

<p style="text-align: right;">Page 1</p> <p>1 Tuesday, 8 January 2013</p> <p>2 (10.00 am)</p> <p>3 THE CHAIRMAN: Yes, Mr Beresford.</p> <p>4 MR BERESFORD: Mr Chairman, the first witness today is Wong</p> <p>5 Wah-yau.</p> <p>6 THE CHAIRMAN: Before we get to the first witness, we were</p> <p>7 promised the notice that was issued for the New Year's</p> <p>8 Eve fireworks. Do we have that?</p> <p>9 MR BERESFORD: I believe that's been distributed.</p> <p>10 MR MOK: Yes, it has.</p> <p>11 THE CHAIRMAN: It hasn't reached me. May I see it?</p> <p>12 The other matter was that Mr Leung, Leung Kwok-wai,</p> <p>13 was going to check his email inbox. Has he been in</p> <p>14 touch with counsel to the Commission?</p> <p>15 MR BERESFORD: I haven't heard anything more on that,</p> <p>16 Mr Chairman.</p> <p>17 THE CHAIRMAN: Would you find out from those instructing you</p> <p>18 whether he's been in touch?</p> <p>19 MR BERESFORD: Certainly.</p> <p>20 THE CHAIRMAN: Very well. We'll move, then, to the oral</p> <p>21 testimony. The first witness, Mr Beresford?</p> <p>22 MR BERESFORD: The first witness is Mr Wong Wah-yau.</p> <p>23 THE CHAIRMAN: Thank you.</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1 Q. And you received primary education?</p> <p>2 A. Yes.</p> <p>3 Q. Mr Wong, I'm going to read from your statement. I'm</p> <p>4 going to read from the English translation, and the</p> <p>5 Chinese is going to be shown on the screen.</p> <p>6 A. Yes.</p> <p>7 Q. If you hear or see any inaccuracy, please stop me and</p> <p>8 tell me.</p> <p>9 A. Okay.</p> <p>10 Q. I'll read from paragraph 4:</p> <p>11 "I had gone fish catching in a fishing boat with my</p> <p>12 father since I was about 10. Around 1993, I joined Hong</p> <p>13 Kong & Kowloon Ferry Holdings Ltd as a vessel engine</p> <p>14 room labourer. In 1994, I obtained a licence for chief</p> <p>15 engineer granted by the Marine Department and was</p> <p>16 permitted to operate diesel engines over is 150 bhp.</p> <p>17 On 30 June 2008, I became a chief engineer of Hong</p> <p>18 Kong & Kowloon Ferry Holdings Ltd. The company operated</p> <p>19 three scheduled routes, namely between Peng Chau and</p> <p>20 Central, Yung Shue Wan and Central, and Sok Kwu Wan and</p> <p>21 Central. My prime duty was to take up the duties of</p> <p>22 a chief engineer in the engine room of the vessel.</p> <p>23 I didn't work on any particular vessel. I worked on</p> <p>24 vessel designated by my company.</p> <p>25 In late 2011, the company designated me to be the</p>
<p style="text-align: right;">Page 2</p> <p>1 MR WONG WAH-YAU (affirmed in Punti)</p> <p>2 (All answers via interpreter unless otherwise indicated)</p> <p>3 Examination by MR BERESFORD</p> <p>4 MR BERESFORD: Good morning, Mr Wong. Thank you very much</p> <p>5 for coming to assist the Commission today. I have some</p> <p>6 questions to ask you on behalf of the Commission.</p> <p>7 Mr Wong, you have previously made a statement,</p> <p>8 I believe, to the police, which may be found in our</p> <p>9 bundle C at item 33, pages 1115 to 1120. The</p> <p>10 translation is at page 1120-1 to 1120-9.</p> <p>11 Could the witness please be given the original</p> <p>12 Chinese statement.</p> <p>13 Mr Wong, do you recognise that as your statement?</p> <p>14 A. Yes.</p> <p>15 Q. And have you been given an opportunity to remind</p> <p>16 yourself of its content today?</p> <p>17 A. I don't need it.</p> <p>18 Q. Do you have any amendment that you wish to make?</p> <p>19 A. I have moved, so I have a new address. Other than that,</p> <p>20 I have no other amendment.</p> <p>21 Q. So are the contents of this statement true?</p> <p>22 A. Yes.</p> <p>23 Q. Thank you. Mr Wong, you're aged 62 and your occupation</p> <p>24 is a chief engineer; is that right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 4</p> <p>1 chief engineer of vessels provided by Hongkong Electric</p> <p>2 Company (HKE). As far as I know, vessels supplied by</p> <p>3 HKE provided transport service to its staff before and</p> <p>4 after work. The vessels mainly ran between the pier of</p> <p>5 South Horizons in Ap Lei Chau and the pier of HKE Power</p> <p>6 Station in Lamma Island.</p> <p>7 At about 6 pm on 30 September 2012, staff of the</p> <p>8 company informed me that I had to work on a vessel of</p> <p>9 HKE with master Cheng Muk-hei and sailor Lee Ah-ngau on</p> <p>10 the night of 1 October 2012. I was told that the vessel</p> <p>11 was to take passengers to Victoria Harbour for the</p> <p>12 fireworks show.</p> <p>13 At about 7.15 pm on 1 October 2012, I, along with</p> <p>14 master Cheng Muk-hei and sailor Lee Ah-ngau, arrived at</p> <p>15 the pier of HKE in South Horizons, Ap Lei Chau. We took</p> <p>16 lighter Yat Fat 88 to the pier of HKE Power Station in</p> <p>17 Lamma Island to relieve our colleagues. At 7.45 pm the</p> <p>18 same day, we arrived at the pier of HKE in Lamma Island.</p> <p>19 The master of Lamma II who worked the morning shift told</p> <p>20 us we would take over Lamma II and ferry HKE staff and</p> <p>21 their families, totalling 66, from the pier of HKE in</p> <p>22 Lamma Island to Victoria Harbour for fireworks show.</p> <p>23 The person-in-charge of HKE, Wai Ko, took the</p> <p>24 passengers on board Lamma II. He asked me to count the</p> <p>25 number of passengers on board. After I boarded the</p>

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<p>1 vessel, I did a headcount in my head and confirmed there 2 were 66 passengers. The total number on board was 69 3 with the master, sailor and me included. I was told 4 that two vessels, namely Lamma IV and Lamma II, would be 5 arranged by HKE to carry staff and their families to 6 view the fireworks display. The two vessels would leave 7 the pier of HKE in Lamma Island one by one at 8.15 pm 8 the same day for Victoria Harbour and stopped there for 9 the fireworks show. After the show, Lamma IV would 10 carry passengers to Pier 10 in Central where they went 11 ashore, while Lamma II would ferry passengers to the 12 pier of HKE in Lamma Island and the pier in South 13 Horizons, Ap Lei Chau.</p> <p>14 At about 8.15 pm on 1 October 2012, at the pier of 15 HKE in Lamma Island, I saw Lamma IV behind us left the 16 pier. About one minute later, we followed Lamma IV and 17 headed for Victoria Harbour. After I did a headcount, 18 I went to the master cabin (wheelhouse) at the upper 19 deck and sat on the right of the master, ie on the 20 starboard side. After sailing for 3-4 minutes, when we 21 were in the sea off Yung Shue Wan pier in Lamma Island, 22 I heard master Chow Chi-wai of Lamma IV saying to our 23 master through the radio of the vessel, 'Muk-hei, I was 24 crashed by Hong Kong & Kowloon Ferry'. At that time 25 I was next to the master. On receiving the news, master</p>	<p>1 Answer: Three consisting of Master Cheng Muk-hei, 2 sailor Lee Ah-ngau and me as the engineer.</p> <p>3 Question: How many people were in the wheelhouse 4 when the vessel started sailing?</p> <p>5 Answer: Master Cheng Muk-hei and I were in the 6 wheelhouse.</p> <p>7 Question: What were you doing in the wheelhouse?</p> <p>8 Answer: I was assisting the master by taking up the 9 post of look-out.</p> <p>10 Question: When you started the sail in the 11 wheelhouse, did you see any light on Lamma IV?</p> <p>12 Answer: After we started the sail and were about 13 1,000 metres away from Lamma IV, I saw white cabin light 14 and white stern light on it.</p> <p>15 Question: When did you last see the light on 16 Lamma IV?</p> <p>17 Answer: When master Cheng Muk-hei received the 18 news, he asked me to leave the wheelhouse to inform 19 Wai Ko, the person-in-charge of HKE, of the incident. 20 When I returned to the wheelhouse, I couldn't see any 21 light on Lamma IV. The vessel was seen going down stern 22 first and sank in about half minute.</p> <p>23 Question: Did you see which vessel Lamma IV 24 collided with?</p> <p>25 Answer: I didn't see that as the collision had</p>
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<p>1 Cheng Muk-hei promptly asked me to leave the wheelhouse 2 to inform Wai Ko, the person-in-charge of HKE. I found 3 Wai Ko at the stern on the upper deck and told him 4 Lamma IV ahead had been crashed by Hong Kong & Kowloon 5 Ferry. Then I returned to the wheelhouse. I saw the 6 stern of Lamma IV some 1,000 metres from us but 7 I couldn't see any light on it (including cabin light 8 and navigation light) and it sank stern first in no 9 time. Our master stopped the vessel and urged the 10 passengers on board to throw lifebuoys to the water near 11 the sinking vessel. I, together with the sailor and the 12 passengers, took lifebuoys on the vessel and threw them 13 to the sea. I also went downstairs to the left of the 14 lower deck to pull overboard passengers out of the 15 water.</p> <p>16 During the rescue, passengers and crew of our vessel 17 saved ten-odd people but the exact number was unknown. 18 Soon, the police launch arrived at the scene. 19 Instructed by the police, our vessel carried some of the 20 rescued passengers to the pier of HKE in South Horizons, 21 Ap Lei Chau where they were handed over to the police 22 and the ambulance men for treatment."</p> <p>23 Then you were asked a series of questions: 24 "Question: Can you state clearly how many crew 25 there were on Lamma II?</p>	<p>1 occurred when we received the news.</p> <p>2 Question: When you took up the post of look-out in 3 the wheelhouse, did you hear any horn?</p> <p>4 Answer: No, I didn't.</p> <p>5 Question: When you took up the post of look-out in 6 the wheelhouse, did you see any flashing light on 7 Lamma IV?</p> <p>8 Answer: No, I didn't.</p> <p>9 Question: When you departed from the pier of HKE in 10 Lamma Island you were about 1,000 metres from Lamma IV. 11 What was the speed of Lamma II?</p> <p>12 Answer: I only know that the engine ran at 13 1,600 rpm. I don't know how to calculate the exact 14 speed.</p> <p>15 Question: Was what was the speed of Lamma IV?</p> <p>16 Answer: I have no idea.</p> <p>17 Question: Before the collision, did you check the 18 radar in the wheelhouse?</p> <p>19 Answer: No, I didn't.</p> <p>20 Question: When you were informed by the master of 21 Lamma IV of the collision, did you see any vessel near 22 Lamma IV?</p> <p>23 Answer: I didn't notice that.</p> <p>24 Question: Do you know how many passengers were on 25 board Lamma IV?</p>

