 a buffet dinner after paying a visit to the facilities 8 inside the station. There was no assigned seating for 9 the buffet; in other words, the participants could take 10 a seat at their own choices. 11 At around 7.45 pm the same day, our company arranged 12 two ferries, namely Lamma II and Lamma IV, to pick up 13 the participants to Victoria Harbour for watching the 14 fireworks display. Leung Kwok-wai and I already 15 informed the passengers that the ferries would drop them 16 off at Central and Ap Lei Chau ferry piers respectively. 17 Besides, they were told that the one docked in front of 18 the pier was destined for Central, while the one behind 19 was for Ap Lei Chau. Later I knew that the ferry 20 destined for Central was called Lamma IV. 21 At around 8 pm the same day, the passengers boarded 22 Lamma II and Lamma IV one after another. A crew member 23 of Lamma IV called Ah Yau told me that there were a 24 total of 124 passengers on board the ferry. I couldn't 25 tell how many people the ferry was carrying because</p>

<p style="text-align: right;">Page 33</p> <p>1 I didn't keep track of the attendance at all. At around 2 8.15 pm the same day, I was the last one to go aboard. 3 After being informed by Ah Yau that all passengers were 4 on board, the skipper operated the ferry. Having been 5 aboard, I went from the lower deck to the left of the 6 control room (ie, the left of the rudder) at the bow of 7 the upper deck. At that time, I saw that the skipper 8 was in his 40s to 50s, of thin build, with beard and 9 glasses. I entered the control room and made one 10 utterance to him, 'We have plenty of time.' The skipper 11 made no response after hearing my words. I then was 12 about to borrow an amplifier for the prize quiz. 13 Winners would be awarded a mooncake set. At that time, 14 I didn't pay heed if there were other crew members in 15 the control room. Around five to six minutes after the 16 ferry sailed, I saw a dull grey ferry sailing towards us 17 at a distance of around 100 metres ahead. Seeing this, 18 I immediately held the handrail in front of me. When 19 that ferry was only a ferry's spacing (in length of 20 Lamma IV) afar from us, I saw the skipper swiftly turned 21 the rudder to the right. Then I heard that sounds 22 generated by the machines got louder than normal. That 23 ferry then crashed into the port stern of ours all of 24 a sudden. I didn't fall down but was toppled to the 25 walls of the bow. I went out of the control room upon</p>	<p style="text-align: right;">Page 35</p> <p>1 the people on the yacht rescued me." 2 Then in the last section of your statement you refer 3 to your visit to the hospital, and then there are 4 a number of questions and answers. 5 "Were the skipper and crew members picking up the 6 first batch of passengers at Tsim Sha Tsui Ferry Pier by 7 Lamma IV the same group of persons operating this ferry 8 when the collision took place? 9 Answer: Yes. 10 Question: Did you know the skipper of Lamma IV? 11 Answer: No, I didn't know him, nor did I know his 12 name. I just knew that he got a nickname called Wu 13 So-chai. 14 Question: Did you know other crew members of 15 Lamma IV? 16 Answer: I just knew the seaman whose alias name was 17 Ah Yau, while I didn't know the other seaman. 18 Question: Well, were there altogether three crew 19 members including the skipper? 20 Answer: Should be, yes. 21 Question: Well, you picked up passengers at three 22 locations, including Tsim Sha Tsui, Central and Ap Lei 23 Chau to Lamma Island Power Station by Lamma IV. So, how 24 many passengers were onboard? 25 Answer: The crew member called Ah Yau told Leung</p>
<p style="text-align: right;">Page 34</p> <p>1 seeing this. The ferry tilted slightly to the left and 2 so were the passengers. When walking to the weather 3 deck of the stern, I saw a male passenger lying supine 4 on the floor and was then propped up by a female 5 passenger who also shouted for assistance. 6 Subsequently, I went to the stern to see if any 7 passengers were thrown into the sea. Meanwhile, 8 I reported the accident to the police by dialling 999 9 with my mobile phone. I said to the operator, 'Boats 10 crashed off Lamma Island pier' and then I hung up. 11 Seeing some passengers took out the lifebuoys and 12 life jackets, I took the lifebuoys out from the stern of 13 the upper deck and threw them to the cabin. The ferry 14 started to tilt and the rushing-in water already covered 15 my feet when I was standing at the stern of the upper 16 deck. A moment later, the ferry was (half)-submerged 17 with its bow pointing straight up in the air. With 18 three lifebuoys in hand, I was floating in the sea. 19 Besides, I saw passengers on the other ferry (not 20 knowing if it was Lamma II) throwing their lifebuoys to 21 the sea. There were many passengers in the sea waiting 22 for rescue. I would like to swim towards Lamma II at 23 that time but the waters drifted me to the opposite 24 direction. I saw a yacht (registration number unknown) 25 nearby and so I cried for help. Hearing me shouting,</p>	<p style="text-align: right;">Page 36</p> <p>1 Kwok-wai that there were approximately some 190 people 2 on board. 3 Question: When having dinner at staff cafeteria at 4 Lamma Island Power Station, did you have any alcoholic 5 drinks? 6 Answer: No. 7 Question: Well, did you know if there were any 8 alcoholic drinks offered at the cafeteria? 9 Answer: I think no. 10 Question: Well, what was the male arrangement for 11 the crew members? 12 Answer: To my knowledge, there were staff members 13 sending meal boxes to the ferry for them. 14 Question: Did these crew members get to the staff 15 cafeteria for dinner? 16 Answer: To my knowledge, they didn't get there for 17 dinner. 18 Question: Well, did you see if any crew members of 19 Lamma IV had alcoholic drinks? 20 Answer: I didn't see it. 21 Question: When Lamma IV departed Lamma Island Power 22 Station for the fireworks display outing, what was the 23 seating arrangement of the passengers? 24 Answer: I didn't count the exact seating 25 distribution among the upper and lower decks. But there</p>

Page 37	Page 39
1 were more people staying at the upper deck as far as 2 I noticed. 3 Question: How were the passengers distributed at 4 the lower deck? 5 Answer: There were passengers taking the bow and 6 stern seats. 7 Question: How were the passengers distributed at 8 the upper deck? 9 Answer: The seats of the weather deck and the cabin 10 were almost evenly distributed. 11 Question: Were the lights on when the ferry 12 departed? 13 Answer: To my recollection, lights of both decks 14 were on. However, the lights of the cabin on the upper 15 deck went off after the ferry departed. 16 Question: Upon entry to the operation room (rudder 17 room), did you see any others there? 18 Answer: The skipper was there as I remember. 19 Besides, there was one more seaman on my left. 20 Question: Well, did you know who this seaman was? 21 Answer: He's not Ah Yau but another crew member on 22 the ferry. 23 Question: Well, what did this crew member do at the 24 operation room? 25 Answer: I just noticed that he was standing there,	1 lights of that ferry were on? 2 Answer: I can't recall. 3 Question: After the skipper had turned the rudder 4 to the right, the machines were caused to run louder 5 than normal. What was that sound? 6 Answer: I guess the sound was caused by the 7 acceleration. 8 Question: Did you see if the skipper sounded the 9 horn apart from turning the rudder to the right? 10 Answer: I have no recollection. 11 Question: (You) guess the louder sound generated by 12 the machines on the ferry (was possibly) caused by 13 acceleration. So, did the ferry accelerate actually? 14 Answer: When the ferry turned right, I felt it was 15 moving a bit faster. 16 Question: After the collision had taken place, was 17 the engine of your ferry on? 18 Answer: I have no idea about this. 19 Question: Well, did you witness the circumstances 20 when the other ferry crashed into yours? 21 Answer: I saw the port bow of the other ferry 22 struck on the port stern of our ferry, ie Lamma IV. 23 After the collision, I got to the weather deck at the 24 stern of the upper deck and saw that the other ferry 25 stuck into the port stern of Lamma IV. However, the
Page 38	Page 40
1 but had no idea of what he was doing. 2 Question: Well, upon entry to the operation room, 3 how was the mental status of the skipper? 4 Answer: I saw him operating the ferry normally. 5 There was nothing special about him. 6 Question: At that time, did you see the skipper 7 wear the earphones or have alcoholic drinks? 8 Answer: No. 9 Question: Did you see the crew member talk to the 10 skipper at the operation room? 11 Answer: I did not notice. 12 Question: Well, did you chat with the skipper or 13 that crew member at the operation room? 14 Answer: I didn't chat with the skipper but had 15 a small talk with the crew member on how the lucky draw 16 and the mooncake distribution would be carried out. 17 Question: When you saw the other ferry sailing 18 towards your ferry within 100 metres, did you mention it 19 to the skipper? 20 Answer: No. 21 Question: Did the crew member inform the skipper of 22 this? 23 Answer: I did not notice. 24 Question: When you saw the other ferry sailing 25 towards your ferry within 100 metres, did you see if the	1 ferry separated from ours after I reported the accident 2 to the police. 3 Question: For how long did the other ferry crash 4 into and separate from Lamma IV? 5 Answer: For more than a minute or so. 6 Question: Well, do you know how the other ferry 7 separated from yours? 8 Answer: I don't know. 9 Question: Well, did you see if the other ferry 10 moved astern? 11 Answer: I did not notice. 12 Question: How did the ferry sink when you spotted 13 that? 14 Answer: The stern of the ferry sank within 15 5 minutes after the crash, leaving only the bow pointing 16 straight up in the air. 17 Question: When the ferry sank, did its direction 18 change? 19 Answer: Should be no. 20 Question: Did the skipper or other crew members 21 announced the collision to the passengers or asked them 22 to put on the life jackets? 23 Answer: I had no recollection. 24 Question: Well, did the ferry crashing any to yours 25 stop to rescue you guys and in which direction did it

Page 41	Page 43
<p>1 sail afterwards?</p> <p>2 Answer: It didn't stop to rescue us. I have no</p> <p>3 idea in which direction it sailed.</p> <p>4 Question: Did you know the speed of your ferry</p> <p>5 before the collision?</p> <p>6 Answer: I know nothing about navigation; hence I</p> <p>7 can't tell what the speed was. But I thought the speed</p> <p>8 was normal.</p> <p>9 Question: Well, do you know the speed of the other</p> <p>10 ferry?</p> <p>11 Answer: No, I don't. But I felt it was moving</p> <p>12 faster than ours.</p> <p>13 Question: Well, were you injured in this incident?</p> <p>14 Answer: At that time I didn't seek any medical</p> <p>15 consultation from the hospital. But I went to consult</p> <p>16 a private doctor two days later due to muscle pain.</p> <p>17 Question: Can you illustrate on the sketch of</p> <p>18 Lamma IV your standing position when the collision took</p> <p>19 place?</p> <p>20 Answer: Yes, I can illustrate it on the sketch,</p> <p>21 that is, annex 2."</p> <p>22 That is at page 646-2 of the bundle, which I think</p> <p>23 contains both the Chinese and the translation.</p> <p>24 We can see there, Mr Lai, that you have marked with</p> <p>25 a cross a spot to the left or on the port side of the</p>	<p>1 upper deck; is that right?</p> <p>2 A. When I made the call to the police, I was located at the</p> <p>3 stern quarter of the upper deck.</p> <p>4 MR SUSSEX: Mr Chairman, I hesitate to interrupt my learned</p> <p>5 friend but I think the problem actually arises from</p> <p>6 translation. Literally the Chinese apparently means</p> <p>7 "open area at the stern".</p> <p>8 THE CHAIRMAN: Very well. Thank you.</p> <p>9 MR BERESFORD: I'm grateful to my learned friend.</p> <p>10 Mr Lai, you said that when you first saw the dull</p> <p>11 grey ferry sailing towards you, it was at a distance of</p> <p>12 about 100 metres ahead. Then you say:</p> <p>13 "When that ferry was only a ferry's spacing (in</p> <p>14 length of Lamma IV) ... I saw the skipper ... turned the</p> <p>15 rudder to the right."</p> <p>16 A. Yes.</p> <p>17 Q. In terms of time, was that about three seconds? Or if</p> <p>18 you would like to provide us with your estimate of the</p> <p>19 time between seeing the dull grey ferry and the skipper</p> <p>20 turning the rudder to the right, that would be fine.</p> <p>21 A. It should be more than three seconds.</p> <p>22 Q. Do you want to estimate how long? Or can you estimate</p> <p>23 how long?</p> <p>24 A. About more than 10, 10-odd seconds to 20-odd seconds.</p> <p>25 Q. 10-20 seconds. During this time, nobody said anything</p>
Page 42	Page 44
<p>1 seat in the centre of the wheelhouse.</p> <p>2 A. Yes.</p> <p>3 Q. Mr Lai, you've mentioned in a couple of places "the</p> <p>4 weather deck" as opposed to the cabin on the upper deck.</p> <p>5 By "weather deck", do you simply mean the outside part</p> <p>6 of the deck?</p> <p>7 A. I don't quite understand your question.</p> <p>8 Q. There may be an ambiguity in the translation into</p> <p>9 English, Mr Lai, which is what I'm trying to clarify.</p> <p>10 Perhaps you can just use another word to help us</p> <p>11 understand what is meant.</p> <p>12 There are perhaps two oppositions. There's the</p> <p>13 outside part of the upper deck and the inside part, the</p> <p>14 part inside the cabin. Or it might mean one side, the</p> <p>15 weather side, as opposed to the lee side.</p> <p>16 A. Are you asking me about the location where I was?</p> <p>17 Q. I'm asking you if you meant -- when you said "The seats</p> <p>18 of the weather deck and the cabin were almost evenly</p> <p>19 distributed", are you referring to the outside portion</p> <p>20 of the deck and the inside portion of the upper deck?</p> <p>21 A. In fact the passengers were evenly distributed inside</p> <p>22 and outside of the cabin on the upper deck.</p> <p>23 Q. Yes. So when you said "After the collision, I got to</p> <p>24 the weather deck at the stern of the upper deck", you</p> <p>25 mean you got to the outside deck at the stern of the</p>	<p>1 to the skipper?</p> <p>2 A. Not in my recollection.</p> <p>3 Q. Immediately after the collision, you said that you</p> <p>4 reported the accident to the police by dialling 999. If</p> <p>5 we can just identify your voice on that call, please.</p> <p>6 THE CHAIRMAN: Perhaps that's something we can deal with</p> <p>7 after we've had a mid-morning break, and it can be set</p> <p>8 up so that when we come back in, we can deal with it</p> <p>9 straightaway.</p> <p>10 MR BERESFORD: Certainly, Mr Chairman.</p> <p>11 THE CHAIRMAN: Mr Lai, we're going to take a break now for</p> <p>12 20 minutes and we'll resume at just after 11.50 by that</p> <p>13 clock. Do you understand?</p> <p>14 A. (In English) Okay.</p> <p>15 THE CHAIRMAN: Thank you.</p> <p>16 (11.32 am)</p> <p>17 (A short break)</p> <p>18 (11.51 am)</p> <p>19 THE CHAIRMAN: Mr Lai, you continue to give your testimony</p> <p>20 according to your original affirmation. Do you</p> <p>21 understand?</p> <p>22 A. Yes.</p> <p>23 THE CHAIRMAN: Yes, Mr Beresford.</p> <p>24 MR BERESFORD: Mr Lai, we are now going to play an audio</p> <p>25 recording of your 999 call. The Chinese transcript can</p>