<p style="text-align: right;">Page 9</p> <p>1 Answer: I have no idea. 2 Question: Before and after the collision, did you 3 see Sea Smooth showing up at the scene? 4 Answer: I didn't notice that. 5 Question: When did you know that Lamma IV had 6 a collision with Sea Smooth? 7 Answer: After the collision, we rescued some 8 passengers going overboard from Lamma IV and took them 9 to the pier at South Horizons. After that, our 10 colleague informed us of the incident over the phone. 11 It was not until that time that we knew Lamma IV had a 12 collision with Sea Smooth. 13 Question: Can you describe in details how Lamma IV 14 sank? 15 Answer: When I first saw Lamma IV, the lower deck 16 cabin at the stern was close to the sea level. Then 17 I left the wheelhouse to inform Wai Ko of the incident. 18 When I returned to the wheelhouse, I saw the stern of 19 the upper deck of Lamma IV had come into contact with 20 the water. I didn't notice how it sank. 21 Question: When you first saw the stern of the lower 22 deck of Lamma IV sinking, was there any vessel nearby? 23 Answer: I didn't notice that. 24 Question: Do you know how serious Sea Smooth was 25 damaged?</p>	<p style="text-align: right;">Page 11</p> <p>1 MR BERESFORD: I'll try, Mr Chairman. 2 THE CHAIRMAN: We have copies of them now, do we not? 3 MR BERESFORD: We do, Mr Chairman. We've got the survey 4 certificate. 5 THE CHAIRMAN: No. I'm holding a copy -- well, you're 6 right, it's called "Certificate of Survey". 7 MR BERESFORD: Yes. 8 THE CHAIRMAN: It deals with the period 20 December 2011 9 until 18 December 2012. And then there is a subsequent 10 one which deals with the period 10 December 2012 until 11 18 March 2013. These are the documents that I asked to 12 be obtained yesterday. I understand they've been 13 scanned so they can be displayed on the screen. 14 MR BERESFORD: Mr Chairman, I'm holding one which is issued 15 on 20 December 2011, which is stated to be valid until 16 18 December. 17 THE CHAIRMAN: Yes. That's the one I've asked you to deal 18 with first, and then to deal with the one that came into 19 force on 10 December of last year. 20 MR BERESFORD: Yes. Could the witness please be shown this 21 certificate of survey. 22 THE CHAIRMAN: Just pause whilst this is put up onto the 23 screen. 24 MR BERESFORD: Mr Wong, I'm going to show you two 25 certificates of survey. The first one is stated at the</p>
<p style="text-align: right;">Page 10</p> <p>1 Answer: I have no idea. 2 Question: Do you know how serious Lamma IV was 3 damaged? 4 Answer: I have no idea. 5 Question: Do you know the crew of Lamma IV? 6 Answer: I know master Chow Chi-wai. We knew each 7 other during the handoff and takeover. I have seen the 8 other crew members but I don't know their names. 9 Question: Do you know the crew of Sea Smooth? 10 Answer: I know that the master was Lai Sai-ming, 11 chief engineer Lo Pui-kay, sailors Wong Yung-shing and 12 Wong Tai-yau. 13 Question: Why do you know the crew of Sea Smooth? 14 Answer: I know them because we are staff of Hong 15 Kong & Kowloon Ferry Holdings Ltd and we always work 16 together." 17 So that is your statement, Mr Wong. I just want to 18 ask you one supplementary question. Have you ever had 19 any training in the operation of radar? 20 A. No. 21 MR BERESFORD: Thank you, Mr Wong. Please wait there. 22 THE CHAIRMAN: Mr Beresford, I'd ask you to deal with the 23 issue of the licences that obtained or the licence that 24 obtained at the time of the collision, and the current 25 licence for Lamma II.</p>	<p style="text-align: right;">Page 12</p> <p>1 bottom to have been issued on 20 December 2011, and to 2 be valid until 18 December 2012. Do you have that? 3 A. Yes. 4 THE CHAIRMAN: Just pause there if you would, Mr Beresford, 5 because the screen is depicting the wrong survey. 6 MR BERESFORD: Does the witness have a photocopy? 7 THE CHAIRMAN: Yes, now we have it on the screen. Does this 8 have a page number? 9 MR BERESFORD: 3745 is the marking on mine, Mr Chairman. 10 THE CHAIRMAN: Thank you. 11 MR BERESFORD: Pages 3745 to 3746. 12 THE CHAIRMAN: Yes. 13 MR BERESFORD: Mr Wong, have you seen this before? 14 A. No. 15 THE CHAIRMAN: Have a look at the bottom of that first page, 16 3745. Do you see in English and Chinese, this 17 statement: 18 "This certificate of survey shall at all times be 19 kept on board. For passenger-carrying vessel, this 20 certificate shall be displayed at all times in 21 a conspicuous place on the vessel." 22 Do you see that? Do you recall seeing this licence 23 displayed on Lamma II at any stage? 24 A. I didn't pay attention to this. 25 THE CHAIRMAN: Yes, Mr Beresford.</p>

<p style="text-align: right;">Page 13</p> <p>1 MR BERESFORD: Mr Wong, you see at paragraph 2 that the 2 certificate certifies that the vessel is provided with 3 certain life-saving appliances and radio equipment. Do 4 you see that? 5 A. Yes. 6 Q. It's stated to have had one inflatable life raft, 7 96 adult life jackets and 74 lifebuoys. Were you 8 familiar with those matters? 9 A. I have seen this certificate posted on the wheelhouse. 10 Q. You have seen it? 11 A. Yes. It has been posted there and fixed. 12 THE CHAIRMAN: Where in the wheelhouse? 13 A. It was fixed at the back of the wheelhouse and the size 14 is ... 15 THE INTERPRETER: Witness gestured the size of the 16 certificate. 17 THE CHAIRMAN: Affixed in a manner that it faced outwards 18 towards the passenger cabin; is that what you're saying? 19 A. No. It was fixed inside the wheelhouse and only we 20 could see it. 21 MR BERESFORD: So it was affixed in the wheelhouse on the 22 rear wall, so you would have to look backwards to see 23 it; is that right? 24 A. Yes. 25 Q. And could you see both pages?</p>	<p style="text-align: right;">Page 15</p> <p>1 THE CHAIRMAN: Yes, Mr Beresford. 2 MR BERESFORD: Did you ever check the lifebuoys, Mr Wong? 3 A. No. 4 MR BERESFORD: Mr Chairman, I don't know if there's anything 5 else that the Commission wants from that certificate. 6 THE CHAIRMAN: I'd like you to deal with the minimum safe 7 manning of crew on the vessel. 8 MR BERESFORD: Mr Wong, you see that the certificate also 9 states that the minimum safe manning of crew is stated 10 to be "2"; do you see that? 11 A. Yes. 12 Q. Is that the same or different from Lamma IV, do you 13 know? 14 A. I'm not sure. 15 Q. Could the Lamma II be safely manned by two crew? 16 A. I'm not sure, but our company sent three of us. 17 Q. Did you always have three? 18 A. Yes. 19 Q. Mr Wong, just turning to number 5, the condition "That 20 the vessel is required to be fitted with radar" is 21 marked "Not required". 22 But then it goes on: 23 "In addition, the radar operator is required to 24 complete a radar training course approved by the 25 Director."</p>
<p style="text-align: right;">Page 14</p> <p>1 A. No, there is only one page showing the number of life 2 rafts and life jackets, et cetera. Only that part was 3 shown. 4 Q. Were you aware of the presence of one inflatable life 5 raft? 6 A. Yes. 7 Q. Did you have anything to do with its maintenance or 8 checking? 9 A. We were sent there by our company and we have not yet 10 a chance to operate it. 11 Q. What about the 96 adult life jackets? Did you ever 12 count them? 13 A. There should be enough of them, because they are placed 14 underneath the seat. 15 THE CHAIRMAN: No, the question was did you ever count them? 16 A. No. 17 MR BERESFORD: And were there any child life jackets? 18 A. I'm not sure, but I believe that there is. 19 THE CHAIRMAN: What leads you to believe that? 20 A. Because there are life jackets on the lower deck. But 21 I'm not sure whether they are children's life jackets. 22 Because I am not stationed there all the time. 23 THE CHAIRMAN: Did you ever examine a single life jacket on 24 this vessel? 25 A. No.</p>	<p style="text-align: right;">Page 16</p> <p>1 MR GROSSMAN: I think there's a misunderstanding there. 2 I think that is "if the vessel is required to be fitted 3 for radar". The second part of it is only if that is 4 required; otherwise, it doesn't make sense, with 5 respect. 6 THE CHAIRMAN: Thank you for your help, Mr Grossman. 7 MR BERESFORD: Nevertheless I'd like to ask you, Mr Wong, 8 who was the radar operator on the Lamma II? 9 A. The master. 10 MR BERESFORD: Thank you. 11 The next certificate, Mr Chairman? 12 THE CHAIRMAN: Thank you. 13 MR BERESFORD: Mr Wong, would you please now turn to the 14 second certificate of survey dated 10 December 2012, and 15 stated to be valid until 18 March 2013. 16 A. I can see it. 17 Q. Mr Wong, have you sailed on Lamma II since 10 December 18 last? 19 A. I'm not sure, but I will work on it as long as the 20 company sends me there. 21 Q. Yes, but do you remember going out on Lamma II just in 22 the last month? 23 A. Yes. 24 Q. Mr Wong, do you see from this certificate of survey 25 dated 10 December 2012 that the requirement for life</p>

<p style="text-align: right;">Page 17</p> <p>1 jackets has changed, and now 13 child life jackets are 2 required? 3 THE INTERPRETER: I was asked to repeat the question. 4 A. I didn't pay attention to this. 5 MR BERESFORD: So you don't know where those life jackets 6 are stored, or if they're on board? 7 A. I know that they are placed under the seat. They are 8 placed under each seat. 9 Q. Child life jackets? 10 A. I think I have seen them placed in the room, inside the 11 room, underneath the staircase. 12 Q. So were you aware of this change in regulation from 13 10 December 2012? 14 A. I don't know about the change. 15 Q. When did you first see life jackets under the stairs in 16 the cupboard? 17 A. It was a long time ago. I noticed that soon after I go 18 over there. 19 THE CHAIRMAN: By that you mean when you began working on 20 that vessel? 21 A. Yes. 22 MR BERESFORD: So we're talking about late 2011; is that 23 right? 24 A. I am not sure about the time. 25 Q. Roughly?</p>	<p style="text-align: right;">Page 19</p> <p>1 A. I'm not sure about the time. 2 Q. Roughly? 3 A. It's difficult for me to even tell it roughly. I really 4 don't know roughly when. 5 MR BERESFORD: I don't know if I can take it much further, 6 Mr Chairman. 7 THE CHAIRMAN: Thank you, Mr Beresford. 8 Just one other matter before counsel indicate 9 whether they have any questions. Of the 66 passengers 10 you counted on board Lamma II that evening, how many of 11 those persons were children? 12 A. I didn't pay attention to this. I just know that the 13 66 passengers includes everybody. 14 THE CHAIRMAN: Try and help us, if you would. You may not 15 be able to give us an exact number, but how many of 16 these were children, this being a family occasion? 17 A. After counting the number of passengers, I have to help 18 out with other chores, so it is really difficult to give 19 an estimate. 20 THE CHAIRMAN: I'm asking you to try. I'm not asking you to 21 give us a number; I'm asking you to give us perhaps 22 a proportion, some idea of how many children were on the 23 vessel. Please try. 24 A. I couldn't figure it out. 25 THE CHAIRMAN: Are you unable to help us at all? This is</p>
<p style="text-align: right;">Page 18</p> <p>1 A. It should be more or less so, but I really haven't paid 2 attention to the time. 3 Q. So, as far as you're aware, there have always been life 4 jackets under the stairs; is that right? 5 A. Yes, as far as I know. 6 Q. So how do you know they're child life jackets? 7 A. There are adult life jackets under each seat, so the 8 spare ones should be for children. 9 Q. Did you ever inspect them? 10 A. No. 11 Q. Why do you suppose the spare ones should be for 12 children? 13 A. Because there is a life jacket for each person, so the 14 spare ones would be for children. This is true for our 15 company, the Hong Kong & Kowloon Ferry. 16 Q. But, Mr Wong, you've seen the previous certificate which 17 required no child life jackets. 18 A. I didn't pay attention to this. 19 Q. So where do we end up, Mr Wong? Do you know that there 20 were child life jackets, notwithstanding that you never 21 inspected them? Or do you not know? What's the 22 position? 23 A. I know it. 24 Q. You know that there have always been child life jackets 25 on board since 2011; is that right?</p>	<p style="text-align: right;">Page 20</p> <p>1 a serious matter, Mr Wong. 2 A. I'm sorry, I really can't help. 3 THE CHAIRMAN: Yes, Mr Grossman? 4 MR GROSSMAN: Mr Chairman, I'd like to ask one or two 5 questions, literally one or two, in two areas. One 6 about the number of crew members he normally sailed 7 with -- 8 THE CHAIRMAN: He's told us that. 9 MR GROSSMAN: I want to know whether this was always exactly 10 the same. 11 THE CHAIRMAN: That's what he's told us. 12 MR GROSSMAN: Very well. The only point I want to ask 13 about, then, is the Mardep fireworks instructions, as it 14 were, for that night. 15 THE CHAIRMAN: Yes. 16 MR GROSSMAN: Thank you. 17 Examination by MR GROSSMAN 18 MR GROSSMAN: Good morning. I just want to ask you about 19 one matter, please. 20 On the evening of the collision, were you aware that 21 the Marine Department had issued a circular concerning 22 safety measures because of the fireworks? 23 A. No. 24 Q. Were you told that there were going to be any special 25 arrangements because of the fireworks?</p>

<p style="text-align: right;">Page 21</p> <p>1 A. No. 2 Q. Did your employers, Hong Kong & Kowloon Ferry, not tell 3 you that? 4 A. No. 5 Q. Did you know there were going to be fireworks that 6 night? 7 A. Yes. 8 Q. From your experience, did you know that special safety 9 measures would be taken because of the fireworks? 10 A. I seldom carry passengers to view the fireworks display, 11 so I didn't notice that. 12 Q. You didn't know if there were going to be any special 13 arrangements made in regard to safety that night? 14 A. I don't know. 15 MR GROSSMAN: There will be evidence led that the Marine 16 Department Notice about safety was actually put into the 17 wheelhouse and placed on the wall. 18 THE CHAIRMAN: If that's the case, I think the document 19 ought to be shown to the witness so that he can be 20 better acquainted with what you're putting to him. 21 MR GROSSMAN: Yes. Thank you. I wonder if we could have 22 that document, which I think was -- 23 THE CHAIRMAN: Could you indicate the page number and the 24 bundle, and it will be put up on the screen. 25 MR GROSSMAN: Yes. Could I just find out the page number,</p>	<p style="text-align: right;">Page 23</p> <p>1 wheelhouse. 2 THE CHAIRMAN: Of Lamma II? 3 MR GROSSMAN: Of Lamma II. 4 THE CHAIRMAN: On 1 October? 5 MR GROSSMAN: Yes. 6 THE CHAIRMAN: Do you understand what's being put to you, 7 Mr Wong? This notice was displayed in the wheelhouse on 8 the night of your journey towards the harbour for the 9 fireworks. What do you say about that? 10 A. I haven't paid attention to this notice. 11 MR GROSSMAN: I see. So it's possible it was there but you 12 just didn't see it? 13 A. Probably. 14 Q. On the pier, I understand there's a crew room, a room 15 for the crew. 16 THE CHAIRMAN: Do you agree with that? 17 A. Yes. 18 MR GROSSMAN: There will be evidence that this notice in 19 Chinese was posted in that room also. 20 THE CHAIRMAN: That's a statement. Now please put 21 a question to the witness. 22 MR GROSSMAN: Yes. 23 Did you see it? 24 A. No. 25 Q. Is it possible that it was there and you just didn't</p>
<p style="text-align: right;">Page 22</p> <p>1 please. 2 It's the marine bundle 10, page 53, the English 3 version. 4 THE CHAIRMAN: I think we'd better give him the Chinese 5 version. 6 MR MOK: Mr Chairman, I have a copy of the Chinese version. 7 I don't know if it has been paginated. 8 THE CHAIRMAN: Thank you for that, but I want it on the 9 screen so everyone else can follow this as well. 10 MR BERESFORD: There we are. 11 THE CHAIRMAN: Thank you. 12 MR GROSSMAN: I understand that it was this version, the 13 Chinese version, that was placed in the crew room and on 14 the pier. 15 THE CHAIRMAN: Let's deal with this one at a time. 16 MR GROSSMAN: Very well. 17 THE CHAIRMAN: In the crew room on the pier? 18 MR GROSSMAN: No, "and on the pier". 19 THE CHAIRMAN: Indicate, for my benefit at least, where this 20 crew room is. On the vessel or ashore? 21 MR GROSSMAN: Sir, if you just give me a moment ... 22 THE CHAIRMAN: Yes. 23 MR GROSSMAN: It's my fault. I apologise. Let's start 24 again. 25 There will be evidence that it was displayed in the</p>	<p style="text-align: right;">Page 24</p> <p>1 notice it? 2 A. Probably. 3 MR GROSSMAN: Thank you. No further questions. 4 THE CHAIRMAN: Yes? 5 MR ZIMMERN: Yes, Mr Chairman. I have no questions. It's 6 just, with the Commission's permission, to ask the 7 interpreter whether "ho lang hai" is "possibly" as 8 opposed to "probably" as far as interpretation. 9 THE INTERPRETER: I'm sorry. 10 MR ZIMMERN: I'm grateful. 11 THE CHAIRMAN: Would you reconsider? You've interpreted 12 that phrase twice as being "probably". Is the 13 interpretation accurate or should it be "possibly"? 14 THE INTERPRETER: Does counsel mean that "probably" means a 15 higher possibility than -- 16 THE CHAIRMAN: "More likely than not". 17 MR ZIMMERN: It means "more likely than not", whereas 18 "possibly" means "I don't know, but it could have been 19 there". 20 THE INTERPRETER: Okay. Yes, I agree with you. 21 THE CHAIRMAN: "Possibly"? 22 THE INTERPRETER: Yes. Thank you, counsel. 23 THE CHAIRMAN: Thank you. 24 MR ZIMMERN: I'm very grateful, Mr Chairman. 25 THE CHAIRMAN: Mr Mok?</p>

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<p>1 MR MOK: Yes, I have a couple of questions on the Mardep 2 Notice. 3 THE CHAIRMAN: Yes, please. 4 Examination by MR MOK 5 MR MOK: Mr Wong, could you look at the screen again to see 6 the notice from the Marine Department. You told us that 7 there is a crew room on the pier. 8 A. Yes. 9 Q. There is a crew room on the pier? 10 A. Yes. 11 Q. And you said that you did not notice a copy of this 12 Marine Department Notice in the crew room; correct? 13 A. Yes. 14 Q. Did anyone in the Hongkong Electric Company direct your 15 attention to the fact that there was such a notice? 16 A. No. 17 Q. And did anyone in the Hongkong Electric Company direct 18 your attention to the fact that a copy of this notice 19 could also be found on the vessel, Lamma II? 20 A. No. 21 MR MOK: Thank you. 22 THE CHAIRMAN: Mr Beresford? 23 MR BERESFORD: No further questions. 24 THE CHAIRMAN: Thank you, Mr Wong, for coming to assist the 25 tribunal with your evidence, but your evidence is</p>	<p>1 to ask you on behalf of the Commission. 2 Mr Lee, you're aged 62 and your occupation is 3 a sailor; is that correct? 4 A. Yes. 5 Q. As far as you can remember, you joined Hong Kong 6 & Kowloon Ferry Holdings Ltd as a sailor in around the 7 year 2000? 8 A. Yes. 9 Q. Is it right that no trade tests were required for the 10 job at that time? 11 A. Yes, we were not required to go through any test. We 12 were just asked whether we could swim. 13 Q. Yes. Thank you. 14 At that time, you were deployed to the Lamma 15 Island-Central line, were you not? 16 A. Yes. 17 Q. And you've been a sailor on the line ever since? 18 A. Yes. 19 Q. But it's correct, isn't it, that you don't have any 20 regular vessel and it's only when you report for duty 21 that you know which vessel you're going to be working 22 on? 23 A. Yes. 24 Q. Now, your working hours, Mr Lee, your normal working 25 hours are a 24-hour shift from 7 am to 7 am the</p>
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<p>1 complete and you're free to leave if you wish. You may 2 remain in the hearing room if you wish to listen to 3 other evidence. 4 (The witness withdrew) 5 MR BERESFORD: Mr Chairman, the next witness is Mr Lee 6 Ah-ngau. 7 THE CHAIRMAN: Thank you. 8 MR ZIMMERN: Mr Chairman, I've been instructed that this 9 witness can't read Chinese. 10 THE CHAIRMAN: Thank you for your help. 11 THE INTERPRETER: Mr Lee is illiterate, so can I just help 12 him? 13 THE CHAIRMAN: Of course. 14 What we'll do, when you choose whether it's oath or 15 affirmation, the interpreter will read out part of the 16 phase which you will then repeat, she will then 17 continue, and so on; do you understand? 18 THE INTERPRETER: Yes. 19 THE CHAIRMAN: Would you please stand up and just repeat the 20 phrases that the interpreter reads out. 21 MR LEE AH-NGAU (affirmed in Puntì) 22 (All answers via interpreter unless otherwise indicated) 23 Examination by MR BERESFORD 24 MR BERESFORD: Mr Lee, thank you very much for coming this 25 morning to assist the Commission. I have some questions</p>	<p>1 following day; is that right? 2 A. Yes. 3 Q. And you sometimes work a 12-hour shift, from 7 pm to 4 7 am the following day; correct? 5 A. Yes. 6 Q. Are you mainly responsible for handling ropes during 7 docking and departing? 8 A. Yes. 9 Q. And also to prevent passengers walking around inside the 10 cabin and causing a nuisance to other passengers? 11 A. Yes. 12 Q. Turning to the night of 1 October 2012. You went to 13 work as usual? 14 A. Yes. 15 Q. Does that mean you were starting at 7 pm that night? 16 A. Yes. 17 Q. And you met master Cheng Muk-hei at the Outlying Ferry 18 Pier in Central? 19 A. I met Cheng Muk-hei at the Hongkong Electric pier. 20 Q. Was it then that he told you that you would be working 21 on the Lamma II for the night? 22 A. Yes. 23 Q. Was it at around 7.30 that you reached the Hongkong 24 Electric pier on Lamma Island and relieved the morning 25 shift crew of Lamma II?</p>

<p style="text-align: right;">Page 29</p> <p>1 A. Yes. 2 Q. And it was after that, was it not, that you were told 3 that you were going to pick up Hongkong Electric 4 employees and their families, about 60 persons, at the 5 Lamma Island pier and carry them to Central to watch the 6 National Day fireworks in Victoria Harbour? 7 A. Yes. 8 Q. After that, you were going to sail to the Aberdeen pier 9 to alight them there? 10 A. At that time, it was not yet time to view the fireworks. 11 Q. No, but afterwards, after the fireworks, you were going 12 to go to Aberdeen; is that right? 13 A. Yes. 14 Q. You departed from the Hongkong Electric pier at Lamma 15 Island Power Station at around 8.15 pm; is that right? 16 A. Yes. We were told that we could undo the ropes and set 17 sail, so we set off from Lamma Island pier. 18 Q. And then you followed your usual custom of locking up 19 the doors and tidying up things in the lower deck; is 20 that right? 21 A. Yes. 22 Q. And after about five minutes, you suddenly heard the 23 master shouting "Come save people, come save people"; is 24 that right? 25 A. Yes.</p>	<p style="text-align: right;">Page 31</p> <p>1 anything, did you observe? 2 A. I didn't notice any other thing, because I saw many 3 people in the sea. So I quickly went to fetch the 4 emergency ladder to rescue people. 5 Q. So you didn't see any other vessels? 6 A. No. I was focused in my work and I didn't notice 7 anything in the vicinity. 8 Q. Okay. So you took the emergency escape ladder back to 9 the lower deck and you walked out of the cabin; is that 10 right? 11 A. Yes, to help to rescue people. 12 Q. And you used the emergency rope ladder to rescue people 13 from the sea? 14 A. No. The rescue ladder was made of iron. 15 Q. Oh, made of iron. I'm sorry. 16 THE CHAIRMAN: Did you attach that to the side of the boat 17 or the stern of the boat? 18 A. The ladder could be placed anywhere, so I put them where 19 there were people. 20 THE CHAIRMAN: Was that at the stern or the side? 21 A. Some at the stern and some at the side. 22 THE CHAIRMAN: So you moved it from place to place to help 23 people from the sea? 24 A. Yes. 25 MR BERESFORD: Do you have any idea of how many people you</p>
<p style="text-align: right;">Page 30</p> <p>1 Q. So you opened the doors, the passenger doors, one on 2 each side and one at the rear? 3 A. Yes. 4 Q. And then you went upstairs to get an emergency escape 5 ladder? 6 A. Yes, I went upstairs to fetch the emergency stairs to 7 save people at the lower deck. 8 Q. When you heard the master shouting out loud "Come save 9 people, come save people", did you hear anything else at 10 around that time such as a horn or a signal? 11 A. No. I couldn't hear any sound inside the cabin. 12 Q. I see. When you went upstairs to get the emergency 13 escape ladder, you saw many people in the sea, did you 14 not? 15 A. Yes. 16 Q. And you threw lifebuoys to them? 17 A. I went to fetch the ladder, and the passengers helped me 18 to throw the lifebuoys into the sea. 19 Q. So that would have been lifebuoys stacked on the open 20 upper deck at the rear; is that right? 21 A. Yes. 22 Q. And then you took the emergency escape ladder with you 23 to the lower deck; is that right? 24 A. Yes. 25 Q. While you were on the open upper deck, what else, if</p>	<p style="text-align: right;">Page 32</p> <p>1 rescued? 2 A. I couldn't see and I don't know how many people I have 3 saved, so I don't remember. 4 Q. Can you estimate? Was it less than five, more than 5 five, more than 10? 6 A. The rescuer said that there were 17 injured persons and 7 for the rest of them, I have no idea. 8 THE CHAIRMAN: That is a total of 17 persons were taken on 9 Lamma II from the sea? 10 A. Yes. Those are the injured ones. But I have no idea 11 about how many people who were not injured. 12 THE CHAIRMAN: Thank you. 13 MR BERESFORD: Now, several minutes later, while you were 14 still engaged in the rescue effort, Fire Services 15 Department and Police launches also came to the rescue; 16 is that right? 17 A. Yes. 18 Q. And by that time, you had lifted almost everybody in the 19 sea around your vessel to safety; correct? 20 A. Yes. 21 Q. You've said: 22 "And it was only until then that I found that the 23 Lamma IV had sunk stern first, with the bow protruding 24 above the water surface." 25 A. Yes.</p>