<p style="text-align: right;">Page 45</p> <p>1 be found in bundle E at tab 2A, page 1219-1, and the 2 English at tab 2B, page 1219-4. 3 Just before we play it, Mr Chairman, we've now got 4 a scan of the chronology of 999 calls that I handed up 5 this morning. Perhaps that can just be shown on the 6 screen for a moment. 7 THE CHAIRMAN: Yes, certainly. 8 MR BERESFORD: You will see that the call that I am about to 9 play is the first call that was made of the 21 calls 10 listed there. The first few calls -- it can be seen 11 from the fact that they're all in bundle A -- indicate 12 that they're all Lamma IV passengers. Then there's the 13 call from the captain at number 6, whose statement is in 14 the marine bundle. And then from calls 8 and 9 down, 15 there are no more Lamma IV calls; they're all calls from 16 bundle B, which is Sea Smooth, C, which is Lamma II, and 17 D, which is miscellaneous witnesses. 18 THE CHAIRMAN: Yes. 19 MR BERESFORD: So that gives some idea of the overall shape 20 of the pattern of 999 calls that were made in and around 21 that incident. 22 THE CHAIRMAN: So the first call is Mr Lai's call at 23 20:21:03? 24 MR BERESFORD: That's right, and the evidence for that time, 25 which is not apparent from the transcript itself, is</p>	<p style="text-align: right;">Page 47</p> <p>1 Mr Lai, does this show where you were standing in 2 the wheelhouse of the Lamma IV? 3 A. Yes. 4 Q. If we look at one page previously, 153, is that the view 5 that you had of the wheelhouse from your position that 6 you just identified? 7 A. I didn't pay attention to the situation of the right 8 part of the wheelhouse. 9 THE CHAIRMAN: If you'd troubled to do so, that's what you 10 would have seen, from where you tell us you were 11 standing? 12 A. I think so. 13 MR BERESFORD: So you didn't notice if anybody was sitting 14 in those seats? 15 A. I didn't pay attention to it. 16 MR BERESFORD: Please wait there, Mr Lai. Thank you. 17 Examination by MR McGOWAN 18 MR McGOWAN: Good morning, Mr Lai. I'm representing the 19 Hongkong Electric Company and the crew members of the 20 Lamma IV. I have some questions to ask you on their 21 behalf. 22 THE CHAIRMAN: Perhaps you'd identify the areas in which you 23 wish to ask them? 24 MR McGOWAN: Sorry, sir. Yes. It's partly the organisation 25 of the event, and then the matters that happened on</p>
<p style="text-align: right;">Page 46</p> <p>1 contained in a statement of the police officer in 2 bundle E, the translation of which is tab 11A; the 3 Chinese at tab 11. The specific reference is 4 page 1255-105, and that confirms the time of the call, 5 Mr Chairman. 6 With those introductory remarks, perhaps the tape 7 could be played. 8 THE CHAIRMAN: Yes. 9 (Audio played) 10 MR BERESFORD: Mr Lai, I've arranged for that to be cut off 11 so that your telephone number is not disclosed. But in 12 fact you did go on to give your surname, as is apparent 13 from the transcript, and both parties said goodbye. So 14 it wasn't one of those calls that was cut off mid-flow. 15 Mr Lai, do you recognise your voice? 16 A. This call was made by me. 17 Q. Thank you, Mr Lai. 18 Mr Lai, the only other matter -- 19 THE CHAIRMAN: Before you go on, as we understand it, you 20 made this call from the open stern of the upper deck; is 21 that right? 22 A. Yes. 23 THE CHAIRMAN: Thank you. 24 MR BERESFORD: Can the witness please be shown the 25 photographs from bundle 3 at, first of all, page 154.</p>	<p style="text-align: right;">Page 48</p> <p>1 board after they sailed from Lamma going towards the 2 fireworks display. 3 THE CHAIRMAN: Yes, please do. 4 MR McGOWAN: Thank you. I apologise for not asking in 5 advance. 6 Mr Lai, you were one of the people who was 7 responsible for the organisation of this particular 8 family day; is that correct? 9 A. When you say "family day", are you referring to this 10 boat ride? 11 Q. Yes. How was it described in the company, when it was 12 circulated to employees asking if they wished to join 13 it? What was the description? 14 A. It's a boat trip for a visit to the Lamma Power Station 15 and watching the fireworks display. 16 Q. Right. There had been a similar event organised for the 17 1 July fireworks display? 18 A. Yes. 19 Q. Had there been similar events in other years? 20 A. Yes. 21 Q. Can you remember how many years this had happened? 22 A. I don't remember. 23 THE CHAIRMAN: How many of these events had you been 24 involved in; that is to say, going to watch fireworks in 25 the harbour on a Hongkong Electric vessel with</p>

Page 49	Page 51
1 employees, their family and friends? 2 A. In my recollection, it was more than once. 3 THE CHAIRMAN: Well, you've told us about two already. How 4 many others were there? 5 A. There might be similar events in the past, but I didn't 6 attend. 7 THE CHAIRMAN: I'm asking about the ones you attended. Is 8 it your evidence that this is the first one you 9 attended, on 1 October 2012, or were there earlier ones? 10 A. The previous one would be about several years ago, and 11 in my recollection it was before 2011. 12 THE CHAIRMAN: Yes, Mr McGowan. 13 MR McGOWAN: Were you aware that your office, the office of 14 the employee wellness programme, had organised similar 15 trips before which you didn't attend? 16 A. Yes, I'm aware of that. 17 Q. Your experience is that you started in Hongkong Electric 18 as an office assistant in 1998, and had been working in 19 your current post in the employee wellness programme 20 since 2004? 21 A. Yes. 22 Q. Do you actually work on Lamma Island or somewhere else 23 in the Hongkong Electric organisation? 24 A. At present I am working at the head office in Kennedy 25 Road.	1 to Lamma. 2 A. Correct. 3 THE CHAIRMAN: Before you go on, Mr McGowan. 4 Could you help us as to Mr Fok Wing-kei's position, 5 title? 6 A. (In English) Assistant wellness officer. 7 THE CHAIRMAN: Did that rank above where you were? 8 A. No. 9 THE CHAIRMAN: Same rank as you? 10 A. I am one rank higher than him. 11 THE CHAIRMAN: You're higher than Mr Fok, who gave you the 12 briefing? 13 A. Yes, because Mr Fok was the one who organised this kind 14 of activities. 15 THE CHAIRMAN: Was there someone higher than you in this 16 department involved in these matters? 17 A. I do have colleagues of mine who were of the same rank 18 as I am, but they don't focus in organising this kind of 19 outdoor activities. 20 THE CHAIRMAN: So you were the most senior person involved 21 in the organisation of this event? 22 A. I won't say that it was organised by me, but I was 23 assisting in it. 24 MR McGOWAN: Do you have a boss you report to, Mr Lai? 25 A. Should be Mr Lam.
Page 50	Page 52
1 Q. Before October 2002, were you working in the same 2 office? 3 A. When I joined the company in 1998, I worked in the North 4 Point office. 5 Q. Are you a regular traveller on the company's ferries to 6 Lamma Island, or is it a rare occurrence for you? 7 A. I don't travel on the ferries regularly. I only travel 8 on it during similar activities. 9 Q. Right. So you don't really have any experience in 10 marine or maritime matters? 11 A. Yes. 12 Q. On this particular day, you've said in your statement 13 that there was Mr Fok Wing-kei, who briefed you and went 14 along with Mr Leung Kwok-wai as the employee wellness 15 programme representatives on this trip. 16 A. The briefing was done by Fok Wing-kei, and Leung 17 Kwok-wai was my colleague in the same department. 18 Q. Right. So there were three of you from your office who 19 were present at the start of this trip on 1 October; is 20 that right? 21 A. Do you mean on the day, on 1 October? 22 Q. Yes, that's correct. If it assists you, Mr Fok didn't 23 actually go to Lamma. He was present when the 24 passengers were boarding the vessels, but didn't go to 25 Lamma. So just you and Mr Leung from your office went	1 THE CHAIRMAN: Mr Lam whom? 2 A. (In English) Eason Lam. 3 THE CHAIRMAN: And what's his title? 4 A. (In English) Employee relations manager. 5 THE CHAIRMAN: Thank you. 6 MR McGOWAN: Mr Lam would have approved this project; is 7 that correct? 8 A. Yes. 9 Q. You and Mr Leung were assisted in the handling of the 10 trip and the passengers by a number of volunteers from 11 the company, weren't you? 12 A. Yes. 13 Q. I think there were about 10 or 11 on Lamma IV? 14 A. I have no recollection about the exact number. 15 Q. But it was that sort of figure, wasn't it, Mr Lai? 16 A. Yes, that should be the -- about that number. 17 Q. They were on board to help with the families and the 18 extra guests; is that correct? 19 A. I'm not sure. 20 THE CHAIRMAN: What did they volunteer to do? 21 A. They were responsible for helping with the explanation, 22 to brief the participants about the facilities inside 23 the power station in Lamma Island. 24 MR McGOWAN: They were acting as guides, effectively, 25 weren't they?