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<p>1 Q. How did you come to notice that? Did you notice it with 2 your own eyes? 3 A. When we were told by the Marine Police to carry the 4 passengers to Lamma Island, it was then that I noticed 5 the vessel. 6 Q. With your own eyes? 7 A. Yes. 8 Q. And you've just told us that the police told you to sail 9 to South Horizons so that the injured passengers could 10 be sent to hospital; is that right? 11 A. Yes, they instructed the master to sail to the Lamma 12 Island pier at South Horizons, to unload the passengers. 13 Q. Sorry, Lamma Island or South Horizons? I thought South 14 Horizons was at Ap Lei Chau. 15 A. South Horizons. 16 Q. Thank you. Before you departed from the Hongkong 17 Electric pier at the power station, Lamma IV left before 18 Lamma II; is that right? 19 A. At the back of Lamma IV. 20 THE CHAIRMAN: By that you mean that Lamma II was following 21 Lamma IV? 22 A. Yes. 23 MR BERESFORD: How far behind or how long behind was 24 Lamma II? 25 A. I have no idea, because I was inside the cabin.</p>	<p>1 somebody who was in the cabin. People who were on the 2 bridge or who were looking out to sea are people who can 3 help us with that. 4 MR BERESFORD: Mr Lee, your employer is Hong Kong & Kowloon 5 Ferry Holdings Ltd; is that right? 6 A. Yes. 7 Q. And the owner of Lamma II is HKE, Hongkong Electric? 8 A. No, it was also the Hong Kong & Kowloon Ferry Ltd. 9 THE CHAIRMAN: Perhaps you could try that again. 10 (Question retranslated). 11 A. Yes, it's Hongkong Electric. 12 MR BERESFORD: And did you get any special instructions from 13 either Hong Kong & Kowloon Ferry Holdings Ltd or 14 Hongkong Electric in relation to the fireworks cruise 15 that night? 16 A. As far as I knew, no. 17 Q. Now, you've said you don't know how many people the 18 Lamma IV was carrying at that time; is that right? 19 A. No. 20 Q. And you didn't know the crew who were working on 21 Lamma IV that night? 22 A. No. I just know that I saw them and relieved them from 23 work. 24 Q. No, I asked about Lamma IV, not Lamma II. 25 A. I couldn't see them when I relieved people from work.</p>
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<p>1 Q. Okay. Now, responsibilities. You were responsible for 2 ropes and cleaning deck areas; master Cheng Muk-hei was 3 responsible for steering the vessel; and mechanic Wong 4 Wah-yau was responsible for the engine and standing 5 watch on deck. Is that right? 6 A. Yes. 7 Q. You don't know how many people were in the cockpit when 8 it cast off, do you? 9 THE CHAIRMAN: Were in the ...? 10 MR BERESFORD: In the cockpit. In the wheelhouse. 11 A. No. 12 Q. When Lamma IV sailed away from Hongkong Electric pier on 13 Lamma Island, did you notice whether the navigation 14 lights of Lamma IV were on? 15 A. I didn't pay attention to this. 16 Q. The weather that night you have said was: 17 "Without wind, it was still and quiet. The visible 18 distance was quite short." 19 Is that correct? 20 A. Yes. 21 Q. When you say "The visible distance was quite short", can 22 you estimate how far? 23 THE CHAIRMAN: I don't think -- 24 MR BERESFORD: You don't need that, Mr Chairman? 25 THE CHAIRMAN: I don't think he can assist us. He's</p>	<p>1 Q. I see. You didn't witness the course of the vessel 2 collision itself, did you? 3 A. No. 4 Q. And you didn't know what speed Lamma IV was travelling 5 at when it left Hongkong Electric pier? 6 A. I was working at the lower deck and so I have no idea. 7 Q. Okay. And similarly, you didn't know the speed of 8 Lamma II when it sailed away? 9 A. I have no idea. 10 Q. And you didn't know the distribution of the passengers 11 on Lamma IV? 12 THE CHAIRMAN: I think that must be blindingly obvious, must 13 it not, Mr Beresford? He doesn't know anything about 14 Lamma IV. 15 MR BERESFORD: Very well. 16 THE CHAIRMAN: His vessel is following it, and he's in the 17 cabin. 18 MR BERESFORD: And the engines of Lamma II were switched off 19 when you were rescuing people from the sea; is that 20 right? 21 A. I don't know. I cannot tell whether Lamma IV has 22 switched off its engine, because I was on Lamma II. 23 Q. No, Lamma II. 24 A. I couldn't hear any sound, but I don't know whether the 25 master has switched off the engine.</p>

<p style="text-align: right;">Page 37</p> <p>1 Q. Okay. You've been asked about evacuation and rescue 2 practice, and you have said that you usually carry out 3 the practice once a year, the last time being in 2011; 4 is that right? 5 A. When the licence was issued, we would be told to do what 6 the officer told us to. 7 THE INTERPRETER: I'm sorry. 8 A. When the licence was issued, we would be told to perform 9 and we would do what the officer told us to. 10 MR BERESFORD: Okay, Mr Lee. I think that's all from me. 11 Please wait there. 12 THE CHAIRMAN: Thank you. 13 MR GROSSMAN: I have no questions, thank you. 14 MR ZIMMERN: Likewise, no questions. 15 THE CHAIRMAN: Mr Mok? 16 MR MOK: Can I ask a few questions about the Mardep Notice 17 as well? 18 THE CHAIRMAN: Yes. 19 Examination by MR MOK 20 MR MOK: Can the witness be shown the Mardep Notice No. 131 21 of 2012, in Chinese. 22 Mr Lee, I know that you can't read this particular 23 document but can I ask you a few questions. First of 24 all, can you confirm that there is a crew room on the 25 pier of the Hongkong Electric pier at Lamma Island?</p>	<p style="text-align: right;">Page 39</p> <p>1 those who were involved in the fireworks would get it, 2 and not the ones who were not involved in the fireworks 3 display. 4 Q. Yes. My question was, who informed you of this 5 information? Did any particular individual inform you 6 of this? You didn't read it yourself, right? 7 A. I was told by the master about what to do. He told me 8 this as soon as he received the notice. 9 Q. What is the name of this master? 10 A. The one who worked for Lamma II. 11 Q. Were you referring to this person? 12 A. I don't understand which master are you referring to, 13 from which company. 14 Q. Yes. It's the master who informed you of the 15 information you just gave to us concerning the life vest 16 and the Marine Department Notice. Which master? 17 A. We were told about this by the master of the Hong Kong 18 & Kowloon Ferry, and we have no idea about the masters 19 of Hongkong Electric. 20 MR MOK: Thank you. 21 THE CHAIRMAN: Is this master Mr Cheng Muk-hei; is that who 22 you're referring to? 23 A. Yes. 24 THE CHAIRMAN: He told you about these provisions, these 25 measures?</p>
<p style="text-align: right;">Page 38</p> <p>1 A. Yes, there was a crew room, but we seldom enter into it. 2 Q. My question is, did Hongkong Electric Company or did 3 anyone from the company ever inform you that there is 4 a notice from the Marine Department which is posted in 5 that crew room? 6 A. No. 7 Q. And did anyone from the Hongkong Electric Company ever 8 inform you that there was a notice from the Marine 9 Department which can be found inside the vessel 10 Lamma II? 11 A. I don't know whether anybody has told us. We don't know 12 about this. 13 Q. Are you aware -- I'm sorry. Can the answer be given 14 again? 15 A. Nobody told us about the notice. Neither did the master 16 tell us about the notice. 17 Q. Are you aware that there was such a notice at any time? 18 A. Hongkong Electric has given us a notice about the 19 measures in relation to the fireworks display. 20 Q. But were you aware of the contents of this notice? 21 A. It told us to check on the -- to keep a look-out on the 22 passengers and to stop them from running around, and to 23 tell them where the life jackets were. 24 Q. And who gave that information to you? 25 A. It was given by the Hong Kong & Kowloon Ferry, and only</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Yes. 2 THE CHAIRMAN: When did he tell you that? 3 A. After we went off from duty and as soon as he received 4 the notice, he told us about it. 5 THE CHAIRMAN: Which day? 6 A. On the night, on the 1st. We only received the order on 7 the night the fireworks display was carried out. 8 THE CHAIRMAN: So where were you when he told you about 9 these measures? 10 A. We were inside the cabin. 11 THE CHAIRMAN: That is, of Lamma II? 12 A. Yes. 13 THE CHAIRMAN: Before the passengers embarked? 14 A. Yes. 15 THE CHAIRMAN: Thank you. 16 Yes, Mr Beresford? 17 MR BERESFORD: No further questions, Mr Chairman. 18 Questions by THE COMMISSION 19 THE CHAIRMAN: You say that one of the measures that the 20 master, Mr Cheng, told you about was that the passengers 21 were to be told where the life jackets were. 22 A. Yes. 23 THE CHAIRMAN: Did you do anything about that instruction? 24 A. Yes. 25 THE CHAIRMAN: Tell us what you did.</p>

<p style="text-align: right;">Page 41</p> <p>1 A. After the vessels left the pier, I told the passengers 2 to sit still and not to move around, and told them where 3 the life jackets were. 4 THE CHAIRMAN: What did you say about that? 5 A. I told them that the orange-yellowish thing underneath 6 the seats were life jackets. 7 THE CHAIRMAN: Is that all you told them? 8 A. Yes. 9 THE CHAIRMAN: And where were you when you informed the 10 passengers of that? 11 A. I was next to them, at the -- 12 THE CHAIRMAN: Which deck of the vessel were you on? 13 A. It's not a matter of which deck, but as long as I saw 14 people sitting or walking around or running, I told them 15 where the jackets were. For those who were running, 16 I would tell them to sit still. 17 THE CHAIRMAN: So how many times did you give this 18 information about where the life jackets were? 19 A. Several times. I don't need to do this where there is 20 no passenger. 21 THE CHAIRMAN: Did you do this on both decks? 22 A. Yes. Wherever there are people there, I would tell 23 them. 24 THE CHAIRMAN: Can you help us as to the proportion of the 25 passengers who were children on that journey?</p>	<p style="text-align: right;">Page 43</p> <p>1 MR FOK WING-KEI (affirmed in Punti) 2 (All answers via interpreter unless otherwise indicated) 3 Examination by MR BERESFORD 4 MR BERESFORD: Good morning, Mr Fok. Thank you very much 5 for coming to assist the Commission this morning. 6 I have some questions to ask you on behalf of the 7 Commission. 8 Mr Fok, you have provided a statement to the 9 Commission which has been translated into English. 10 Could the witness please be provided with a copy of 11 the Chinese statement. 12 A. Yes. 13 Q. The Chinese is at page 137, and the English is at 14 page 146 of the bundle of documents received from 15 Richards Butler. 16 Mr Fok, do you recognise this as your statement? 17 A. Yes. 18 Q. Do you have any amendment that you would wish to make? 19 A. No. 20 Q. Are the contents of this statement true? 21 A. Yes. 22 Q. Mr Fok, first of all, I'm going to read from your 23 statement or from the English translation of your 24 statement. The Chinese will be shown on the screen so 25 that that can be followed. If you see or hear any</p>
<p style="text-align: right;">Page 42</p> <p>1 A. I saw a baby pram and I saw several children on the 2 upper deck. I think there were several of them. 3 THE CHAIRMAN: What about on the main deck? 4 A. There wasn't any. They all went upstairs. 5 THE CHAIRMAN: So, doing the best you can, what's your 6 estimate; if there were 66 passengers on the vessel, how 7 many of them were children? 8 A. I didn't pay attention to this, but I saw several of 9 them. 10 THE CHAIRMAN: Thank you, Mr Lee, for coming to give your 11 evidence. You are to be commended for your part in 12 rescuing people from the sea. Your evidence is 13 finished, and you're free to go. You can, of course, 14 remain in the hearing if you wish to do so. Thank you. 15 (The witness withdrew) 16 THE CHAIRMAN: We'll take our morning break now and we'll 17 resume at 11.55 by that clock. 18 (11.32 am) 19 (A short break) 20 (11.55 am) 21 THE CHAIRMAN: Yes, Mr Beresford. 22 MR BERESFORD: Mr Chairman, the next witness is Fok 23 Wing-kei. 24 THE CHAIRMAN: Thank you. 25</p>	<p style="text-align: right;">Page 44</p> <p>1 inaccuracy, could you please stop me and let me know. 2 "I was born on 16 June 1957 and educated to 3 secondary school level. In 1982, I joined the Hongkong 4 Electric Company Ltd, and am now an assistant employee 5 wellness officer of the employee wellness team of the 6 employee relations section of the division of human 7 resources and administration. My job duties include 8 organising employee recreational activities for 9 employees." 10 Mr Fok, just pausing there. I'd like to ask you 11 a few questions about the organisational structure of 12 your company. You're employed by the Hongkong Electric 13 Company Ltd, and this is divided into a number of 14 divisions, including the human resources and 15 administration division; is that right? 16 A. Yes. 17 Q. Another division at that level of divisions would be the 18 generation division, would it not? 19 A. Yes. 20 Q. Now, you've referred to the employee relations section, 21 which is one section of the human resources and 22 administration division. Do the other sections include 23 a marine section, or is the marine section you refer to 24 a section of another division? 25 A. It belongs to another division.</p>