<p style="text-align: right;">Page 53</p> <p>1 A. Yes, you may put it that way as far as inside the Lamma 2 Island Power Station is concerned. 3 Q. And they were people who worked at Lamma? 4 A. As far as I know, yes. 5 Q. If they worked at Lamma, they'd use that ferry on 6 a regular basis; correct? 7 A. I think so. 8 Q. And one of them was Mr Chan Wing-hang, or Henry Chan, 9 who has given evidence at this Commission yesterday? 10 A. Personally, I don't know them. 11 Q. Right. Were they dressed in a way that differentiated 12 them from the guests? 13 A. Not from my recollection. 14 Q. Right. You told us about what happened after the 15 Lamma IV set off from the jetty on the way back. What 16 had happened, Mr Lai, is that the original departure 17 time was 8 o'clock or 20:00, but because of the weather 18 or the sea state, the skipper was concerned about the 19 passengers and suggested a delayed start. Do you agree? 20 A. Agree. 21 Q. That was to avoid the Lamma IV having to sit stationary 22 in Victoria Harbour where the water was bound to be 23 rough because of the other vessels? 24 A. It was not only because of the waves in Victoria 25 Harbour, but also because we were worried that some</p>	<p style="text-align: right;">Page 55</p> <p>1 mooncakes would be distributed after the vessel set 2 sail. But this didn't happen because of the collision. 3 Q. Yes. But that was planned, and that is why you went to 4 the wheelhouse five minutes or approximately 5 five minutes after the vessel had sailed, isn't it? 6 THE CHAIRMAN: There are perhaps two questions there. If 7 you wish to put to him that he went to the wheelhouse 8 five or six minutes after the vessel sailed, do that as 9 a separate question. 10 MR McGOWAN: Thank you. I will do that. 11 The reason you went to the wheelhouse was because 12 you were about to start the games, the quiz; correct? 13 A. Yes, because the prizes for the game were stored inside 14 the wheelhouse and I intended to borrow the amplifier to 15 play the game, but this didn't happen. 16 Q. You went there something like -- do you have an estimate 17 of how long after the ship sailed that you went to the 18 wheelhouse? 19 A. I think about a minute or so. 20 Q. Right. Might it have been a bit longer? 21 Perhaps I can put it another way. 22 THE CHAIRMAN: Allow the witness to answer the question 23 first. 24 MR McGOWAN: Certainly, yes. 25 A. It is possible.</p>
<p style="text-align: right;">Page 54</p> <p>1 passengers may suffer from seasickness. So we tried to 2 avoid setting sail too early. 3 Q. And the agreed departure time was at 20:15? 4 A. As far as my recollection is concerned, yes. 5 Q. Which gave plenty of time to get to your position in 6 Victoria Harbour before the fireworks started? 7 A. Yes, certainly. 8 Q. I think, as you said you remarked to the master when you 9 went up to the wheelhouse, there was plenty of time; 10 there was no pressure on you or the coxswain of Lamma IV 11 to rush to Victoria Harbour? 12 A. Yes. 13 Q. So it's effectively a leisurely trip into the harbour; 14 correct? 15 A. I don't agree with that, because it was only 16 a transportation vehicle which conveyed us to Victoria 17 Harbour to watch the fireworks display, and nothing was 18 supposed to take place on board the ferry during the 19 trip. 20 Q. I think, one, it was going to be the viewing platform, 21 wasn't it, Mr Lai, to watch the fireworks from? Right? 22 A. You can put it that way. 23 Q. And you were about to keep the passengers happy with 24 a game, with prizes. 25 A. Originally we intended to organise a game in which</p>	<p style="text-align: right;">Page 56</p> <p>1 MR McGOWAN: Right. And how long before the collision do 2 you think it was that you went to the wheelhouse? 3 A. I believe that it was within five minutes. 4 Q. Right. Mr Lai, when you got to the wheelhouse, the 5 master, the coxswain, was there looking ahead, wasn't 6 he, looking out of the window towards the front of the 7 vessel? 8 A. Yes, as far as my recollection is concerned. 9 Q. And he was dressed in a white uniform, or certainly 10 a white shirt? 11 A. Yes. 12 Q. And you said something to him about, "We have plenty of 13 time"? 14 A. Yes. 15 Q. And he basically didn't say anything to you back, did 16 he? 17 A. I have no such recollection. 18 Q. He was concentrating on what he was doing? 19 A. I believe so. 20 Q. And he was looking out of the window ahead, wasn't he? 21 A. I believe so. 22 Q. You went over to the left-hand side of the wheelhouse? 23 A. Yes. 24 Q. And you talked to another crew member, didn't you, at 25 that stage?</p>

<p style="text-align: right;">Page 57</p> <p>1 A. Yes. 2 Q. Did he talk to you back? 3 A. Yes, as far as my recollection is concerned. 4 Q. The master carried on looking out and doing what he was 5 doing? 6 A. I believe so. 7 THE CHAIRMAN: Who was this other crew member? 8 A. It was only afterwards that I got to know that his name 9 was something like Ah Sang. 10 THE CHAIRMAN: Did you understand what his position was on 11 the crew? 12 A. I am not sure. 13 MR McGOWAN: Was he in uniform again? 14 A. Yes. 15 Q. You first saw this dull grey ferry, as you described it, 16 at a distance? 17 A. Yes. 18 Q. Which you described in your statement as being "about 19 100 metres ahead"? 20 A. Yes, this is my estimation. 21 Q. Right. But it's only an estimation, isn't it? 22 A. Yes. 23 Q. When you say it was ahead, was it right ahead -- was it 24 right ahead of Lamma IV, or was it right ahead of where 25 you were, or what was its position?</p>	<p style="text-align: right;">Page 59</p> <p>1 Q. But he was focusing on something ahead of him when you 2 came into the -- 3 THE CHAIRMAN: We've established that three times now, 4 Mr McGowan. 5 MR McGOWAN: Right. 6 You say that after you'd seen it, you estimated that 7 he altered or put the rudder to the right some 10 to 8 20 seconds later. 9 A. You mean the master of our vessel? 10 Q. Yes. That was in an answer to a question that my 11 learned friend Mr Beresford asked you this morning. 12 THE CHAIRMAN: Well, the evidence as to the evidence of the 13 master turning the rudder to the right comes from the 14 witness statement. 15 MR McGOWAN: Yes. 16 THE CHAIRMAN: I'd like to deal with that first of all, 17 because this wasn't explored. 18 When you say the master turned the rudder to the 19 right, what did you see him do on the vessel? 20 A. When he saw that the other vessel was about to crash 21 into us, he tried very hard to turn the rudder to the 22 right in order to avoid that vessel. 23 THE CHAIRMAN: No, the question I'm asking you is, what did 24 he do? What piece of equipment did he manoeuvre to lead 25 you to think that he'd turned the rudder to the right?</p>
<p style="text-align: right;">Page 58</p> <p>1 A. The other vessel was at the location that was 2 approximately on the left-hand side in front of 3 Lamma IV. 4 Q. Right. So it wasn't right ahead; it was off slightly to 5 the port side? 6 A. You can put it that way. 7 Q. Well, I'm asking you, Mr Lai. I'm now going to ask if 8 you can remember how many degrees, how far round it was 9 to the port side. 10 A. I am not sure. 11 Q. Was it 10 degrees, 15 degrees? 12 THE CHAIRMAN: Did you not establish earlier in his evidence 13 that he doesn't know anything about maritime matters? 14 MR McGOWAN: Well, I did, yes. 15 THE CHAIRMAN: Yes. Do you think that an answer to this 16 will help this Commission? 17 MR McGOWAN: Probably not, sir. 18 THE CHAIRMAN: Thank you. 19 MR McGOWAN: I'll move on. 20 THE CHAIRMAN: Please do. 21 MR McGOWAN: That was the first you'd seen of that vessel? 22 A. Yes. 23 Q. But you don't know whether the master had seen it before 24 or not, do you? 25 A. I am not sure.</p>	<p style="text-align: right;">Page 60</p> <p>1 A. My impression was that it was a steering wheel. 2 THE CHAIRMAN: Right, and what did he do with the steering 3 wheel? 4 A. He kept turning it to the right. 5 THE CHAIRMAN: Yes, Mr McGowan. 6 MR McGOWAN: Turning a wheel to the right? 7 A. Yes. 8 Q. I wonder if you could have a look at marine bundle 1, 9 which has some photographs, and I'd like you to look at 10 the photograph on page 143. Photograph 7 shows the 11 wheel. 12 Is that what you say you saw the master turn sharply 13 to the right? 14 A. I believe so. 15 Q. But you're not sure, are you? 16 A. I believe that this is the equipment he used, he 17 manoeuvred with both of his hands. 18 Q. Right. Mr Lai, do you see on the left-hand side of that 19 wheel a little joystick? 20 A. At that time, I didn't notice it. 21 Q. I suggest that that is what the coxswain was using. 22 THE CHAIRMAN: To steer the rudder to the right? 23 MR McGOWAN: Yes, to come round to the right. 24 A. I am not sure. 25 Q. And he was doing that for some considerable time before</p>

<p style="text-align: right;">Page 61</p> <p>1 you noticed -- he was using that to turn to the right 2 before you noticed the approaching ferry yourself. 3 A. I didn't pay attention to this. 4 Q. The other crew member that you've told us about was 5 standing where in relation to you and the master? 6 THE CHAIRMAN: At this point in time? 7 MR McGOWAN: Yes. 8 A. He should be on my left-hand side. 9 MR McGOWAN: Right. And had he been standing there 10 throughout your conversation with him? Sorry, 11 throughout your time in the wheelhouse? 12 A. Yes. As far as my impression is concerned. 13 Q. But you were focusing on your conversation with that 14 crew member; correct? 15 A. It was only a casual chat and it was not something like 16 you focus on whether the other party makes any response 17 to your conversation. 18 Q. Yes. You would be talking towards him rather than 19 towards the coxswain, wouldn't you? 20 A. Not to the coxswain. 21 Q. Right. To the crew member then? 22 A. Yes. 23 Q. You were asked by my learned friend Mr Beresford if 24 you'd like to provide your estimate of the time between 25 seeing the dull grey ferry and the skipper turning the</p>	<p style="text-align: right;">Page 63</p> <p>1 the collision? 2 A. I estimate that it was about five seconds. 3 Q. How long between you seeing the grey shape was it before 4 the collision? 5 A. I estimate that it was within 30 seconds. 6 Q. That's, again, an estimate? 7 A. Yes. 8 Q. It could have been longer, couldn't it? 9 A. It is possible. 10 Q. I'd suggest that the Lamma IV was already turning to the 11 right, to starboard, about the time you came into the 12 wheelhouse? 13 A. I am not sure about this. 14 Q. And certainly by the time you saw the ferry yourself? 15 If you don't know, just say so, Mr Lai. 16 A. Can you repeat your question, please? 17 Q. Yes. My question -- I better check that it's 18 accurate -- was that I put to you that the Lamma IV was 19 already turning to the right about the time you came 20 into the wheelhouse, and certainly by the time you saw 21 the ferry yourself? 22 A. I am not sure. 23 MR McGOWAN: Thank you, Mr Lai. 24 THE CHAIRMAN: Mr McGowan, before you sit down, can you help 25 me, at least. Has Hongkong Electric and those that you</p>
<p style="text-align: right;">Page 62</p> <p>1 rudder to the right. Do you remember that? 2 Mr Beresford is the gentleman on my right-hand side. 3 A. I don't remember. 4 Q. Can you just remember the question I've repeated to you, 5 because I'm going to ask you about the answer you gave. 6 The answer you gave was: 7 "It should be more than three seconds." 8 Mr Beresford then asked -- 9 THE CHAIRMAN: Carry on with the answer, please, Mr McGowan. 10 in one question. 11 MR McGOWAN: Do you remember giving that answer? 12 THE CHAIRMAN: No, I want the whole answer given. 13 MR McGOWAN: There was another question first. 14 THE CHAIRMAN: I'll do it then. The answer you gave was, 15 "More than three seconds. More than 20 seconds. 16 10-20 seconds." Do you remember giving that evidence? 17 A. Yes, I remember that just now I said it was 10-odd to 18 20-odd seconds. 19 THE CHAIRMAN: Yes, Mr McGowan? 20 MR McGOWAN: Yes. I was going on to ask that, sir. I was 21 just taking him through the sequence of questions and 22 answers. 23 THE CHAIRMAN: I asked you to do it that way and I've done 24 it myself. Let's proceed. 25 MR McGOWAN: How long after the master turned the wheel was</p>	<p style="text-align: right;">Page 64</p> <p>1 represent provided the Commission with material relating 2 to the organisation of this trip? 3 MR McGOWAN: I don't believe so. 4 THE CHAIRMAN: Have they been asked to do so? 5 MR McGOWAN: We haven't been asked that either. 6 THE CHAIRMAN: Mr Beresford? Has a request been made in 7 that respect? 8 MR McGOWAN: That's as I understand it. 9 MR BERESFORD: I don't know, Mr Chairman. I'll make 10 enquiries. 11 THE CHAIRMAN: If one hasn't been made, formulate one so 12 that it can be communicated immediately. 13 MR BERESFORD: Yes. 14 THE CHAIRMAN: Mr Sussex? 15 MR SUSSEX: Mr Chairman, I wonder if, with your permission, 16 I might be allowed to ask this witness questions about 17 what he saw in the wheelhouse and also his evidence 18 about the vessels sticking together. 19 THE CHAIRMAN: Yes. 20 Examination by MR SUSSEX 21 MR SUSSEX: Mr Lai, you told us you went into the wheelhouse 22 about a minute after the vessel left the Lamma pier. 23 A. Yes, I believe so. 24 Q. I think therefore that would suggest that you were 25 actually in the wheelhouse for about four minutes before</p>

<p style="text-align: right;">Page 65</p> <p>1 the collision occurred? 2 A. I believe this is the correct length of time. 3 THE CHAIRMAN: If it helps you, Mr Lai, I think counsel's 4 question is based on the radar track that we have. We 5 know when the vessel set sail, and we know when it 6 collided. 7 Yes, Mr Sussex? 8 MR SUSSEX: You told Mr McGowan that the master was looking 9 ahead. 10 A. Yes. 11 Q. Apart from saying to him "We have plenty of time", you 12 had no conversation with the master; is that right? 13 A. Not in my recollection. 14 Q. Right. So as far as you recall, he didn't speak to you 15 at all? 16 A. Yes, I believe so. 17 Q. Can you remember what the master was doing with his 18 hands when he was looking straight forward? 19 A. He should be holding the steering wheel. 20 Q. Is it your recollection that he was holding the steering 21 wheel? 22 A. I believe so. 23 Q. Was he holding that wheel with both hands? 24 A. I don't have much recollection about this. 25 Q. You have told us that while you were in the wheelhouse,</p>	<p style="text-align: right;">Page 67</p> <p>1 THE CHAIRMAN: Perhaps it would help the witness if we show 2 him photographs of the wheelhouse. 3 MR SUSSEX: Photograph 153, but unfortunately I don't yet 4 have the bundle. I think this is marine bundle I. This 5 is all from memory. 6 MR BERESFORD: No, photo bundle III. 7 MR SUSSEX: Photo bundle III, page 153; is that right? That 8 is the one we were looking at to get his view of the -- 9 THE CHAIRMAN: That, I think, is a view from approximately 10 where the witness was standing. So it perhaps is a view 11 looking the other way. 12 MR SUSSEX: I may be wrong, but there doesn't seem, from 13 what I can see there, to be a handrail. Do you remember 14 what you did actually take hold of? 15 A. I was actually referring to this position when I said 16 "handrail" (indicates). 17 THE CHAIRMAN: Can you use words to describe what you're 18 pointing at? 19 A. It was like a flat wooden plank. 20 THE CHAIRMAN: Did it have a raised ledge to it, that's 21 brown; is that what you're pointing to? 22 A. No. 23 THE CHAIRMAN: So it was just a flat surface that you put 24 your hands on; is that what you're saying? 25 A. It should be the brown part that was protruding.</p>
<p style="text-align: right;">Page 66</p> <p>1 you were chatting to another crew member who was 2 standing to your left. 3 A. Yes. 4 Q. Were you leaning against the wall of the wheelhouse or 5 standing freely? 6 A. I believe that I was just standing. 7 Q. All right. In your witness statement you tell us that 8 you saw "a dull grey ferry sailing towards us" at 9 a distance which you estimate to have been 100 metres? 10 A. Yes. 11 Q. Would it help you to confirm that distance if we say 12 that that's about three times the length of the 13 Lamma IV, so three boat lengths? 14 A. I can't. 15 Q. But it was close; is that right? 16 A. You can put it that way. 17 Q. Well, you say that seeing this, seeing the dull grey 18 ferry, at a distance which you've given as 100 metres, 19 "I immediately held the handrail in front of me". Why 20 do you say you held the handrail? 21 A. Because it was heading towards us and quite close to us, 22 and so I was worried that it would crash into us. 23 Q. I think I'm right in saying that there isn't actually 24 a handrail in the wheelhouse. Can you remember what you 25 held onto?</p>	<p style="text-align: right;">Page 68</p> <p>1 MR BERESFORD: Mr Chairman, I'm told the translation went 2 a little awry in relation to the question, "Did it have 3 a raised ledge to it, that's brown". Perhaps the 4 question could be put again. 5 THE CHAIRMAN: I think perhaps we've got there by default. 6 Are you saying that you held onto something that was 7 raised above the flat surface? In the photograph, that 8 looks as though it's brown in colour. 9 A. Yes. 10 THE CHAIRMAN: Thank you. 11 Yes, Mr Sussex? 12 MR SUSSEX: Can you help me with this. Are you quite sure 13 that upon seeing this dull grey vessel, you grabbed hold 14 of something? 15 A. Yes. 16 Q. So you braced yourself because you were concerned that 17 there would be a collision? 18 A. No. 19 THE CHAIRMAN: You were worried there was going to be 20 a collision; you've already told us that. 21 A. Yes, but when I was grabbing the brown part, I was 22 standing because I didn't know what could be done at 23 that time. 24 MR SUSSEX: I'm right, am I not, that you did not 25 communicate, either with the crew member to your left or</p>

Page 69	Page 71
<p>1 with the skipper? 2 A. No, I didn't. 3 Q. And it was only after you grabbed hold of the brown 4 part, as you describe it, that you saw the master turn 5 the steering wheel to the right; is that right? 6 A. I believe so. 7 Q. That is your recollection; is that right? 8 A. Yes. 9 Q. Did you hear the master sound the horn of the Lamma IV? 10 A. I have no recollection. 11 Q. And you've told us that there was then -- 12 THE CHAIRMAN: Before you go on, Mr Sussex. We've reached 13 beyond 1 o'clock, and there are some matters that I wish 14 to raise with this witness in any event. 15 MR SUSSEX: Yes. I certainly shan't finish for a while. 16 THE CHAIRMAN: So we'll take the adjournment now. 17 Mr Lai, we're going to adjourn until 2.30, when 18 we'll ask you to be back here to resume your evidence. 19 Do you understand? 20 A. Yes. 21 MR BERESFORD: Mr Chairman, somehow Madam Lau Hau-yin got 22 left off the schedule of witnesses because she couldn't 23 make an earlier time. She is the lady who gave her 24 telephone to the captain. 25 THE CHAIRMAN: Yes.</p>	<p>1 Mr Sussex? 2 MR SUSSEX: Mr Lai, you tell us in your statement that upon 3 the occurrence of the collision, you left the wheelhouse 4 and you walked to the open area at the stern of the 5 vessel. 6 A. Yes. 7 Q. And in answer to a question from the Chairman, you 8 confirmed that you made your 999 telephone call from 9 that open area at the stern of the vessel on the upper 10 deck? 11 A. Yes. 12 Q. You said that you got to what you've described here as 13 the weather deck, but the open area at the stern of the 14 upper deck -- this is in answer to question 26 -- and 15 you "saw that the other ferry stuck into the port stern 16 of the Lamma IV." 17 A. Yes. 18 Q. Are you suggesting that the two vessels were physically 19 attached for a time? 20 A. Yes, this is my recollection. 21 Q. You were asked at question 27: 22 "For how long did the other ferry crash into and 23 separate from Lamma IV? 24 Answer: For more than a minute or so." 25 Is it possible that your estimate of time there is</p>
Page 70	Page 72
<p>1 MR BERESFORD: Her evidence is quite short. We're proposing 2 to interpose her after this witness, so I just wanted to 3 give everybody notice about that. 4 THE CHAIRMAN: Thank you. 5 Can I enquire whether counsel have received copies 6 of the Marine Department notice in relation to the 7 National Day fireworks that I asked -- I see that you 8 haven't. I'd like this distributed now. (Handed). 9 2.30. 10 (1.02 pm) 11 (The luncheon adjournment) 12 (2.30 pm) 13 THE CHAIRMAN: Mr Lai, may I remind you that you continue to 14 give your evidence according to your original 15 affirmation. 16 MR BERESFORD: Mr Chairman, just before my learned friend 17 Mr Sussex gets back to his feet, before the luncheon 18 adjournment you handed down a Marine Department notice 19 No. 131 of 2012. 20 THE CHAIRMAN: Yes. 21 MR BERESFORD: This is in the bundle. If I may just give 22 you the bundle reference. It's miscellaneous 23 bundle tab 10, page 53. It's attached to a Local 24 Vessels Advisory Committee report. 25 THE CHAIRMAN: Thank you.</p>	<p>1 completely wrong? 2 A. Because it was too chaotic at that time, so this is only 3 my estimation, and I am not sure if it is a reasonable 4 estimation. 5 Q. Right. But what I'm particularly interested in is your 6 recollection that the vessels were physically stuck 7 together for a time. 8 A. At the time I was focusing on making a 999 call to the 9 police, and so I didn't really pay attention to the 10 situation of the other vessel and Lamma IV. 11 Q. Right. We know that your phone call was the very first 12 received by the emergency services, and we heard 13 a recording of that telephone conversation this morning. 14 The translation records you as describing the other 15 vessel as a hovercraft. That may be a mistranslation. 16 But at line 19 in the transcript -- 17 THE CHAIRMAN: Could we help the witness by putting that up 18 on the screen? Police bundle E, and I think it's at 19 page 1220-1. 20 MR SUSSEX: At question 19 you were asked whether you knew 21 what kind of a vessel a hovercraft is, what kind of 22 a vessel "the other vessel" was; that's right, is it 23 not? 24 The answer, number 20, records you as saying: 25 "I can't see it. It just bumped into ours. It</p>

<p style="text-align: right;">Page 73</p> <p>1 didn't slow down." 2 So would I be right to infer that by this stage of 3 the conversation, the other vessel was outside your 4 vision; you couldn't see it? 5 A. Since I was not the one who was driving the vessel, so 6 I was not focusing on the front view. 7 Q. No, but you're now standing at the rear of the vessel in 8 the open part of the upper deck; is that not right? 9 A. I don't quite understand your question. 10 Q. All right. You have told us that following the 11 collision, you went down to the open area at the rear of 12 the upper deck. 13 A. Yes. 14 Q. It's fair to say, is it not, that as soon as you got 15 there, you started your 999 conversation with the 16 emergency services? 17 A. After the collision, I rushed out of the wheelhouse and 18 went to the stern, the open space at the stern on the 19 upper deck, through the inner cabin. While doing this, 20 I noticed that there were people injured, but I did not 21 deal with them. Instead, I went all the way to the 22 right stern to make my 999 call. 23 Q. Right. We know, because we have a time for that, when 24 that call started. We also heard it this morning, and 25 it was a relatively short telephone call; is that not</p>	<p style="text-align: right;">Page 75</p> <p>1 MS LOK: Mr Chairman, may I have permission to ask him a few 2 questions on the events leading to the collision? 3 THE CHAIRMAN: By that, what do you mean? 4 MS LOK: By what he saw or heard before the collision. 5 THE CHAIRMAN: Yes, certainly. 6 Examination by MS LOK 7 MS LOK: Mr Lai, you told us that you went to the wheelhouse 8 about one minute after departure, because the mooncake 9 was stored in the wheelhouse and you wanted to borrow 10 an amplifier? 11 A. You can put it that way. 12 Q. How was the lighting in the wheelhouse? 13 A. My impression was that the lighting was adequate. 14 Q. So you mean there were lights on and it was bright 15 inside the wheelhouse? 16 A. I am not sure whether the lights were on, but as far as 17 my visibility is concerned, I was able to see things and 18 people on both sides of me. 19 Q. In your statement, you told us that the lights of the 20 cabin on the upper deck went off after the ferry 21 departed. Do you remember that? 22 A. My impression was that not long after the vessel set 23 sail, the light inside the cabin went off. 24 Q. By "the cabin", you excluded the wheelhouse; is that 25 correct?</p>
<p style="text-align: right;">Page 74</p> <p>1 right? 2 THE CHAIRMAN: I think it was a minute and 40 seconds. 3 MR SUSSEX: A minute and 40 seconds. Towards the end of 4 that telephone call, at line 19, you were asked: 5 "However, I want to ask clearly about your -- 6 whether (you) know what kind of vessel the hovercraft 7 is." 8 You were being asked what sort of vessel the other 9 vessel in the collision was; is that right? 10 A. Yes. 11 Q. The answer recorded in the translation is: 12 "I can't see it. It just bumped into ours. It 13 didn't slow down." 14 Those words, "ngor tai mm-do", were in fact the 15 words that you used. 16 Am I right to infer from that that at this stage in 17 the conversation, you could not see the other vessel? 18 A. At that moment, my vision was not focused on the other 19 ship. 20 Q. Right. Would I be right that you can't be certain 21 whether or not the vessels ever were physically stuck 22 together? 23 A. You can put it that way. 24 MR SUSSEX: Thank you, Mr Lai. 25 THE CHAIRMAN: Thank you, Mr Sussex.</p>	<p style="text-align: right;">Page 76</p> <p>1 A. I am not sure about the difference between the 2 wheelhouse and the cabin, but I remember that the cabin 3 at the end, inside the rear part of the cabin, excluding 4 the wheelhouse, there, the light was not on. 5 Q. So to your recollection, the lighting in the wheelhouse 6 was brighter than that inside the cabin of the upper 7 deck? 8 A. I am not sure whether the light inside the wheelhouse 9 was lit, but it was brighter than that of inside the 10 cabin. 11 Q. I'll move on. 12 You told us that you remember seeing a seaman, which 13 you just told us was called Ah Sang, on your left when 14 you entered the wheelhouse. 15 A. Yes. 16 Q. You also told us that you made a remark about there 17 being plenty of time to the skipper, to which he did not 18 respond. 19 A. Yes, as far as my impression is concerned. 20 Q. So in terms of the sequence of events, did you start 21 your smalltalk with Ah Sang about the mooncake and 22 prizes after the remark to the skipper? 23 A. Yes. This is my impression. 24 Q. Then I will come to my next point. 25 You will be assisted, I believe, by seeing some</p>