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<p>1 Q. Which division, please?</p> <p>2 A. It belongs to the generation division.</p> <p>3 Q. The generation division. Thank you. Is the main person</p> <p>4 in that marine section Mr Tang Wan-on?</p> <p>5 A. Yes.</p> <p>6 Q. Now, returning to the employee relations section. That</p> <p>7 is managed, is it not -- well, that divides into the</p> <p>8 employee wellness team, and other teams; is that right?</p> <p>9 A. The employee wellness team was under the employee</p> <p>10 relations section, which was under the human resources</p> <p>11 and administrative division.</p> <p>12 Q. Yes. I think we've got that. But the employee</p> <p>13 relations section is divided into teams, and one of</p> <p>14 those teams is the employee wellness team?</p> <p>15 A. Yes.</p> <p>16 Q. And you are a member of that team?</p> <p>17 A. Yes.</p> <p>18 Q. And your position is assistant employee wellness</p> <p>19 officer?</p> <p>20 A. Yes.</p> <p>21 Q. Another member of that team is Mr Leung Kwok-wai; is</p> <p>22 that right?</p> <p>23 A. Yes.</p> <p>24 Q. But he says that he's the assistant recreation officer</p> <p>25 in the staff recreation unit of Power Assets Holdings</p>	<p>1 Q. Are you all at the same level, or is one more senior in</p> <p>2 the hierarchy than others?</p> <p>3 A. We do have a senior who is the manager of the staff</p> <p>4 relation section.</p> <p>5 Q. If that's Mr Lam, I'm coming to him in a minute. But</p> <p>6 I'm asking about the employee wellness team. The five</p> <p>7 members that you've mentioned -- yourself, Lai Ho-yin,</p> <p>8 Leung Kwok-wai, Mr Smith Wong, and Ms Lam Mei-yin -- are</p> <p>9 you all at the same level?</p> <p>10 A. No.</p> <p>11 Q. So who has managerial responsibility amongst you?</p> <p>12 What's the hierarchy?</p> <p>13 A. All of us report to the manager of the human relations</p> <p>14 section.</p> <p>15 THE INTERPRETER: Sorry, "employee relations section".</p> <p>16 MR BERESFORD: Is that Mr Gleeson Lam?</p> <p>17 A. Yes.</p> <p>18 Q. And do you know who Mr Gleeson Lam reports to?</p> <p>19 A. Should be Trini Chan.</p> <p>20 Q. Is she in the human resources and administrative</p> <p>21 division?</p> <p>22 A. Yes.</p> <p>23 Q. What is her job title, please?</p> <p>24 A. If I remember correctly, she is the general manager of</p> <p>25 human resources.</p>
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<p>1 Ltd. Are you able to explain that discrepancy?</p> <p>2 A. I don't understand what you mean.</p> <p>3 Q. If you don't know the answer, just say you don't know.</p> <p>4 But I'm just asking if you're able to explain how it is</p> <p>5 that Mr Leung Kwok-wai is, according to you, part of the</p> <p>6 employee wellness team ultimately in the Hongkong</p> <p>7 Electric Company Ltd, and he says that he's the</p> <p>8 assistant recreation officer in the staff recreation</p> <p>9 unit of Power Assets Holdings Ltd, a different entity.</p> <p>10 A. It is because our company has changed its name. It used</p> <p>11 to be called Hongkong Electric, but now it is changed to</p> <p>12 Power Assets Holdings Ltd. But both names can still</p> <p>13 apply.</p> <p>14 Q. I see. Another member of the employee wellness team is</p> <p>15 Mr Lai Ho-yin; is that right?</p> <p>16 A. Yes.</p> <p>17 Q. And he describes himself as coordinating officer?</p> <p>18 A. Yes.</p> <p>19 Q. Are there any other members of the employee wellness</p> <p>20 team, or is that it?</p> <p>21 A. Yes, there is.</p> <p>22 Q. There are others? How many others?</p> <p>23 A. There are two others.</p> <p>24 Q. And they are?</p> <p>25 A. Ms Lam Mei-yin and Mr Smith Wong.</p>	<p>1 Q. Thank you. Do you know who she reports to?</p> <p>2 A. I don't know.</p> <p>3 Q. Do you know who at board level, which director, is</p> <p>4 responsible for the human resources and administration</p> <p>5 division?</p> <p>6 A. I have no idea about people in such high level.</p> <p>7 Q. Okay. Continuing with your statement, then, from</p> <p>8 paragraph 2:</p> <p>9 "Every year, various activities are arranged by the</p> <p>10 company for our colleagues and their families and</p> <p>11 friends. I have started to take part in organising this</p> <p>12 type of recreational activities for employees since</p> <p>13 2006. From 2009 I have been mainly responsible for</p> <p>14 organising recreational activities for employees,</p> <p>15 including organising the activity on 1 October 2012 to</p> <p>16 visit Lamma Power Station and to watch the fireworks in</p> <p>17 the Victoria Harbour. This type of recreational</p> <p>18 activities for employees was arranged as early as 1990</p> <p>19 or even earlier, and therefore the responsible</p> <p>20 colleagues have had experience and knowledge to arrange</p> <p>21 and lead the activities. This activity on 1 October</p> <p>22 2012 was also arranged modelled on the previous ones.</p> <p>23 The members of the employee wellness team largely</p> <p>24 take turns to lead the recreational activities for</p> <p>25 employees. According to the duty roster, Lai Ho-yin,</p>

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<p>1 and Leung Kwok-wai were responsible for leading the 2 activity on 1 October 2012. At the end of September 3 2012 on a day around 4 to 5 days before the activity, 4 Lai Ho-yin and Leung Kwok-wai had a meeting with me for 5 discussing the details of the activity and the 6 arrangement of the itinerary on that day, providing 7 a registration list of participants (including their 8 staff numbers, names, mobile phone numbers, number of 9 participants, time and place of getting aboard) (see 10 appendix 1), and preparing first-aid kits, seasickness 11 pills, White Flower Embrocation, loudhailers, cameras, 12 the flag of the company et cetera to be sent to each of 13 the team leaders and the working staff members and 14 reminded them to have these items handy." 15 If we could just look at appendix 1, please. 16 Page 138. Can you help us explain the content of this 17 document, please, Mr Fok? First of all under (A), 18 there's a list of -- is it group leaders? 19 A. Yes, they are staff. They are workers. 20 Q. Correct me if I'm wrong, but if I've understood it 21 correctly, each name represents a group of people? 22 A. Yes. 23 Q. And then under (B), you set out the itinerary for the 24 day? 25 THE CHAIRMAN: Is that right?</p>	<p>1 Q. Then at the bottom of the page, there are some 2 handwritten Chinese characters and numbers. Can you 3 tell us what that means? At the bottom of the page, 4 between the letter (D) and the number 138, where the 5 cursor is on the screen. 6 A. For safety reason, when emergency happens, we can call 7 this phone number to contact the emergency station on 8 Lamma Island. 9 Q. Would that include -- so that's a telephone number, is 10 it? What kind of a number is it? 11 A. It is an internal phone number, extension. 12 Q. I see. So that would only be useable while you were 13 onshore; is that right? 14 A. There are many extension phones inside the factory, in 15 many locations inside the factory. 16 Q. Yes, but not on the boat? 17 A. As far as I understand, there is one inside the cockpit. 18 Q. Yes, I see. 19 THE CHAIRMAN: By that you mean the wheelhouse? 20 THE INTERPRETER: Yes. I should use "wheelhouse" instead. 21 MR BERESFORD: Continuing with paragraph 4. 22 THE CHAIRMAN: Perhaps we can move to the vessel, which is 23 really what we're interested in. Paragraph 6. 24 MR BERESFORD: Paragraph 6 of the statement. Yes, very 25 well, Mr Chairman.</p>
<p>Page 50</p> <p>1 A. Yes. 2 MR BERESFORD: Can you explain briefly what is under (C), 3 please? 4 A. For safety reasons, when we arrive at Lamma Island, 5 members will be divided into four groups, the A, B, C 6 and D groups, and they will visit different sites on 7 rotation. Because we don't want to have too many people 8 at the same spot at the same time. In fact, these four 9 groups will take turns to visit the spots. 10 Q. And these spots would be spots at the power station; is 11 that right? 12 A. Yes. 13 Q. What's under (D), please? 14 A. Where is (D)? 15 Q. On the bottom left-hand corner of the page. 16 A. It says that there are two colleagues from Lamma Island 17 in each team who would be responsible for explaining the 18 facilities in Lamma Island. 19 Q. Yes, I see. Do you recognise the handwriting at the top 20 of the page, where there's a number 185 in a circle? 21 A. Yes. 22 Q. Is it yours? 23 A. Yes. 24 Q. What does it mean? 25 A. The total number of people is 185.</p>	<p>Page 52</p> <p>1 "In the course of organising this activity, Leung 2 Kwok-wai of the employee wellness team assisted in 3 contacting with the company's marine section to request 4 for provision of the vessel services to carry the 5 participants and related maritime arrangements. Leung 6 Kwok-wai has always been the member of the employee 7 wellness team who is responsible for contacting with the 8 marine section. The so-called 'vessel arrangement' was 9 in fact to notify the marine section of the activity's 10 itinerary, time and vessels. Based on this information, 11 the marine section would make its own arrangement. 12 In other words, our employee wellness team was 13 responsible for planning the itinerary of the activity 14 while the vessels and the related maritime arrangements 15 were provided and arranged by the company's marine 16 section. I have neither maritime knowledge nor 17 experience. Before 1 October 2012, I had never heard 18 that the HKSAR's Marine Department had issued any 19 guidelines concerning watching the fireworks. 20 Nonetheless, I issued a memorandum as usual to every 21 participant of the activity to remind them to pay 22 attention to safety when watching the fireworks on board 23 the vessel, that they should not walk around on board 24 the vessel, should take care of the accompanying 25 elderly/children, and should follow the safety</p>

<p style="text-align: right;">Page 53</p> <p>1 guidelines given by the working staff members onboard 2 the vessel (see appendix 2 for a sample of the 3 memorandum)." 4 I think we've just been provided with a translation 5 of appendix 2. The Chinese is at page 145, and the 6 translation is numbered pages 145-1 to 145-2. That is 7 headed "Lamma Generation Plant and Fireworks Cruise in 8 Victoria Harbour 1 October 2012". 9 THE CHAIRMAN: I don't think we need to deal with that. 10 It's the last few lines of the penultimate paragraph 11 that I think are relevant. 12 MR BERESFORD: Yes, Mr Chairman. It acknowledges receipt of 13 the tickets, notes departure times, then: 14 "Since the itinerary on that day includes a boat 15 trip to visit the generation plant and wind generator on 16 Lamma, it is recommended that participants should wear 17 appropriate clothes and gear that are good for 18 ventilation and mosquito-repelling. Please also bring 19 water, snack and mosquito repellent, et cetera. Please 20 pay attention to safety when you are viewing fireworks 21 on the boats. Please take care of elderly/children, do 22 not run around and follow the safety instructions given 23 by staff." 24 And then you give the telephone numbers for Mr Leung 25 and Mr Lai. And it's signed in the name of your</p>	<p style="text-align: right;">Page 55</p> <p>1 A. It's only about -- it is only my statement. 2 Q. All right. Perhaps you can just put that away for the 3 moment, and tell us if you need to refer to anything, 4 okay? It's just that there are a lot of people here 5 following this, and we need to know what you're looking 6 at. 7 You said in your statement that this activity on 8 1 October was modelled on previous activities, and that 9 this type of recreational activity had been arranged 10 from as early as 1990 or even earlier. Do you remember 11 that? 12 A. Yes. 13 Q. So can you give us an idea of how many harbour fireworks 14 cruises have been undertaken since 1990 by the company? 15 A. If I remember correctly, this is organised every year, 16 except the year 2009. 17 Q. So that's National Day fireworks you're talking about, 18 is it? 19 A. Yes. 20 Q. What about Chinese New Year, Lunar New Year fireworks? 21 Do you arrange a harbour cruise for those as well? 22 A. No. 23 Q. But National Day celebrations only go back to 1997, but 24 you said that this goes back to 1990. 25 A. The events before 1990 were fireworks display events</p>
<p style="text-align: right;">Page 54</p> <p>1 superior, Gleeson Lam. 2 Mr Fok, if the employee wellness section was 3 responsible for the itinerary and the marine section was 4 responsible for providing vessels, who in your 5 understanding was responsible for the safety of the 6 passengers at sea? 7 A. In organising this event, we have requested the marine 8 section to provide vessels to convey the passengers -- 9 to provide vessels for the team members of the wellness 10 team. In this notice, I have also reminded the 11 passengers to pay attention to several points; that is, 12 to ask them not to walk around, and to take care of the 13 elderly and children, and to follow the safety 14 instruction of the staff. 15 Q. Mr Fok, maybe I can ask that question again. Who, in 16 your understanding, was responsible for the safety of 17 the passengers at sea? 18 A. The marine section. 19 Q. And who individually? What natural person in the marine 20 section bears responsibility, managerial responsibility 21 for the safety of the passengers at sea? 22 A. I'm not sure about this, but I just know that we contact 23 Mr Tang Wan-on. 24 Q. Okay. Mr Fok, I'm told that you're looking at some 25 notes. Can you tell us what the notes are, please?</p>	<p style="text-align: right;">Page 56</p> <p>1 which were similar events. 2 Q. Well, first of all I'm asking about the period since 3 1990, in fact from 1990 to 1997. So would they have 4 been Chinese New Year fireworks? 5 A. I remember that our company seldom organised such events 6 for the Chinese New Year. They are mostly for the 7 National Day. 8 Q. And what about 1 July, HKSAR Day, if I may call it that 9 for short? 10 A. Yes, because on 1 July, there was a celebration for the 11 15th anniversary of the return of sovereignty. So 12 there's an extra event. 13 Q. That was in 2012, the 15th anniversary. But what about 14 all the previous anniversaries? 15 A. Are you talking about July? 16 Q. Yes. 17 A. There should be events, but it may not be cruises. 18 Q. I'm trying to get an idea of how many harbour fireworks 19 cruises there have been over the years. You've 20 mentioned 1990. So can you help us with that? There 21 have been 15 National Days and 15 HKSAR Days, so could 22 we say that there have been approximately 30 cruises 23 since 1997? 24 A. I am not sure, because I've only joined in organising 25 such event since 2006. Before that, I was only</p>