Page 77	Page 79
<p>1 photographs. 2 May I turn to the marine bundle 1, page 140. 3 Photo 1. You have seen this before today. 4 This is not a question. I am reminding him that he 5 has seen this before today. 6 You see the little black object to the left of the 7 photo, the black one, like a monitor; do you see that? 8 A. Yes. 9 Q. Can you help us. During your stay in the wheelhouse, 10 did you see that machine turned on? 11 A. Since I know nothing about driving a vessel or maritime 12 matters, so I didn't pay any attention to the equipment 13 inside the wheelhouse. 14 Q. Thank you, Mr Lai. Now I want you to focus on the 15 moment when you said you saw the dull grey ferry about 16 100 metres ahead of Lamma IV, slightly to the left. Did 17 you notice any light on the coming vessel? 18 A. I am not sure. 19 Q. You mean you do not remember? 20 A. When I made my statement, I had remarked that I'm not 21 sure whether the other vessel had the lights on. 22 Q. How about any light flashing? 23 A. Neither did I pay attention to this. 24 Q. You told us today that from the moment you saw the 25 coming vessel to the moment when the skipper turned</p>	<p>1 coming, such that you had to grab something, being 2 afraid that it might crash into yours? 3 A. In fact it happened so suddenly that I had no time to 4 make any response, not even making the response of 5 shouting. 6 Q. So you were stunned throughout that 10- or 20-odd-second 7 period? 8 A. I won't say I was stunned, but I didn't know how to 9 respond except grabbing the panel in front of me. 10 Q. I'll move on to the moment when you described in your 11 statement that the other ferry was one ferry spacing 12 ahead of Lamma IV. You said that "the skipper swiftly 13 turned the rudder to the right". 14 If you can refer to one photograph, which is in 15 marine bundle 1, page 143, photo 7. Is that the rudder 16 you referred to? 17 A. Yes. 18 THE CHAIRMAN: Which object? 19 MS LOK: Photo 7. 20 THE CHAIRMAN: Which object are you suggesting is the 21 rudder? 22 MS LOK: Which object? 23 A. The round object in the middle. 24 THE CHAIRMAN: The wheel? 25 A. Yes.</p>
Page 78	Page 80
<p>1 right, there were about 10 or 20-odd seconds. I want 2 you to focus on those 10 or 20-odd seconds now. You 3 told us that when you first saw the other vessel coming, 4 you grabbed the panel in front of you. Did you walk 5 ahead when you did so? 6 A. My impression was that I didn't. 7 Q. Within those 10 or 20-odd seconds, did you notice where 8 the skipper was looking? 9 A. My impression was that he was looking at the front. 10 Q. So not to the left, not to his left? 11 A. If you are referring to the time when the other vessel 12 was coming close to us, then the skipper was looking at 13 the other vessel. 14 Q. I am referring to the 10 or 20-odd seconds before the 15 skipper turned right. Please clarify where the skipper 16 was looking at that time. 17 A. I'm not sure. 18 Q. How about Ah Sang? 19 A. I believe that he was also looking to the front. 20 Q. Did he do the same thing as you did? Did he grab 21 anything? 22 A. I didn't pay attention to this. 23 Q. Did he grab the same panel which you grabbed? 24 A. I didn't pay attention. 25 Q. Why did you not shout when you saw the other ferry</p>	<p>1 THE CHAIRMAN: The rudder is in the sea. 2 Yes, please carry on. 3 MS LOK: Did you notice what made the skipper turn right? 4 A. Because I saw that the vessel opposite us was crashing 5 into us. 6 Q. Who saw the other vessel "crashing into us"? 7 A. I believe that it was the skipper. 8 Q. Was there any time lapse between the skipper turning the 9 wheel to the right and Lamma IV actually turning right? 10 A. Can you repeat your question? 11 Q. You saw the skipper turning the wheel to the right? 12 A. (Witness nods). 13 Q. When he did so, did the vessel turn right at the same 14 time? 15 A. Yes, as far as my impression is concerned. 16 Q. Can you describe to us how drastic the turn was? 17 A. What words can I use to describe "drastic", as you put 18 it? 19 Q. Did it make you lose balance? 20 A. My body wobbled a little bit. 21 Q. When the vessel Lamma IV was turning as you said, did 22 you see any light flashing or any light at all in the 23 coming vessel? 24 A. I didn't pay attention to this. 25 Q. You told us today that you saw the skipper using both of</p>

<p style="text-align: right;">Page 81</p> <p>1 his hands to turn right. Did you observe him turning or 2 touching any other buttons in the process of doing so? 3 A. I didn't pay attention to this. 4 Q. You said in your statement that you heard the sound of 5 machines "got louder than normal". Where did that sound 6 come from? 7 A. I personally feel that it was an engine, the sound of 8 an engine. 9 Q. Lastly, I want to ask you about the moment of the 10 collision. Did you hear anyone at all shouting to the 11 effect that "There is another vessel coming"? 12 A. I have no impression. 13 Q. Where were you looking at at the moment of the 14 collision? 15 A. Before the collision, I was looking at the other vessel 16 for some time. 17 MS LOK: I have no further questions, Mr Chairman. 18 THE CHAIRMAN: Thank you. 19 Mr Beresford? 20 MR BERESFORD: Mr Chairman, just one question, if I may. 21 Further examination by MR BERESFORD 22 MR BERESFORD: Mr Lai, you've been asked a lot of questions 23 about having seen the skipper turn to the right. 24 You saw that, right? 25 A. Yes, I saw it and I felt it.</p>	<p style="text-align: right;">Page 83</p> <p>1 A. No, because it was a hard copy. So I saved it for use 2 for the trip -- I mean, the schedule and the passenger 3 list, I saved them for use during the trip. 4 THE CHAIRMAN: And you didn't keep any copy of it? 5 A. I don't remember. 6 THE CHAIRMAN: Were you given this in electronic soft copy? 7 A. As far as I know, Fok Wing-kei would save these kinds of 8 files in the computer. 9 THE CHAIRMAN: Did you save it? 10 A. I don't think so. 11 THE CHAIRMAN: Do you have anything, electronically or hard 12 copy, that evidences the preparations that were made in 13 which you were involved for this event? 14 MR MCGOWAN: Sir, I believe if you go to -- 15 THE CHAIRMAN: Just let him answer the question, please. 16 Yes? 17 A. In fact, we were only responsible for participating in 18 the event and guiding the participants, and the 19 preparation work was not done by me or Leung Kwok-wai. 20 So we were only informed to participate in the trip. 21 THE CHAIRMAN: Mr McGowan, you rose no doubt to help. Can 22 you tell me what it is? 23 MR MCGOWAN: I hope so, sir. There is actually attached to 24 the Chinese version of his statement a list of 25 participants and an itinerary. It's at page 640 of the</p>
<p style="text-align: right;">Page 82</p> <p>1 Q. What I want to ask you is about the movement of the 2 skipper's body. You said he had both hands on the 3 wheel. Did he just move his hands, did he move his 4 arms, did he move his shoulders, did he move his back, 5 his whole body? How big a movement of the skipper was 6 involved in that turning right? 7 A. I felt that it was the movement involved his hands and 8 arms. 9 MR BERESFORD: Thank you, Mr Lai. 10 No further questions, Mr Chairman. 11 THE CHAIRMAN: Thank you. 12 Questions by THE COMMISSION 13 THE CHAIRMAN: May I ask that paragraph 6 of your statement 14 be put on the screen to help with the reference. 15 You describe there how, as early as the end of 16 September, you were briefed on tour arrangements for 17 this 1 October event. Was any of that briefing in 18 writing? 19 A. During that short briefing, I and my colleagues Leung 20 Kwok-wai and Fok Wing-kei were only given a schedule of 21 the trip and a passenger list. 22 THE CHAIRMAN: So the answer is yes, it was in writing, to 23 that extent? 24 A. You can put it that way. 25 THE CHAIRMAN: Did you keep this in a file?</p>	<p style="text-align: right;">Page 84</p> <p>1 bundle. 2 MR BERESFORD: Mr Chairman, the translation is at 3 page 646-15. 4 THE CHAIRMAN: I have that in front of me. Thank you, both 5 of you. Could we first of all put up the Chinese 6 original, no doubt. Is there a second page, a third 7 page? 8 Are these the documents that you had as a result of 9 the briefing and that you used on the day itself? 10 A. Yes. 11 COMMISSIONER TANG: There's one thing I want to follow up 12 with, and ask Mr Lai to help us understand. 13 Mr Lai, can you tell us whether there were actually 14 any briefings conducted for your colleagues who were 15 helping out at that event, the crew members of Lamma II 16 and Lamma IV, and the passengers, prior to the event 17 itself? 18 A. I'm not sure about this. 19 COMMISSIONER TANG: I see. So you were not actually 20 involved in any part of the preparation for the event, 21 other than going on it yourself? 22 A. Yes, as far as my impression is concerned. 23 COMMISSIONER TANG: Okay. Thank you. 24 THE CHAIRMAN: Would you please display what I'm told is 25 miscellaneous bundle page 53, which is a Marine</p>

<p style="text-align: right;">Page 85</p> <p>1 Department notice. If you just scroll through that 2 until you get to the annex, paragraph 6. Perhaps go 3 back to paragraph 5. 4 I'll show you the Chinese in a moment. We've 5 scanned that, I think. Just leave the English where it 6 was for the moment so that everyone else can follow it. 7 Just leave it on the screen. 8 These are safety directions being given by the 9 Marine Department to vessels approaching the restricted 10 area in order to view the fireworks. There are some 11 directions or recommendations -- "advice" is the word 12 used: 13 "Masters, coxswains, owners and operators of all 14 vessels are advised to take the following steps before 15 the start of the voyage." 16 Then scroll down, please. Just hold it there. To 17 help Mr Lai, could we please show paragraphs 5 and 6 in 18 the Chinese. We'll just leave that on the screen so you 19 can follow this, Mr Lai. 20 If we move down to paragraph 6. Just let me read 21 out what paragraph 6 provides: 22 "Masters, coxswains, owners and operators of all 23 vessels are advised to take the following steps before 24 the start of the voyage. 25 (a) all persons on board are made aware of the</p>	<p style="text-align: right;">Page 87</p> <p>1 32 of them on board the vessel? 2 A. I don't know the exact number. 3 THE CHAIRMAN: Did you make any enquiries as to whether 4 there was a single life jacket suitable for use by 5 a child on board? 6 A. No. 7 THE CHAIRMAN: Thank you, Mr Lai. Your evidence is 8 complete. You may leave. Thank you for helping us. 9 (The witness withdrew) 10 THE CHAIRMAN: Mr Beresford, before we go any further, in 11 the morning session I invited you to take steps to 12 direct requests to Hongkong Electric for the provision 13 of material relating to preparations. 14 MR BERESFORD: You did indeed, sir. 15 THE CHAIRMAN: Has that been done? 16 MR BERESFORD: It hasn't gone. It's been drafted. 17 THE CHAIRMAN: Thank you. I'd like that to be issued by the 18 close of play today. 19 Yes, Mr Beresford? 20 MR BERESFORD: Mr Chairman, the next witness is Madam Lau 21 Hau-yin. 22 MADAM LAU HAU-YIN (affirmed in Punti) 23 (All answers via interpreter unless otherwise indicated) 24 THE CHAIRMAN: Can you help me, Mr Beresford, as to where 25 I find the witness statement?</p>
<p style="text-align: right;">Page 86</p> <p>1 location of all life-saving appliances and instructed on 2 the proper way to don a life jacket; 3 (b) all children on board are required to don a life 4 jacket at all times; 5 (c) a passenger list containing the names of 6 passengers and crew on board is kept by the 7 master/coxswain for emergency purposes; and 8 (d) the carrying capacity specified in the operating 9 licence of the vessel is adhered to." 10 In the preparations for this recreational event on 11 1 October, including the passage from Lamma to Victoria 12 Harbour to view the fireworks, was this advice of the 13 Marine Department drawn to your attention? 14 A. No. 15 THE CHAIRMAN: Did you ever hear it being discussed by any 16 of the other colleagues with whom these preparations 17 were made? 18 A. I don't think so. 19 THE CHAIRMAN: On the voyage from the Hongkong Electric pier 20 on Lamma to Central, were you aware that many children 21 were on board? 22 A. As far as I know, there were. 23 THE CHAIRMAN: Presumably you saw them with their parents? 24 A. I believe so. 25 THE CHAIRMAN: Did you know that there were no fewer than</p>	<p style="text-align: right;">Page 88</p> <p>1 MR BERESFORD: Yes. It's in bundle A1. The translation is 2 at page 45-1. The original Chinese statements begin at 3 page 36 of bundle A1. There are two, one at page 36 and 4 one at page 39. 5 Could the witness please be shown those two Chinese 6 statements. 7 Examination by MR BERESFORD 8 MR BERESFORD: Madam Lau, do you recall making these two 9 statements to the police on a previous occasion? 10 A. (Witness nods). 11 Q. Can you answer "yes" or "no", please. 12 A. Yes. 13 Q. Thank you. Have you been shown them today to give you 14 an opportunity to remind yourself of their content? 15 A. Yes, I have reviewed it just now. 16 Q. And is there any amendment you may wish to make? 17 A. No. 18 Q. So are the contents of these statements true? 19 A. Yes. 20 Q. Madam Lau, you are aged 41 and your occupation is 21 a private tutor? 22 A. Yes. 23 Q. Educated up to university level in China? 24 A. Yes. 25 Q. On 1 October, on this recreational trip organised by</p>

<p style="text-align: right;">Page 89</p> <p>1 Hongkong Electric, you were travelling, were you not, 2 with your husband Mr Chan Hon-man, your elder son Chan 3 Ka-hei, and your younger daughter Chan Wing-hei? 4 A. Yes. 5 Q. In the event, all four of you were safe? 6 A. Yes. 7 Q. I'm going to read from your statement, if I may, to save 8 me asking you a series of questions. If there's 9 anything that strikes you as inaccurate or incorrect, 10 please tell me. 11 A. Okay. 12 Q. I'm going to read from paragraph 4. 13 "Around 7.45 pm on the same day [that's 1 October 14 2012], we were at (Hongkong Electric's) pier off Lamma 15 Island where (I) noted that two vessels were berthed, 16 and that crewmen informed us the visitors that after the 17 fireworks display viewing, those who intended to 18 disembark in Central were advised to board the vessel on 19 the left side, and those to disembark in Ap Lei Chau to 20 board the one on the right side. My family members and 21 I boarded the vessel on the left side [those who boarded 22 it ought to disembark in Central after the fireworks 23 display]. (I) noted that the vessel that I had embarked 24 was double-decked. [After the incident, I learnt that 25 the vessel that I had boarded was called Lamma IV, and</p>	<p style="text-align: right;">Page 91</p> <p>1 Q. Was it you that was sitting in 44? 2 A. Yes, I was sitting in 44. 3 Q. And your daughter in 43? 4 A. Yes. 5 Q. And your husband in U42? 6 A. Yes. 7 Q. And your son in 6, in the first row? 8 A. Yes. 9 Q. Thank you very much. While we're here, can we please 10 have a look at photo 14 in marine bundle 1, page 134. 11 I don't know if you can see sufficient context, 12 Madam Lau, but that, I believe, is the seat in which 13 your son was sitting, numbered U6 on the plan. Do you 14 recognise that? 15 A. Yes, the seat on the first row. 16 MR BERESFORD: Thank you. 17 The significance, Mr Chairman, is that was the only 18 seat left fastened to the floor. 19 I will continue reading: 20 "Around 8.10 pm on the same day, our vessel set sail 21 from the pier for Victoria Harbour, ready to head for 22 Victoria Harbour to view the fireworks display. As it 23 was very dark outside the vessel, I didn't notice the 24 situations therein. At that time, our vessel was 25 sailing very normally, and so was the speed, as seen</p>
<p style="text-align: right;">Page 90</p> <p>1 the other one to Ap Lei Chau was called Lamma II.] My 2 family went up to the upper deck to take a seat." 3 Just pausing there. 4 Can I please ask that the seating plan of the 5 Lamma IV be displayed on the screen. 6 Madam Lau, we've just numbered all the seats on this 7 plan for ease of identification. I'm going to ask you 8 in a minute to show us which seats you were on. 9 First I'll just read to the end of the paragraph. 10 "My family went up to the upper deck to take a seat. 11 I noted that there was an open-air deck and also 12 an indoor cabin on the upper deck. I proceeded to the 13 indoor cabin to find a seat. My husband, my daughter 14 and I chose to take a seat in the sixth row on the 15 starboard side. [The seating positions were, I was 16 sitting on the third chair in the sixth row on the 17 starboard side, with my daughter on my left and my 18 husband on the left of my daughter.] As my son wished 19 to watch the captain driving the vessel, he proceeded to 20 the first seat in the first row on the starboard side 21 behind the wheelhouse." 22 Madam Lau, if I can just identify where those were. 23 Is it correct that you, your husband and your daughter 24 were sitting in the seats marked 42-46? 25 A. It should be 42, 43, 44.</p>	<p style="text-align: right;">Page 92</p> <p>1 from neither accelerating nor slowing down all of 2 a sudden, and the wind and waves outside were ordinary 3 (and) normal. After (the vessel) was cast off from the 4 pier for about five to six minutes, there was a sudden 5 thumping sound and a strong quake. Many visitors and 6 I subsequently tumbled down onto the floor from the 7 chairs. At the same time, the captain proceeded to the 8 cabin and said to us the visitors, "There is a vessel 9 collision. Be quick to put on life jackets." 10 Carrying my daughter ... in my arms ..." 11 Madam Lau, I wonder if you can just clarify one 12 thing for us on the Chinese statement. In the English 13 translation, after the words "Carrying my daughter", it 14 says "(an indecipherable character)". I just wonder if 15 you could clarify for us what you said originally in the 16 first sentence in paragraph 6. Perhaps it's just 17 a name. 18 A. I don't quite understand. 19 MR BERESFORD: Madam Interpreter, perhaps you can help. In 20 the English, it says: 21 "Carrying my daughter (an indecipherable character) 22 in my arms ..." 23 THE INTERPRETER: (Chinese spoken). 24 A. In fact I meant that I held my daughter and put her onto 25 the seat where my son was seated and my husband came to</p>

<p style="text-align: right;">Page 93</p> <p>1 our rescue. 2 MR BERESFORD: I see. All right. 3 I'll just read the sentence as it is: 4 "Carrying my daughter in my arms, I proceeded 5 forward with my husband to the first row to look for my 6 son and, together with my husband, took out the life 7 jackets from underneath the chairs and helped our two 8 kids put them on. After our children had put on the 9 life jackets, and it just so happened that my husband 10 and I still couldn't catch up with putting on any life 11 jacket, the bow of our vessel suddenly tilted upward to 12 the sky, and the stern tilted downward into the sea. 13 Seawater was seeping into the cabin and running over 14 half of the hull. Sliding downward, I grabbed hold of 15 the railings of the staircase connecting the decks, and 16 propped up my body with my legs. I also noted that my 17 husband slid downward into the water at the stern, and 18 my children was in the first row above my head. I told 19 them to grab hold of the chairs firmly. 20 At the same time, (I) saw the captain grabbing hold 21 of the railings in the middle (of the cabin) [at the 22 staircase landing below me]. The captain asked, 'Does 23 anybody have a phone? Please call the police.' On 24 hearing that, I gave a positive answer and dialled 999 25 to call the police with my mobile phone. [The dialling</p>	<p style="text-align: right;">Page 95</p> <p>1 kids) and that she would take care of them for us. (In 2 the accident), my right knee was incised, my left shank 3 sprained; my husband was also injured." 4 Then you were asked a series of questions: 5 "Question: From the time when the captain reminded 6 the visitors not to move or the vessel would sink to the 7 time when you clambered out of the cabin, did you notice 8 if the captain gave any other instructions to you 9 people? 10 Answer: I no longer paid any attention to the 11 captain's movements because my children at that time 12 were sliding downward into the water at the stern. 13 Question: Did you notice the number of crewmen on 14 the vessel? 15 Answer: I didn't. 16 Question: Did you see at any position on the vessel 17 any instruction/illustration to the life-saving 18 facilities/escape routes? 19 Answer: I didn't notice. 20 Question: Did you notice if the speed and the 21 course of the vessel were altered before the collision? 22 Answer: I didn't notice (that if such situations 23 ever occurred). It was nothing strange, and (the 24 vessel) was sailing normally. 25 Question: Did you witness the course of the</p>
<p style="text-align: right;">Page 94</p> <p>1 lasted for some time due to a connection problem 2 encountered.] After the connection was found 3 successful, I passed the phone to the captain, who gave 4 a clear description of our vessel's location. Then, the 5 captain passed the phone back to me. I saw the tables 6 and chairs dislodging downward one by one to the stern 7 and a lot of people soaked in the water inside the 8 cabin. Afterwards, my two kids also slid downward into 9 the water. 10 The captain told us, 'Don't move, or the vessel will 11 sink. Stay calm.' About 20 to 30 minutes past, I saw 12 lighting from outside the vessel, and it was from the 13 inflatable boat(s) of the Fire Services. Afterwards, 14 firemen broke the glass windows in an attempt to rescue 15 us. I saw my husband holding my daughter whilst 16 clambering out of the cabin and up to the sea (surface), 17 and similarly, my son also clambered out (of the cabin) 18 and up to the sea (surface). Then my husband and I went 19 on board another inflatable boat of the Fire Services, 20 and were conveyed back to the pier. However, my husband 21 and I afterwards lost track of our two kids. My husband 22 and I were conveyed to Queen Mary Hospital for rescue. 23 Later I learnt that my children were conveyed to Queen 24 Elizabeth Hospital for rescue. It was the elder sister 25 of my husband informed us about (the situations of our</p>	<p style="text-align: right;">Page 96</p> <p>1 collision? 2 Answer: I didn't. 3 Question: Did you see what the captain/crewmen were 4 doing when the accident happened? 5 Answer: (I) didn't notice. 6 Question: After the occurrence of the accident, did 7 you see if the two vessels were thrusting into each 8 other's hull? 9 Answer: I didn't. It was after the 10 accident/collision and after returning home and watching 11 TV, I learnt that the vessel I had been on board was 12 struck by a catamaran of Hong Kong & Kowloon Ferry." 13 Perhaps it isn't necessary to read the remaining 14 questions. 15 The call that was made to 999 was recorded, 16 Madam Lau. Unless the chairman wants me to, I don't 17 propose to play this tape back because it's primarily 18 a conversation, if not solely a conversation, between 19 the captain and -- 20 THE CHAIRMAN: Advise me where I can find the transcript. 21 MR BERESFORD: Yes. It's number 6 on the schedule of calls. 22 The English translation is in bundle E, tab 3B, 23 beginning at page 1220-71. 24 THE CHAIRMAN: How many counters are there in the transcript 25 of the conversation?</p>