<p style="text-align: right;">Page 57</p> <p>1 a participant in the event. Now that I am a member of 2 the -- I am one of those who organise the event, I have 3 a deeper impression. 4 Q. All right. You said that this activity on 1 October 5 2012 was modelled on previous activities; do you 6 remember that? 7 A. Yes. 8 Q. So what documents exist that reflect the company's 9 experience in organising harbour cruises since 1990? 10 A. I go by my memory, because I have joined the company for 11 30 years and have been participating in such events 12 since I joined the company. 13 THE CHAIRMAN: Please answer the question. What documents 14 exist that reflect the company's organisation of these 15 events? 16 A. We have a file in which we can refer to such document. 17 MR BERESFORD: Can you produce that file? 18 A. Are you referring to the one in relation to 1 October? 19 Q. No, I'm referring to the file that shows your company's 20 experience going back to 1990. 21 A. We may not be able to provide those that are prior to 22 1990, but I can provide those starting from the year 23 2006. 24 THE CHAIRMAN: Yes, please provide them. 25 A. Okay.</p>	<p style="text-align: right;">Page 59</p> <p>1 THE CHAIRMAN: So when was the last event that you 2 participated in? 3 A. In the year 2010. 4 THE CHAIRMAN: Do you work on Lamma or do you work on 5 Hong Kong Island? 6 A. On Hong Kong Island. 7 THE CHAIRMAN: Have you travelled on the vessel Lamma IV on 8 previous occasions? 9 A. Yes. 10 THE CHAIRMAN: What were those occasions? 11 A. I have to undertake some administration work there. 12 THE CHAIRMAN: On Lamma? 13 A. Yes. 14 THE CHAIRMAN: So give us some idea of how often it is that 15 you've travelled on Lamma IV, if you would. 16 A. Not on a regular basis. 17 THE CHAIRMAN: I follow that. So it's a question of once or 18 twice, or 10 or 20, or 100 times? Try and help. 19 A. At least 10 in the year 2012. 20 THE CHAIRMAN: Thank you. So you know Lamma IV to be a work 21 boat that carries adult workmen; is that right? 22 A. Yes. 23 THE CHAIRMAN: It's apparent from your memorandum that you 24 understood that this fireworks event on 1 October would 25 involve passengers who were both, on the one hand,</p>
<p style="text-align: right;">Page 58</p> <p>1 THE CHAIRMAN: When can you comply with that order? 2 A. Do you want this to be done as soon as possible? 3 THE CHAIRMAN: Yes. So when can you comply? 4 A. Can I provide it to you tomorrow? 5 THE CHAIRMAN: Thank you. 6 MR BERESFORD: Unless there's anything else, Mr Chairman ... 7 THE CHAIRMAN: Very well. 8 MR GROSSMAN: Thank you. I have no questions for the 9 witness. 10 MR ZIMMERN: We have no questions. 11 MR MOK: No questions. 12 Questions by THE COMMISSION 13 THE CHAIRMAN: Mr Fok, a little earlier you said that you 14 yourself had participated in one of these or one or more 15 of these events; that is, to view fireworks. Is that 16 right? 17 A. Yes. 18 THE CHAIRMAN: How many? 19 A. More than six to seven times. 20 THE CHAIRMAN: Over what period of time? 21 A. Within these 15 years. 22 THE CHAIRMAN: What about during the time period since 2006 23 when you've been involved in the organisation of these 24 events? 25 A. Should be about five times.</p>	<p style="text-align: right;">Page 60</p> <p>1 elderly and, on the other hand, children; do you agree? 2 A. I knew that there were children, but the elderly didn't 3 fill in, furnish the information when they filled in the 4 application. 5 THE CHAIRMAN: No, but your memo in terms enjoins people to 6 look after the elderly and children whilst on the 7 vessel, does it not? 8 A. This was modelled on the previous documents, which 9 I came to notice since 2010. 10 THE CHAIRMAN: Given that you knew that the vessel would be 11 carrying children, did you give any thought to the 12 provision of life jackets designed for children on this 13 event? 14 A. As far as I understand, this work is to be done by the 15 marine section. 16 THE CHAIRMAN: Now would you answer the question. Did you 17 give any thought to the issue? 18 A. No. 19 THE CHAIRMAN: So you didn't even raise it with your 20 colleagues in the marine section by way of enquiries? 21 A. No. 22 COMMISSIONER TANG: Mr Fok, earlier, when counsel asked you 23 about the five members of your employee wellness team, 24 whether they are at the same level, you said no. So can 25 you tell us which member of the team is having</p>

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<p>1 supervisory duties, or at a level higher than the rest? 2 A. In fact the work is divided among us and under two 3 supervisors, namely Lai Ho-yin and Lam Mei-yin. 4 COMMISSIONER TANG: Okay. Thank you. 5 THE CHAIRMAN: Yes, Mr Grossman? 6 MR GROSSMAN: Mr Chairman, I wonder if I may be permitted to 7 ask a question arising out of the questions that you 8 asked. 9 THE CHAIRMAN: Yes. As to which issue? 10 MR GROSSMAN: In regard to the question of the life jackets. 11 THE CHAIRMAN: Yes. 12 Examination by MR GROSSMAN 13 MR GROSSMAN: You've been asked a few questions by the 14 Chairman about the provision of life jackets on board 15 the Lamma IV on the evening of 1 October. Was it any 16 part of your responsibility to concern yourself with 17 issues of safety aboard the vessel? 18 A. No. 19 Q. Why is that? 20 A. Because the issues concerning the vessel were the 21 responsibility of the Lamma marine section under the 22 generation division. 23 Q. Do you have any right to interfere in matters of marine 24 safety? Do you have any expertise in the area? 25 THE CHAIRMAN: Which question are you asking, expertise or</p>	<p>1 MR LAM YUI-CHEUNG, GLEESON (affirmed in Punti) 2 (All answers via interpreter unless otherwise indicated) 3 Examination by MR BERESFORD 4 MR BERESFORD: Good afternoon, Mr Lam. Thank you for coming 5 to assist the Commission today. I have some questions 6 to ask you on behalf of the Commission. 7 Mr Lam, you've made a witness statement. The 8 Chinese original is at page 148 of the bundle of 9 documents received from Messrs Reed Smith Richards 10 Butler, and the English translation is at pages 149 to 11 150. 12 Could the witness please be given his Chinese 13 statement. 14 Mr Lam, do you have any amendment you wish to make 15 to that statement? 16 A. No. 17 Q. Are the contents true? 18 A. Yes. 19 Q. Mr Lam, I'm going to -- you've probably heard the 20 procedure we follow -- read from the English to save 21 time. The Chinese will be shown on the screens. If you 22 hear or see any inaccuracy, please stop me and let me 23 know. 24 A. I understand. 25 Q. "I was born on 8 December 1962, and educated to</p>
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<p>1 rights? 2 MR GROSSMAN: Well, let me ask the two. 3 THE CHAIRMAN: Ask them one at a time, please. 4 MR GROSSMAN: Do you have any expertise in the area of 5 marine safety? 6 A. No. 7 Q. Do you, in your work capacity, have any right to 8 interfere in issues of the marine safety of passengers? 9 A. No. 10 MR GROSSMAN: Thank you. 11 THE CHAIRMAN: Thank you, Mr Fok, for coming to give 12 evidence. Please provide that file detailing these 13 previous occasions that you said you'd be able to 14 deliver to us tomorrow. 15 A. (In English) Yes. 16 THE CHAIRMAN: Your evidence is complete, and you're now 17 free to go, or you can choose to remain in the hearing 18 room and listen to other evidence if you wish. 19 A. Yes. Thank you. 20 (The witness withdrew) 21 THE CHAIRMAN: Yes, Mr Beresford? 22 MR BERESFORD: Mr Chairman, the next witness is Mr Gleeson 23 Lam Yui-cheung. 24 25</p>	<p>1 university level. In 1994, I joined the Hongkong 2 Electric Company Ltd and have been with the company for 3 nearly 20 years. I am currently the employee relations 4 manager of the employee relations section of the 5 division of human resources and administration, 6 responsible for establishing good relations and 7 communication, planning and implementing various 8 employee relations programmes including social and 9 recreational activities, et cetera. The activity of 10 1 October 2012 was organised by the employee wellness 11 team under my charge." 12 Mr Lam, I expect you've heard the evidence given by 13 Mr Fok about the organisational structure of these 14 divisions and sections; is that right? 15 A. Yes. 16 Q. Mr Fok explained to us that the company is divided into 17 the human resources and administration division, the 18 generation division, and other divisions; do you agree 19 with that? 20 A. Correct. 21 Q. And your employee relations section is in the human 22 resources and administration division, and the marine 23 section is in the generation division? 24 A. Yes. 25 Q. Under you, you have an employee wellness team consisting</p>

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<p>1 of Mr Fok, Mr Lai Ho-yin, Mr Leung Kwok-wai, Mr Smith 2 Wong, Ms Lam Mei-yin? 3 A. This is not correct. 4 Q. Can you please explain what is correct? 5 A. There are only four members in the employee wellness 6 team. 7 Q. And they are? 8 A. They are Mr Lai Ho-yin, Ms Lam Mei-yin, Fok Wing-kei and 9 Leung Kwok-wai. 10 Q. What happened to Mr Smith Wong then? 11 A. He belonged to another team. 12 Q. Is it another team under you? 13 A. Correct. 14 Q. I see. And we've heard that Lai Ho-yin and Lam Mei-yin 15 are both supervisors; is that right? 16 A. No. 17 Q. What is the correct structure? 18 A. As I have mentioned in my statement, these four members 19 have their own responsibilities. 20 Q. So they're all of equal rank and all report to you? 21 A. Yes. 22 Q. Is it correct that you report to Ms Trini Chan, the 23 general manager of human resources? 24 A. Yes. 25 Q. And to whom does she report, please?</p>	<p>1 (2.30 pm) 2 THE CHAIRMAN: Mr Lam, may I remind you that you continue to 3 testify according to your original affirmation. 4 A. I understand. 5 THE CHAIRMAN: Mr Beresford. 6 MR BERESFORD: Mr Lam, I was about to continue reading your 7 statement from paragraph 2: 8 "The employee wellness team is responsible for the 9 company's holiday houses, social and recreational 10 activities, family day, spring dinner, and sports 11 competitions with other big companies. Lai Ho-yin, 12 Leung Kwok-wai and Fok Wing-kei are all colleagues of 13 the employee wellness team and all of them are my 14 subordinates. They have different job titles and 15 different work responsibilities. The recreational 16 activities are mainly organised by Fok Wing-kei, but 17 other members of the employee wellness team co-operate 18 with him and provide assistance from time to time. 19 The activity on 1 October 2012 to visit Lamma Power 20 Station and watch the fireworks in the Victoria Harbour 21 was mainly organised by Fok Wing-kei of the employee 22 wellness team. Other colleagues also participated in 23 organising the event and leading the tour. The company 24 had organised similar types of recreational activities 25 for employees as early as 1990 or earlier. For 2012,</p>
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<p>1 A. As far as the organisation structure of our company is 2 concerned, she should report to the managing director. 3 Q. Who is? The managing director's name is? 4 A. He is Mr Wan Chi-tin. 5 Q. Thank you. 6 THE CHAIRMAN: He's been replaced, or he is the replacement 7 recently, is he not? 8 A. Our previous managing director has retired. 9 THE CHAIRMAN: And that was at the new year? 10 A. Correct. 11 THE CHAIRMAN: So who was the managing director on 1 October 12 of last year? 13 A. At that time it should be Mr Tso Kai-sum. 14 THE CHAIRMAN: Thank you. 15 MR BERESFORD: So I'll continue reading. 16 Well, Mr Chairman, perhaps that would be 17 a convenient moment. 18 THE CHAIRMAN: Perhaps we can do that after lunch. 19 MR BERESFORD: Yes. 20 THE CHAIRMAN: Mr Lam, we're going to take the lunch break 21 now and I'm going to ask you to come back so that you 22 can resume your testimony at 2.30 this afternoon. So 23 we'll adjourn, then, until 2.30. 24 (1.00 pm) 25 (The luncheon adjournment)</p>	<p>1 the boat trip to watch fireworks on 1 October 2012 was 2 the second of this type of activities. 3 When organising an activity, Fok Wing-kei firstly 4 fixed the date of the activity. He then proceeded to 5 liaise with the relevant departments and the different 6 stakeholders. For this activity, he contacted the 7 colleagues of the generation division for planning 8 details of the itinerary, including confirmation of the 9 touring route and safety measures, and Leung Kwok-wai 10 contact with the colleagues of the marine section to 11 request for provision of vessel services and related 12 arrangements, et cetera. 13 When it was decided in June 2012 to hold this 14 activity, we had already arranged the persons for 15 leading the tour in which a duty roster was prepared in 16 advance to cater for the team members to take rest in 17 turn. Based on the duty roster, Lai Ho-yin and Leung 18 Kwok-wai were responsible for leading the 1 October 19 activity. 20 The employee wellness team under my charge was 21 responsible for planning the itinerary of the activity, 22 while the provision of the vessel and the related 23 maritime arrangements were provided and arranged by the 24 company's marine section. I have neither maritime 25 knowledge nor experience. Before 1 October 2012, I had</p>