Page 97	Page 99
<p>1 MR BERESFORD: As I understand it, Mr Chairman, in the 2 translation it goes up to page 1220-74. So that's 3 18 counters. 4 THE CHAIRMAN: We'd ask that the audiotape be played of this 5 conversation. 6 MR BERESFORD: Certainly, Mr Chairman. 7 THE CHAIRMAN: It being relevant to the conduct of captain 8 or the coxswain. 9 MR BERESFORD: Yes. I certainly didn't mean to suggest it 10 wasn't relevant. 11 (Audio played) 12 Do you recognise that call, Madam Lau? 13 A. Yes, I recognise that it was the voice of the captain. 14 Q. Yes, and that was a description of the location that you 15 heard? 16 A. Yes, because the call was made by me, and I handed it to 17 the captain. 18 Q. Yes. Thank you. 19 THE CHAIRMAN: And those were instructions that we heard, 20 were they not, of the captain shouting to the 21 passengers? 22 A. Yes. 23 THE CHAIRMAN: Thank you. 24 MR BERESFORD: Mr Chairman, I have no further questions. 25 THE CHAIRMAN: Thank you.</p>	<p>1 the transcript at the start of the call. 20:22:04. 2 A. I don't know about the time, but at that time the vessel 3 has already capsized. 4 THE CHAIRMAN: Just let me interrupt, if I may, Mr McGowan. 5 Mr Beresford, there is a reference, in your 6 chronology of telephone calls to item 5, to a phone call 7 30 seconds earlier where there is a reference to 8 "Lam YH", which may well be the way in which this 9 witness is being described. Is that the first phone 10 call? 11 MR BERESFORD: No, Mr Chairman, we heard evidence about that 12 on day 5. The reference is given in my aide memoire: 13 day 5, page 24, line 14. That was Mr Chan's evidence. 14 If you recall, he said he gave his telephone to another 15 male on the rear open deck who carried on the 16 conversation. 17 THE CHAIRMAN: Do we have any phone call record from a 999 18 console of a telephone call of the kind described by the 19 witness, namely one in which she's cut off because she's 20 unable to give her whereabouts? 21 MR BERESFORD: No, we don't, Mr Chairman. This is the 22 complete record. 23 THE CHAIRMAN: Thank you. 24 Yes, Mr McGowan. 25 MR MCGOWAN: Thank you.</p>
Page 98	Page 100
<p>1 MR MCGOWAN: May I ask some questions, please, Mr Chairman? 2 I want to ask some questions very briefly about the 3 phone call, and the age of this lady's children, and the 4 life jackets under seats. 5 THE CHAIRMAN: Yes. 6 Examination by MR MCGOWAN 7 MR MCGOWAN: Madam, I have a few questions for you. I'm 8 representing Hongkong Electric and the crew of the 9 Lamma IV. 10 Madam Lau, you've just heard the audio recording of 11 the phone call made on your phone by the coxswain of the 12 Lamma IV. 13 A. The captain asked who of us had a mobile phone, so 14 I made the call and handed it over to him. 15 Q. Right. Did you hold it until the connection was made 16 with the 999 service? Did you dial and then hold it and 17 wait until it was answered at the other end? 18 A. Yes. In fact, I have made two calls. 19 Q. So the first one was unsuccessful; is that correct? 20 A. In fact the line was through, but I was not able to tell 21 him or her the location. So he just hung up the phone. 22 Q. Right. So you were in contact on behalf of the master 23 before 20:21:04, which is the time the transcript 24 starts? 25 Sorry, I gave you the wrong time. The time shown on</p>	<p>1 So, Madam Lau, there was a previous call made by 2 yourself? 3 A. Yes. 4 Q. Was that followed almost immediately by the second call? 5 A. Yes. I made the second call immediately. 6 Q. Did you have to wait for some time before the second 7 call was answered? 8 A. It was very noisy, chaotic and dark at that time. So 9 after the line was through, I handed it to the master, 10 whose hand was broken. He was standing -- at that time, 11 I was hanging on the rail, and he was standing in the 12 stairwell. 13 Q. So by that time, the vessel had gone into an almost 14 upright position? 15 A. Yes. 16 Q. It appears from the transcript that the master was 17 trying to reassure the passengers, tell them to put on 18 their life jackets and to sit down, at the same time as 19 trying to talk to the emergency services? 20 A. In fact the master had told us to put on our life 21 jackets even before the ship sank. 22 Q. Yes. He was repeating that instruction, wasn't he, at 23 the time he was making the phone call? 24 A. Yes, he had been giving this instruction all along. He 25 told us not to move, to sit there and stay calm, and</p>

<p style="text-align: right;">Page 101</p> <p>1 that the Marine Department has been informed. 2 Q. And also to put on your life jackets? 3 A. During the two minutes after the collision and before 4 the ship sank, he had been asking us -- he kept asking 5 us to put on the life jacket. 6 Q. Thank you, Madam Lau. 7 Can I just ask you how old your children are, 8 please? 9 A. My elder son is 10, and my younger daughter is seven. 10 Q. Right. And you were able to put the life jackets that 11 were under the seats onto your children? 12 A. In fact it was all entangled. 13 Q. But you did put them on your children? 14 A. Yes. 15 Q. Thank you. Then, after you'd done that, the bow tilted 16 upright and the vessel was almost at 90 degrees to the 17 sea; is that correct? 18 A. Yes. 19 Q. And then there was the interval when the master was 20 using your phone? 21 A. Yes. At the moment when the vessel came into a vertical 22 position, the master has asked who has a mobile phone, 23 and so I made the call. And it has taken a long time, 24 because it was very chaotic, and I was in panic. During 25 the first call, I was not able to tell the location. So</p>	<p style="text-align: right;">Page 103</p> <p>1 way, rather than through the police. 2 MR BERESFORD: Very well. 3 THE CHAIRMAN: Because the telephone record itself will 4 illustrate whether or not there were two phone calls and 5 when they were made. 6 MR BERESFORD: Yes. 7 Questions by THE COMMISSION 8 THE CHAIRMAN: Madam, just one matter. It's the question of 9 the life jackets. You said of them, when you were 10 putting them on your children, that it was, I think you 11 said, "all entangled". What was entangled? 12 A. When I put the first one on, a string at the neck was 13 entangled when I pulled it. 14 MS LOK: A point of translation. I thought the witness -- 15 THE CHAIRMAN: I think the interpreter had problems with her 16 coughing. Let's give her a moment. 17 THE INTERPRETER: I'm sorry. 18 Should I ask the witness to repeat? 19 THE CHAIRMAN: If you would, yes. 20 You told us about the first one, and the string 21 became entangled at the neck. 22 A. When I tried to pull out the life jacket, I had 23 difficulty pulling them out because I was feeling very 24 nervous and I was in a rush and the string was 25 entangled. The string went into -- there were knots in</p>
<p style="text-align: right;">Page 102</p> <p>1 when I made the second call, I handed it over to the 2 captain after the line was through. 3 Q. I think the last matter. You say in your statement the 4 tables and chairs were -- I'm looking at paragraph 7. 5 In paragraph 7, towards the end of it, Madam Lau, you 6 say: 7 "I saw the tables and chairs dislodging downward one 8 by one to the stern and a lot of people soaked in the 9 water inside the cabin." 10 A. Yes. 11 Q. That happened after the vessel went almost upright? 12 A. Yes. 13 MR MCGOWAN: Thank you. Thank you very much. 14 MR SUSSEX: Mr Chairman, I have no questions of Madam Lau. 15 THE CHAIRMAN: Thank you, Mr Sussex. 16 MS LOK: I have no questions, Mr Chairman. 17 THE CHAIRMAN: Thank you. 18 Mr Beresford? 19 MR BERESFORD: Mr Chairman, I have no further questions. 20 I just would like to say that we will ask the police to 21 make a search against the telephone number, because it 22 may well be that the earlier call didn't get caught in 23 the previous search as no location was mentioned. 24 THE CHAIRMAN: What I'm going to suggest is that we direct 25 an order to the telephone company to do the search that</p>	<p style="text-align: right;">Page 104</p> <p>1 the string which were unable to be untangled. 2 My husband helped us to pull out the second life 3 jacket, and I helped to put it on. All this was done 4 within two minutes. That means the time that we put on 5 the life jackets and the vessel becoming vertical all 6 happened within a matter of two minutes. 7 THE CHAIRMAN: The result was that by the time you'd 8 achieved that, there was no time for you to put a life 9 jacket on yourself; is that the position? 10 A. Yes. 11 THE CHAIRMAN: Madam, thank you for attending the hearing 12 and giving your evidence to assist this Commission in 13 its consideration. Your evidence is finished now, and 14 you're free to go, although of course you may wait and 15 listen in the public gallery if you wish. But thank you 16 for attending. 17 (The witness withdrew) 18 MR BERESFORD: Mr Chairman, the next witness is Madam Kong 19 Yuen-kan. 20 MADAM KONG YUEN-KAN (affirmed in Puntì) 21 (All answers via interpreter unless otherwise indicated) 22 Examination by MR BERESFORD 23 MR BERESFORD: Madam Kong, thank you very much for coming 24 today. I've got some questions to ask you on behalf of 25 the Commission.</p>

<p style="text-align: right;">Page 105</p> <p>1 Firstly, I understand that you gave a statement to 2 the police on 8 October 2012. 3 Could the witness please be shown that statement. 4 It's in bundle B at page 735. The English translation 5 is at page 740-1 to 740-4. 6 Madam Kong, have you had an opportunity today to 7 look over that statement and remind yourself of its 8 content? 9 A. Yes. 10 Q. Do you have any amendment you wish to make? 11 A. I think there isn't. 12 Q. So the contents of this statement are true? 13 A. As far as my knowledge is concerned, yes. 14 Q. Thank you. If I may briefly summarise some personal 15 information. Your age is 73; your occupation is 16 retired; and you've been educated to tertiary level. Is 17 that correct? 18 A. Yes. 19 Q. On the day in question, on 1 October, you were 20 travelling with your husband, Mr Fok Siu-pong? 21 A. We went home after dinner. 22 Q. Madam Kong, to save some time and to avoid asking you 23 a long series of questions, I'm going to read from the 24 English translation of your statement. The Chinese 25 statement will be shown on the screen. If there is any</p>	<p style="text-align: right;">Page 107</p> <p>1 reference to the seat numbers where you were sitting? 2 A. The row marked 18, 19 and 20. It is only an estimation. 3 Q. Are you looking at the blue figures or the green 4 figures? 5 A. We took three seats, leaving the middle one empty, and 6 it was 18, 19 and 20. 7 Q. I see. I think you mean 118, 119 and 120. 8 A. Yes. 9 Q. I see. So that's halfway down on the port side in the 10 rear part of the passenger cabin on the main deck? 11 A. Yes. 12 Q. I'll continue reading: 13 "At 20:20 hours on the same day, I woke and felt 14 that the speed of the vessel slowed down but did not 15 change its course. At first, I reckoned that the vessel 16 slowed down because it almost reached the pier. All of 17 a sudden, I heard a 'bang' sound following a feeling of 18 a violent collision. My bag, which was put on the 19 middle seat, even dropped onto the floor. I looked 20 around and saw a vessel-like object sweep past the 21 outside of the left window. I believed that it must be 22 a collision of vessels. Then, I found that the glass on 23 the bow smashed and the shatter of glass fell onto the 24 floor. The vessel had already stopped at that time but 25 I felt it quite wobbling. I also saw five or six people</p>
<p style="text-align: right;">Page 106</p> <p>1 inaccuracy that strikes you as I read, then please 2 interrupt me and tell me. 3 I'm going to read from the part beginning "At 4 20:00 hours on 1 October". It's the second paragraph in 5 the English. 6 THE CHAIRMAN: Yes. 7 MR BERESFORD: "At 20:00 hours on 1 October 2012, my husband 8 and I boarded Sea Smooth of Hong Kong & Kowloon Ferry 9 Holdings in Central for Lamma Island to go home. My 10 husband and I have lived on Lamma Island for 21 years. 11 As we always go to Hong Kong Island by ferry to have 12 meals or go shopping, we know that the sailing for Lamma 13 Island roughly takes 30 minutes. 14 After my husband and I had boarded the vessel, we 15 sat on the ninth or tenth row of the three-passenger 16 seat on the left side of the lower deck. I sat on the 17 right-most seat while my husband sat on the left-most 18 seat leaving the seat in the middle vacant. I took 19 a nap on my seat after boarding the vessel. I usually 20 wake naturally when the vessel almost reaches the 21 destination because I take the ferry frequently." 22 Pausing there. Do we have a plan of the Sea Smooth 23 with the seating numbered? 24 So on this plan, Madam Kong, the lower deck is 25 marked "Main deck". Could you identify approximately by</p>	<p style="text-align: right;">Page 108</p> <p>1 who looked frightened running from the bow towards the 2 stern. Somebody urged people to put on life jackets. 3 My husband and I took out the life jackets under our 4 seats and put them on at once. The ship had tilted to 5 the left at that time. The shipmen told us to move to 6 the right side of the vessel. Then I heard someone say, 7 'Sail to the pier.' Five minutes later after the 8 incidents had happened, I heard the engine of the vessel 9 start again. Later, the vessel reached the pier. After 10 alighting from the vessel, I went home without getting 11 injured." 12 In answer to questions, you said: 13 "The weather was fine on that day and the sea was 14 calm. 15 Question: Did you find anything strange of the 16 shipmen of Sea Smooth, say drinking alcohol, when they 17 boarded the vessel and during the sailing? 18 Answer: It was nothing special as usual. I didn't 19 see them drinking alcohol. Besides, the captain's cabin 20 was on the upper deck so I didn't see him. 21 Question: Did you see how Sea Smooth separated from 22 Lamma IV? 23 Answer: I didn't see or notice that because it was 24 too dark outside. However, I did not feel that the 25 engine of the vessel started and the vessel sailed</p>

Page 109	Page 111
<p>1 backwards away.</p> <p>2 Question: During the sailing, did anyone broadcast</p> <p>3 or give an explanation of the use of life-saving</p> <p>4 facilities on board and the handling of an emergency</p> <p>5 situation?</p> <p>6 Answer: No. I have lived on Lamma Island for</p> <p>7 21 years but nobody mentioned that. However, I know</p> <p>8 where the life jackets were put."</p> <p>9 I no questions arising out of that, Mr Chairman.</p> <p>10 If you'd just wait there, please.</p> <p>11 THE CHAIRMAN: Mr McGowan, do you have any application?</p> <p>12 MR McGOWAN: I have an application, partly to deal with the</p> <p>13 situation on Lamma when the witness returned there after</p> <p>14 the collision. I would like clarification of answer 3,</p> <p>15 because I'm not quite sure exactly what is meant by</p> <p>16 answer 3.</p> <p>17 THE CHAIRMAN: Really?</p> <p>18 MR McGOWAN: Well, "I did not feel that the engine of the</p> <p>19 vessel started and the vessel sailed backwards away."</p> <p>20 THE CHAIRMAN: If you wish to think of a question that</p> <p>21 remedies whatever is your dilemma as far as that's</p> <p>22 concerned, do so.</p> <p>23 MR McGOWAN: Thank you very much.</p> <p>24 Examination by MR McGOWAN</p> <p>25 MR McGOWAN: Madam Kong, I hope not to detain you very long</p>	<p>1 A. The life jackets were placed under the seat.</p> <p>2 Q. Yes. You're a Lamma resident. The ferries carry very</p> <p>3 many people who are not Lamma residents?</p> <p>4 A. During holidays there are many visitors, but on that</p> <p>5 particular night, I think most of the passengers were</p> <p>6 residents. And also on that night there were very few</p> <p>7 passengers.</p> <p>8 Q. Yes. And many of the visitors to Lamma are tourists</p> <p>9 from all over the world?</p> <p>10 A. I believe there were.</p> <p>11 MR McGOWAN: Thank you very much.</p> <p>12 MR SUSSEX: Mr Chairman, I wonder if I might ask a few</p> <p>13 questions of Madam Kong. They relate to what she saw</p> <p>14 when she looked out on the port side of the vessel.</p> <p>15 THE CHAIRMAN: Yes.</p> <p>16 Examination by MR SUSSEX</p> <p>17 MR SUSSEX: Madam Kong, you've described waking because you</p> <p>18 felt the Sea Smooth slow down, and then all of a sudden</p> <p>19 you heard a big bang --</p> <p>20 A. I didn't wake up because it slowed down.</p> <p>21 Q. All right. Can you tell us what it was that woke you</p> <p>22 up?</p> <p>23 A. Because usually I didn't enter into a very deep sleep.</p> <p>24 It was only a nap. And also, because I drank some wine</p> <p>25 during the dinner, so at that time I was only closing my</p>
Page 110	Page 112
<p>1 Could you please have a look at your statement, in</p> <p>2 particular question and answer 3, please.</p> <p>3 You previously said in your narrative:</p> <p>4 "Five minutes later after the incidents had</p> <p>5 happened, I heard the engine of the vessel start again.</p> <p>6 Later, the vessel reached the pier."</p> <p>7 Could you just explain what you meant by saying in</p> <p>8 answer 3:</p> <p>9 "However, I did not feel that the engine of the</p> <p>10 vessel started and the vessel sailed backwards away."</p> <p>11 A. Because when I gave the statement to the police on that</p> <p>12 day, I was asked "whether you felt the engine of the</p> <p>13 vessel started and the vessel sailed backwards away",</p> <p>14 and since I didn't notice that, so I said no.</p> <p>15 Q. So you didn't notice it going astern, reversing away?</p> <p>16 A. (In English) No, I don't feel that.</p> <p>17 A. I didn't feel that.</p> <p>18 Q. Thank you very much.</p> <p>19 When you got back to Lamma after the collision, were</p> <p>20 there very, very long queues of people waiting for the</p> <p>21 ferries to leave Lamma?</p> <p>22 A. No. It was very quiet.</p> <p>23 Q. Right. Thank you. Just one last question, I think.</p> <p>24 You obviously use this ferry very often and you're aware</p> <p>25 of where the life jackets are and so on and so on.</p>	<p>1 eyes to take a rest.</p> <p>2 Q. So would I be right to infer that you were fully awake</p> <p>3 when you felt the vessel slow down?</p> <p>4 A. Yes.</p> <p>5 Q. And you concluded at that stage that because the vessel</p> <p>6 was slowing down, she must be reaching her destination</p> <p>7 on Lamma?</p> <p>8 A. Yes, it should be about that time.</p> <p>9 Q. Right. Then you say that all of a sudden, you heard</p> <p>10 a bang, followed by the feeling of a violent collision.</p> <p>11 A. Yes. Yes, it was a very loud sound.</p> <p>12 Q. Are you able to give us any estimate of the interval of</p> <p>13 time between the slowing down and the collision?</p> <p>14 A. It was very close.</p> <p>15 Q. So, very soon. You say:</p> <p>16 "I looked around and saw a vessel-like object sweep</p> <p>17 past the outside of the left window."</p> <p>18 A. Yes.</p> <p>19 Q. How soon after the collision did you see this</p> <p>20 vessel-like object sweep past?</p> <p>21 A. Because the collision happened very quickly, and we</p> <p>22 don't know what has happened, and then we also saw the</p> <p>23 glass shattered. So we wanted to find out why. So</p> <p>24 I looked out of the window on the left, and I saw --</p> <p>25 I can vaguely see a ship-like object sweep by in a very</p>

Page 113	Page 115
<p>1 fast speed. 2 Q. Are you able to say how far away from your vessel this 3 vessel-like object was? 4 A. It was quite close. 5 A. (In English) Quite close. 6 Q. When you say "quite close", was it a matter of a few 7 feet? 8 A. I'm not sure, but I would say that it would be about 9 10 feet from the window. 10 Q. Right. Did you happen to see lights on this vessel-like 11 object? 12 A. I don't think so. 13 Q. Would I be right, then, that you didn't see any coloured 14 lights on that object? 15 A. No. 16 Q. Thank you very much. 17 A. But our own vessel was very bright. 18 MR SUSSEX: Thank you very much. 19 MS LOK: Mr Chairman, I have no questions. 20 THE CHAIRMAN: Thank you. 21 Mr Beresford? 22 Further examination by MR BERESFORD 23 MR BERESFORD: When you said just now that your own vessel's 24 lights were very bright, do you mean the lights in the 25 cabin?</p>	<p>1 Have you been shown that earlier today and given 2 an opportunity to refresh your memory as to the content? 3 A. Yes. 4 Q. Do you have any amendments you wish to make? 5 A. No. 6 Q. So it's true, the content is true? 7 A. Yes. 8 Q. Mr Niu, you're aged 37 and your occupation is 9 a researcher of a hospital of Shanghai? 10 A. Yes. 11 Q. You've been educated up to doctoral degree level? 12 A. Yes. 13 Q. On 1 October you were travelling to Lamma with your 14 wife, Ni Yanxiang? 15 A. Yes. 16 Q. You take the ferries between Lamma and Central or 17 Aberdeen almost every day? 18 A. Yes. 19 Q. That's been the case since you moved to Lamma Island in 20 June 2007? 21 A. Yes. 22 Q. I'm going to read from your statement from paragraph 4: 23 "At about 8.00 pm on 1 October 2012, my wife Ni 24 Yanxiang and I went home to Lamma Island by ferry at 25 Central Pier No. 4 as usual. My wife and I were among</p>
Page 114	Page 116
<p>1 A. There were lights inside the cabin. 2 MR BERESFORD: Thank you very much. 3 No other questions. 4 THE CHAIRMAN: Madam, thank you for coming to assist the 5 Commission by giving testimony. Your testimony is now 6 complete, and you're free to go. 7 Is the next witness this witness's husband? 8 MR BERESFORD: No, we're moving on, Mr Chairman. 9 THE CHAIRMAN: Very well. 10 Thank you for attending, and you're free to go. 11 A. (In English) Thank you. 12 (The witness withdrew) 13 THE CHAIRMAN: The next witness, Mr Beresford? 14 MR BERESFORD: The next witness, Mr Chairman, is Mr Niu 15 Gang. 16 THE CHAIRMAN: Let's get started, perhaps. 17 MR NIU GANG (affirmed in Punti) 18 (All answers via interpreter unless otherwise indicated) 19 Examination by MR BERESFORD 20 MR BERESFORD: Good afternoon, Mr Niu. Thank you very much 21 for coming to help this Commission. 22 You've given a statement previously to the police 23 which is to be found in bundle B, pages 758-764. 24 Could the witness please be shown that statement. 25 It's dated 9 October 2012.</p>	<p>1 the last batch of passengers boarding the vessel. It 2 was around 8.00 pm and the vessel was called the Sea 3 Smooth. When I was on board the vessel, I found that 4 the number of passengers was as usual. My wife and 5 I sat on the second row on the left side of the lower 6 deck. My wife sat near the window while I sat on the 7 middle seat on her right side. There were about tens of 8 passengers on the lower deck. I didn't pay attention to 9 the positions of the crew members, the captain and the 10 wheelhouse when I boarded the vessel. I just know that 11 the wheelhouse should be on the upper deck." 12 Pausing there, Mr Niu. Could we just have a look at 13 the seating plan of the Sea Smooth. When you say that 14 your wife and you sat on the second row on the left side 15 of the lower deck, with your wife at the window and you 16 on the middle seat at her right side, could you just 17 positively confirm the numbers of the row, the seat 18 numbers that you're referring to? 19 A. My wife was sitting in seat 12, and I in number 13. 20 Q. Thank you. Continuing where I'd left off: 21 "After we had embarked, the crew didn't provide us 22 with any life-saving advice or demonstration. Though 23 the ferry had never provided life-saving demonstration, 24 I knew where the escape route was and I saw the 25 life-saving information posted in the cabin. I also</p>

Page 117	Page 119
<p>1 knew that the life jackets were put underneath the seats 2 but I didn't take notice of the life-saving buoys. 3 About one minute after I had boarded the vessel, the 4 catamaran Sea Smooth set sail on schedule. When it set 5 sail, the speed was normal and I didn't feel any high 6 wave. The vessel sailed steadily and the visibility was 7 normal without fog. The maritime traffic was not busy 8 as usual. Apart from a shipman whom I saw him untie the 9 rope for setting sail, I didn't take notice of the 10 captain or other crew members after the vessel had 11 departed. Besides, I had no idea about the number of 12 crew members on board. When the vessel departed from 13 Central, I could see the situation outside the vessel 14 clearly because the lighting around was sufficient. The 15 vessel sailed normally and it was lit." 16 Mr Chairman, I note the time. There's something 17 coming up in a couple of paragraphs that I want to 18 consider overnight, so I wonder if it would be 19 convenient to pause at that point. 20 THE CHAIRMAN: Which paragraph? 21 MR BERESFORD: Paragraph 6. 22 THE CHAIRMAN: Very well. 23 Mr Niu, although you've only just begun evidence -- 24 and you've probably been waiting here for a while, but 25 we've been sitting since 10 o'clock this morning and</p>	<p style="text-align: center;">I N D E X</p> <p>1 MR KWOK YIN-TANG (affirmed in Punti)2 2 Examination by MR BERESFORD2 3 Examination by MR SUSSEX12 4 Examination by MS LOK13 5 (The witness withdrew)14 6 MADAM WONG YEE-YI (affirmed in Punti)14 7 Examination by MR BERESFORD14 8 Examination by MR McGOWAN23 9 Questions by THE COMMISSION27 10 (The witness withdrew)28 11 MR LAI HO-YIN (affirmed in Punti)28 12 Examination by MR BERESFORD28 13 Examination by MR McGOWAN47 14 Examination by MR SUSSEX64 15 Examination by MS LOK75 16 Further examination by MR BERESFORD81 17 Questions by THE COMMISSION82 18 (The witness withdrew)87 19 20 21 22 23 24 25</p>
Page 118	Page 120
<p>1 this is the end of our working day. If we were able to 2 finish you in a short while, then we'd try and do so, 3 but I don't think we can. So I'm going to ask you to 4 come back tomorrow, if you would, and you'll certainly 5 be free within an hour tomorrow. 6 A. (In English) Okay. 7 THE CHAIRMAN: So we'll adjourn, and I'll ask you to be back 8 here so that you can be in that chair, ready to give 9 evidence, at 10 o'clock tomorrow morning. You're free 10 to go now if you wish. 11 Mr McGowan? 12 MR McGOWAN: Sir, I won't be here tomorrow morning. 13 Mr Ronald Lee of my solicitors will be here to ask any 14 questions that might arise. To save changing all the 15 files and things around, he'll be sitting in the second 16 row. 17 THE CHAIRMAN: Yes. Thank you for informing us. 18 Are there any other matters? If not, 10 o'clock 19 tomorrow. 20 (4.33 pm) 21 (The hearing adjourned until 10 am on the following day) 22 23 24 25</p>	<p style="text-align: center;">I N D E X</p> <p>1 MADAM LAU HAU-YIN (affirmed in Punti)87 2 Examination by MR BERESFORD88 3 Examination by MR McGOWAN98 4 Questions by THE COMMISSION103 5 (The witness withdrew)104 6 MADAM KONG YUEN-KAN (affirmed in Punti)104 7 Examination by MR BERESFORD104 8 Examination by MR McGOWAN109 9 Examination by MR SUSSEX111 10 Further examination by MR BERESFORD113 11 (The witness withdrew)114 12 MR NIU GANG (affirmed in Punti)114 13 Examination by MR BERESFORD114 14 15 16 17 18 19 20 21 22 23 24 25</p>