<p style="text-align: right;">Page 69</p> <p>1 never heard that the HKSAR's Marine Department had 2 issued any guidelines concerning watching the 3 fireworks." 4 Mr Lam, I'd just like to clarify one thing. You say 5 "the company had organised similar types of recreational 6 activities" since 1990 or earlier. And then you said: 7 "For 2012, the boat trip to watch fireworks on 8 1 October 2012 was the second of this type of 9 activities." 10 Do I understand you correctly to mean the second in 11 2012? 12 A. Yes, correct. The second one in 2012. 13 Q. So are you able to help us with an estimate of how many 14 in total, say, since 1990, the company has organised? 15 We're talking about harbour fireworks cruises. 16 A. I don't know the exact number, but I estimate that it 17 should be more than four times. 18 THE CHAIRMAN: Four times altogether? 19 A. More than four times during this period of time. 20 MR BERESFORD: Mr Fok told us that he thought that there had 21 been a National Day harbour fireworks cruise every year 22 except 2009. Do you agree with that? 23 A. We also had to tie in with the dates and the ship 24 schedule. 25 Q. Yes, but --</p>	<p style="text-align: right;">Page 71</p> <p>1 A. My colleague told me that there were lighting displays 2 at night. 3 Q. I'm sorry, I didn't understand that. 4 THE CHAIRMAN: I don't think that's worth pursuing, 5 Mr Beresford. 6 MR BERESFORD: Very well, Mr Chairman. I'll move on. 7 Apart from harbour fireworks cruises, do you 8 organise other family cruises? 9 A. Yes, we do organise some cruises. 10 Q. And these would be on boats including Lamma IV, 11 Lamma II, and maybe other similar boats; is that right? 12 A. Yes. 13 Q. And about how many times a year would you organise other 14 family cruises? 15 A. Once to twice. 16 Q. Do you have a file of documents recording your 17 experience organising these cruises? 18 A. My colleagues did keep a file that records such 19 information. 20 Q. And you don't have a file yourself? 21 A. As I have mentioned in my statement, it was Mr Fok 22 Wing-kei who was responsible for coordinating such 23 recreational activities. So he did all the filings. 24 Q. Right. Could we please have a look at some documents on 25 the file of documents from Reed Smith Richards Butler.</p>
<p style="text-align: right;">Page 70</p> <p>1 THE CHAIRMAN: What you're being asked is was this 2 a regular, perhaps a once- or twice-a-year event, for 3 many years? Can you answer that simple question? 4 A. If there is a fireworks display and the ships can meet 5 our requirement, then we would usually organise such 6 activities. 7 THE CHAIRMAN: Is that what usually happened? Once or twice 8 a year, you organised this kind of event? 9 A. If there is a fireworks display, then usually we would 10 go ahead. 11 MR BERESFORD: So you've been with the company since 1994? 12 A. Yes. 13 Q. Do you ever go on these harbour fireworks cruises? 14 A. You mean in the company? 15 Q. Yes. 16 A. No. 17 Q. You've never been? 18 A. Yes. 19 Q. And you say if there are fireworks, you would normally 20 organise a cruise. So does that also include 1 July 21 each year, and Lunar New Year each year, Western new 22 year each year? 23 A. Usually it is organised on the National Day, and if 24 there is such display, then we also organise on 1 July. 25 Q. What about before 1997?</p>	<p style="text-align: right;">Page 72</p> <p>1 If we can turn, please, to page 112. If we can go to 2 the lower email of those two, please. 3 Mr Lam, this is an email from, we've been told, 4 Raymond Leung's email address, although it's in your 5 name. We understand that the addressee -- the letters 6 "GEN" stand for "generation"; is that correct? 7 Generation division? 8 A. Yes. 9 Q. And "MH", does that stand for "materials handling"? 10 A. Yes. 11 Q. Is that a section of the generation division? 12 A. Yes, it is a department under the generation division. 13 Q. And "MO", we were told, is "marine office"; is that 14 right? Or is it "marine officer"? 15 A. Should be "marine officer". 16 Q. "Marine officer", thank you. And the marine officer was 17 Mr Tang Wan-on, was it not? 18 A. Yes. 19 Q. I won't, unless anybody wants me to, go through all the 20 other abbreviations in the CC box as we've been told 21 about those before. But this email dated 7 June, as 22 I pointed out, is in your name. Did you authorise this, 23 Mr Lam? 24 A. I know about this email. 25 Q. Well, you're a recipient, aren't you, because you're the</p>

<p style="text-align: right;">Page 73</p> <p>1 second-to-last person in the CC box; isn't that right? 2 A. Correct. 3 Q. But the reason why I ask you if you authorised it is 4 because it's in your name. 5 A. Yes, this is in accordance with our usual practice. 6 Q. But you didn't keep a file of this sort of thing? 7 A. As I have said just now, a colleague of mine would do 8 all the filing of these emails. 9 THE CHAIRMAN: Forgive me interrupting, Mr Beresford, but 10 have we heard from Mr Raymond Leung yet as to the 11 contents of his email -- 12 MR BERESFORD: We have, and I'm told -- I think it's going 13 to be confirmed in a letter that hasn't been done yet -- 14 that it's the three emails we looked at. 15 THE CHAIRMAN: There's nothing else? 16 MR BERESFORD: Apparently not. 17 THE CHAIRMAN: Thank you. 18 MR BERESFORD: But I am interested, Mr Lam, in knowing what 19 you have in your email box, not just in relation to 2012 20 but in relation to other events. 21 A. Relevant events such as other events were also kept in 22 the CC. 23 Q. So in other words, you got a copy? 24 A. I do receive a copy, but in order not to duplicate the 25 workload, my colleagues would keep the files.</p>	<p style="text-align: right;">Page 75</p> <p>1 A. The matters pertaining to vessels and marine matters 2 were organised by colleagues of our generation division. 3 So when we were told that the vessels are available, 4 then they would follow up with the work. 5 Q. So who, in your understanding, was responsible for the 6 safety of the passengers at sea? 7 A. According to my understanding, it is the ship owner and 8 the sailors on board the vessel. 9 Q. And the ship owner is Hongkong Electric, is it not? 10 A. Yes. 11 Q. So what natural person in Hongkong Electric had 12 responsibility for the safety of passengers at sea? 13 A. It should be the marine section of our -- 14 THE INTERPRETER: Sorry. 15 (Chinese spoken). 16 A. It should be the marine section. 17 MR BERESFORD: I asked you what natural person or 18 individual. 19 MR GROSSMAN: I'm sorry, that implies it's just one person. 20 THE CHAIRMAN: It may be more. But a human being, or human 21 beings, can you name any who are responsible? 22 A. Concerning the arrangement in relation to vessels, it is 23 usually the marine officer, Mr Tang Wan-on, who was 24 responsible for liaising and coordinating. 25 MR BERESFORD: And do you know to whom Mr Tang reported?</p>
<p style="text-align: right;">Page 74</p> <p>1 Q. So what happens to emails in your inbox? Do they just 2 get destroyed after a period of time? 3 A. Yes. 4 Q. How long? 5 A. If the emails in the email box exceed a certain number, 6 our company would delete them. 7 Q. And if they're short emails like this? I'm sorry, 8 I misunderstood your previous answer. It's my fault. 9 So when the email box has a certain number of emails 10 in it, then deletion activities take place? 11 A. Yes, and such emails are quite routine. 12 Q. So we see from this email, Mr Lam, that Raymond Leung in 13 your name sought the marine officer's assistance in 14 arranging two ferries, and they agreed to do so. Then 15 if we turn to page 108, the email lower down the page, 16 dated 19 September 2012 at 2.45 pm, this is another 17 email from Raymond Leung's email address in your name, 18 apparently to WO Tang. Do you remember that? 19 A. Yes. 20 Q. Then there's an email back that afternoon at 2.56 from 21 Mr Tang, informing you that the Lamma II and the 22 Lamma IV will be reserved for this activity. 23 So the marine officer, Mr Tang, organised the 24 vessels for you at your request? Or he reserved the 25 vessels for you?</p>	<p style="text-align: right;">Page 76</p> <p>1 A. Mr Tang is a staff of the generation division, and the 2 highest person in the generation division is the general 3 manager. 4 Q. Is that Mr Cheng, Mr Francis Cheng Cho-ying? 5 A. Yes. 6 Q. And is he a director? 7 A. He is the general manager of the generation division. 8 Q. So to which board director or directors did he report? 9 A. You mean the hierarchy of the company? 10 Q. Yes, the line of management responsibility. 11 A. He should report to the operational director. 12 Q. And who is that, please? 13 A. Mr Yuen Sui-see. 14 MR BERESFORD: I think that's all from me, Mr Chairman. 15 THE CHAIRMAN: Thank you. 16 MR BERESFORD: Thank you, Mr Lam. Please wait there. 17 MR GROSSMAN: We have no questions, thank you. 18 MR ZIMMERN: No questions. 19 MR MOK: No questions. 20 THE CHAIRMAN: I'd like to have the Marine Notice dealing 21 with the 1 October events on the screen, please. Would 22 you scroll through to the safety page. I think it's 23 paragraph 6. Yes, that's the paragraph. 24 Questions by THE COMMISSION 25 THE CHAIRMAN: You say in your witness statement, Mr Lam,</p>

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<p>1 that you'd never heard of such notices and guidelines 2 concerning watching the fireworks before the events of 3 1 October 2012. 4 A. Correct. 5 THE CHAIRMAN: The Commission has received evidence about 6 the dissemination of this information, in particular by 7 email to Mr Tang Wan, on a regular basis over a number 8 of years prior to this event. Do you see the matters 9 that are dealt with at paragraph 6, (a), (b), (c) and 10 (d), particularly information about how life jackets are 11 to be worn, where they're to be found, and then I think 12 it's (b), which deals with children should don life 13 jackets for this trip. 14 Do you see those? 15 A. I can see it now. 16 THE CHAIRMAN: And we've received evidence that this kind of 17 information was published regularly, dealing with these 18 fireworks events, for 20 years prior to 1 October 2012. 19 The question is this: are you surprised that Mr Tang 20 didn't trouble to let you know about these advisory 21 measures recommended by the Marine Department for the 22 safety of people in the harbour watching fireworks on 23 vessels? 24 A. I have very little knowledge and consciousness on 25 maritime matters. I believe that Mr Tang has his own</p>	<p>1 distributed, dated 17 September. 2 May we have page 145 of that bundle, which I think 3 is the Reed Smith Richards Butler bundle. 4 Do you see that three-line paragraph towards the 5 bottom of the page addresses issues, in the last 6 sentence, about taking care of children, amongst other 7 things? "Follow the safety instructions given by the 8 staff" -- do you see that? 9 A. Yes. 10 THE CHAIRMAN: If Mr Tang had bothered to tell you about 11 this Marine Department Notice, you could have included 12 in this memorandum, "Tell parents to make sure that 13 their children are wearing life jackets", could you not? 14 A. If I had known about this, I would have added it in to 15 the memo. 16 THE CHAIRMAN: Of course. And no doubt you also would have 17 added "Make sure that instructions are given by the crew 18 or the volunteers about where life jackets are to be 19 found and how they are donned or put on". Is that 20 right? 21 A. Correct. 22 THE CHAIRMAN: So with hindsight, are you disappointed that 23 Mr Tang didn't inform you about these measures? 24 A. After our vessel was crashed in the accident on 25 1 October, besides feeling very sad, we would also</p>
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<p>1 consideration and expertise in this area, and I don't 2 think I have the knowledge to answer this question. 3 THE CHAIRMAN: These are not complicated matters, are they? 4 Tell people where the life jackets are and how you wear 5 them. Would you agree? 6 A. I agree, and knowing about this, we will review such 7 matters and take into consideration such matters in our 8 future events. 9 THE CHAIRMAN: Well, no doubt everyone's relieved to hear 10 that. But let's deal with the question that I was 11 asking you. Are you surprised that Mr Tang didn't 12 inform you about these measures for passenger safety 13 recommended by the Marine Department? 14 A. Now when you ask me, I do feel surprised that I have no 15 idea, and recently there are videos produced by the 16 Government in relation to this area, and I believe it is 17 good that the other stakeholders have a chance to view 18 it. 19 THE CHAIRMAN: You see, in advance of this event, you had 20 recruited volunteers who were going to be guides at the 21 power station, but also on the vessel, had you not? 22 A. By "volunteers", I mean they are colleagues from the 23 generation division. 24 THE CHAIRMAN: Yes. You see, earlier today, this morning, 25 we had a look at a memorandum that Mr Fok had</p>	<p>1 review a lot of issues, including the information that 2 you just pointed out to us a moment ago. 3 THE CHAIRMAN: So are you disappointed that Mr Tang didn't 4 tell you in advance of this trip on 1 October about 5 these measures? 6 A. I don't know whether he has other considerations, but 7 I do feel a bit disappointed. 8 THE CHAIRMAN: Mr Beresford? 9 MR BERESFORD: No further questions. 10 MR GROSSMAN: May I ask a question? 11 THE CHAIRMAN: Yes. On which subject? 12 MR GROSSMAN: Relating specifically to this witness's 13 responsibility insofar as the Marine Department Notice 14 is concerned. 15 THE CHAIRMAN: Yes, very well. 16 MR GROSSMAN: Thank you. 17 Examination by MR GROSSMAN 18 MR GROSSMAN: Mr Lam, as at 1 October last year, was it any 19 part of your function or your responsibility to deal 20 with Marine Department Notices? 21 A. This is not my responsibility. 22 Q. And why is that? 23 A. Because the work in our company is divided and matters 24 relating to vessels and marine matters are dealt with by 25 the marine section of the generation division.</p>

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1 Q. Do you have any expertise at all in safety aboard 2 vessels? 3 A. No. 4 MR GROSSMAN: Thank you. 5 THE CHAIRMAN: Thank you, Mr Lam, for coming to assist us by 6 giving your evidence. Your evidence is complete and 7 you're now free to go. You may remain in the back of 8 the hearing room if you wish to. That's a matter for 9 you. Thank you. 10 A. (In English) Thank you. 11 (The witness withdrew) 12 THE CHAIRMAN: Yes, Mr Beresford? 13 MR BERESFORD: Mr Chairman, we are moving into another phase 14 now. The next witness is a diver from the Fire Services 15 Division, Mr Chan Wai-ho. 16 OFFICER CHAN WAI-HO (affirmed in Puntì) 17 (All answers via interpreter unless otherwise indicated) 18 Examination by MR BERESFORD 19 MR BERESFORD: Good afternoon, Officer. Thank you very much 20 for coming and giving evidence to the Commission. 21 I have some questions for you on behalf of the 22 Commission. 23 Before I start, Mr Chairman, we believe that this 24 officer recovered the body of deceased number 36 in the 25 police listing, which is Li Wing-mui.	1 THE CHAIRMAN: Yes. 2 MR BERESFORD: But I hope it's understood on that basis. 3 THE CHAIRMAN: Yes. 4 MR BERESFORD: Officer, you've made a previous statement, 5 have you not, to the Director of Fire Services in 6 English, which may be found at our bundle, FSD bundle 2, 7 item C1, pages 342 to 347. 8 Could the witness please be given a copy of that 9 statement. 10 A. Correct. 11 Q. Do you recognise that statement as your own? 12 A. Correct. 13 Q. Have you been given an opportunity to have a look over 14 this statement today and remind yourself of its content? 15 A. Yes. 16 Q. And is there any amendment you may wish to make? 17 A. No. 18 Q. So the contents of this statement are true? 19 A. Correct. 20 Q. Now, I'm going to read from your statement and I'll be 21 reading fairly slowly in view of the simultaneous 22 translation. It's quite long, but unless the Chairman 23 directs me otherwise, I'm going to read all of it. 24 "On 1 October 2012 (Monday), it was the National Day 25 public holiday. I was required to perform the 2012
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1 MR GROSSMAN: Can I just ask one thing? It may be strictly 2 speaking not my business, but would it perhaps be 3 unpleasant for the relatives to learn about which body 4 is being dealt with? I can really see a relative not 5 wishing to know the particular circumstances -- 6 THE CHAIRMAN: No doubt that's why Mr Beresford raised it at 7 the outset, because the other view is that a relative 8 may wish to know the circumstances in which their loved 9 one came to die. If they don't wish to follow this 10 evidence, then of course they don't have to be present. 11 We are making it available on that basis. 12 MR GROSSMAN: Yes. I wondered whether it shouldn't be the 13 other way around. If the witness -- 14 THE CHAIRMAN: No, Mr Grossman. Thank you. 15 MR GROSSMAN: You don't wish to hear me? 16 THE CHAIRMAN: I don't wish to hear you, no. 17 MR GROSSMAN: As long as that's noted. Thank you. 18 THE CHAIRMAN: I beg your pardon? 19 MR GROSSMAN: I just wished it noted -- 20 THE CHAIRMAN: Of course it's noted. We have a transcript. 21 MR GROSSMAN: Thank you. 22 MR BERESFORD: Mr Chairman, everyone is doing their best to 23 identify the correct person. I cannot guarantee that in 24 all cases it is the case. Where we know we don't know, 25 then I will make that clear.	1 National Day fireworks display contingency plan (Plan) 2 duty for marine operational cover at the Central 3 Victoria Harbour (Harbour) sea off the Hong Kong 4 Convention and Exhibition Centre during the fireworks 5 display performance from 20:00 hours to 23:00 hours 6 inclusive. At about 19:30 hours on 1 October 2012, 7 I returned to Central Fireboat Station to conduct 8 a briefing to all participating members at the lecture 9 room of Central Fireboat Station including the fireboat 10 crew, land-based firemen and ambulance personnel 11 et cetera. The operation attendance of the Plan 12 involved a total of 3 fireboats and 2 speedboats with 1 13 hydraulic platform, 1 light rescue unit, 1 diving tender 14 and 1 ambulance crew ... Upon completion the briefing at 15 about 20:00 hours, all fireboats and speedboats with 16 fire and ambulance crew onboard departed Central 17 Fireboat Station for their designated locations at the 18 Harbour, I stood by onboard Fireboat 6 as the overall 19 officer-in-charge to take charge of the firefighting and 20 rescue operation for any fire/emergency marine incidents 21 occurred thereat during the fireworks display activity. 22 At about 20:25 hours on 1 October 2012, I overheard 23 from the radio telephony that there was a special 24 service call of vessel incident reported at sea off 25 Lamma Island near the Hongkong Electric Power Station

<p style="text-align: right;">Page 85</p> <p>1 and Fireboat 4 was dispatched by Fire Services 2 Communication Centre (FSCC) to attend. Soon after, FSCC 3 informed me the incident through my mobile phone and 4 sought my advice to release fireboats which were mainly 5 engaged in the fireworks display contingency duties to 6 attend the incident at about 20:34 hours on same date; 7 I immediately instructed FSCC to dispatch Fireboat 7 8 with divers onboard to attend the incident at the first 9 instance. Owing to limited available information of the 10 incident, I also requested FSCC to keep updating me the 11 latest development of the incident. 12 In accordance with the Plan, I was designated as the 13 Incident Commander to take charge of any fire/emergency 14 marine incidents during the fireworks display activity. 15 As I was engaged in the National Day fireworks display 16 contingency duty at the time of the incident, I then 17 called my supervising officer, Senior Divisional Officer 18 (Marine) Kwan Kam-wing to request his kind attendance of 19 the incident. Moreover, I also informed Assistant 20 Divisional Officer (Marine) Leung Chi-wang through the 21 mobile phone to request his attendance of the incident 22 as well. 23 After obtaining more information of the incident at 24 about 20:45 hours on 1 October 2012, I was aware that 25 this incident would become a major special service</p>	<p style="text-align: right;">Page 87</p> <p>1 Just pausing there, Officer. Can you estimate how 2 far from the scene of the incident where you saw the 3 life jackets and other articles floating on the surface 4 of the sea? 5 A. About 1-2 nautical miles. 6 Q. Thank you. 7 "It was approximately 0.5 nautical miles distance 8 away from scene of incident at about 21:20 hours on 9 1 October 2012, I instructed Fireman Tong to steer the 10 speedboat FB52 around the scene of incident in order to 11 allow me to apprise the situation before boarding 12 Fireboat 2 to take over command of the incident. Upon 13 approaching the scene of incident, I saw one of the 14 involved vessels (later to be known as MV Lamma IV) had 15 already sunk onto the seabed with her bow about 16 80 degrees to 90 degrees upright above the water line. 17 I noticed that there were plenty of survivors being 18 rescued by the firemen from the affected sinking vessel 19 and some of survivors with or without life jackets were 20 found floating in the vicinity water of the affected 21 vessel. Based on my maritime professional knowledge, 22 I realised that there was still sinking and capsizing 23 risks posed on the affected vessel at the scene; and we 24 should expedite to rescue all the survivors from the 25 sinking vessel and those in the vicinity water.</p>
<p style="text-align: right;">Page 86</p> <p>1 incident involving with massive sea rescue operation, 2 I decided to attend the incident at once. Having 3 urgently sized up the prevailing deployment of Fire 4 Services resources engaging in the fireworks display at 5 the Harbour, I enquired Senior Station Officer Mok 6 Wai-chi, the officer-in-charge of Fireboat 6, whether he 7 was competent to take up my duties as the overall 8 officer-in-charge of the Plan in order to relieve me for 9 my attendance to the incident or not. Senior Station 10 Officer Mok reassured me that he was confident to take 11 up my duties and he was willingly to take charge of the 12 fireworks display event. 13 At about 20:48 hours on 1 October 2012, I informed 14 FSCC that I would ride on speedboat FB52 to respond to 15 the incident from the Harbour and Senior Station Officer 16 Mok Wai-chi of Fireboat 6 would relieve me ... I used 17 the handheld radio to ask Fireman Tong, 18 officer-in-charge of speedboat FB52 with Fireman 19 Lo Chi-ho onboard, to steer FB52 alongside Fireboat 6 to 20 convey me to the scene of incident at about 20:53 hours, 21 same date. During the voyage to the scene of incident 22 by FB52, I saw some life jackets and miscellaneous 23 articles floating on the sea surface towards northerly 24 direction at the West Lamma Channel without any 25 casualties noted."</p>	<p style="text-align: right;">Page 88</p> <p>1 I then instructed Fireman Tong and Fireman Lo to 2 throw the life jackets from the speedboat to those 3 survivors who were in urgent need of assistance in the 4 seawater. I noticed an inflated black colour life raft 5 with top cover (later to be known as the 10-person life 6 raft from MV Lamma IV) floating next to the Lamma IV 7 with persons boarding inside the raft and some survivors 8 were simultaneously found overboard at sea near the 9 raft." 10 Can we just pause there and look at the photograph 11 at marine bundle 10, page 2926-1. 12 Is that the life raft you refer to? 13 A. Are you referring to the one in front or the one at the 14 back? 15 Q. The one in the front. 16 A. Are you referring to the orange one? 17 Q. Yes. 18 A. Correct. 19 Q. And then behind, is that a Fire Services life raft? 20 A. Correct. 21 Q. In fact, is it two? Is there a small one and a large 22 one? 23 A. Yes, there are two over there. 24 Q. Thank you. 25 "Fireman Tong immediately steered the speedboat FB52</p>

<p style="text-align: right;">Page 89</p> <p>1 towards the Lamma IV life raft to conduct sea rescue 2 operation, I noticed an uninjured female adult who wore 3 a lifebuoy and accompanied with a male adult without 4 a floating aid in the seawater. The male adult informed 5 me that the uninjured female adult required immediate 6 rescue attention because she did not know how to swim, 7 he then handed over the female adult to me and left 8 scene for further rescue. I immediately ordered 9 Fireman Lo to assist me in rescuing the uninjured female 10 adult from the sea onto the speedboat. At the same 11 time, Fireman Tong went into the Lamma IV life raft to 12 check for casualties and conduct rescue operation. 13 After that, I saw an unconscious aged female adult 14 with her head facing into the sea surface floating in 15 the vicinity water, Fireman Lo and I immediately rescued 16 her from the sea onto the speedboat. Fireman Lo 17 conducted a quick examination to the unconscious aged 18 female adult on spot to check for any sign of life with 19 negative result. As there were some other survivors 20 that required urgent and immediate rescue attention, we 21 put the unconscious aged female adult on the speedboat 22 to conduct further rescue operation in the vicinity 23 water. Soon after, two conscious male adults with one 24 injured on his forehead and the other one uninjured were 25 rescued from the sea without life jackets onto the</p>	<p style="text-align: right;">Page 91</p> <p>1 send two members to speedboat FB52 to assist Fireman 2 Tong in conducting the sea rescue operation. Fireman 3 Chan Hon-wah and Fireman Tai Chun-wai of Fireboat 2 were 4 nominated to assist Fireman Tong in conducting the 5 rescue operation onboard speedboat FB52 instantly. 6 Having appraised the preliminary situation of the 7 incident, I informed FSCC via radio telephony that I 8 assumed the command of the incident as the Incident 9 Commander at about 21:32 hours on 1 October 2012. A few 10 minutes later, I sent an informative message to 11 FSCC ..." 12 I'll pass over the text of the message. 13 "After [reporting] ... to FSCC, I instructed fireman 14 Li Lee-wa, the coxswain of Fireboat 4 to convey the 15 casualties onboard Fireboat 2 ashore to the nearest 16 casualties handling point which was set up at the 17 Hongkong Electric Power Station passenger pier at South 18 Horizons, Ap Lei Chau for further dispatch to hospital 19 by ambulances. Besides, I instructed Senior Station 20 Officer Chuk Chun-kuen, officer-in-charge of Fireboat 2, 21 to [be] responsible for the persons rescued and 22 casualties handling information of this incident and 23 also asked Fireman Tam Shuen-kwong to request 24 helicopters from Government Flying Service to conduct 25 aerial search in the vicinity for possible casualties</p>
<p style="text-align: right;">Page 90</p> <p>1 speedboat. Owing to the urgency situation, I requested 2 Fireman Tong to return to the speedboat from the 3 Lamma IV life raft to convey the unconscious aged female 4 adult, one injured male adult and two uninjured 5 conscious male and female adults to Fireboat 2 which was 6 stationed about 50 metres distance away for emergency 7 ambulance attention and treatment by ambulance crew. 8 Fireman Tong then instructed Fireman Lo to stay at the 9 Lamma IV life raft to handle the casualties at once. 10 On the returning voyage to Fireboat 2 at about 11 21:25 hours on 1 October, Fireman Tong requested me to 12 send him more helping hands from Fireboat 2 in order to 13 assist in conducting the rescue operation at scene. 14 Soon after, the speedboat FB52 berthed alongside 15 Fireboat 2 and conveyed a total of 4 casualties whom 16 were rescued from the sea at the vicinity water near the 17 Lamma IV. The unconscious aged female adult was the 18 first casualty transferred and handed over to the 19 ambulance crew onboard Fireboat 2 for rendering 20 emergency ambulance aid on spot, one conscious injured 21 male adult, one conscious uninjured male adult and one 22 conscious uninjured female adult were then transferred 23 from the speedboat FB52 onto the Fireboat 2 for 24 ambulance aid treatment at about 21:27 hours, same date. 25 I then instructed Fireman Ip Tak-wa at Fireboat 2 to</p>	<p style="text-align: right;">Page 92</p> <p>1 through the radio telephony in the wheelhouse. 2 At about 21:41 hours on 1 October 2012, Fireboat 4 3 left the scene and conveyed a total of 7 casualties, 4 with one unconscious female adult and one unconscious 5 female child to the HKE pier at South Horizons for 6 further conveyance to hospital. At the same time, crew 7 members of Fireboat 7, Penny's Bay diving tender, 8 Fireboat 7 and FB21 rescued numerous survivors with or 9 without life jacket/buoy from the sea surface onto the 10 life rafts and/or transferred to their vessel for 11 temporary place of safety to take rest. Later on, the 12 rescued survivors on the life rafts were further 13 transferred to Fireboat 7 for ambulance treatment by 14 ambulance crew onboard. Some survivors were reported 15 rescued by the Marine Police launches and were conveyed 16 to the HKE pier at South Horizons for medical attention. 17 At about 21:55 hours on 1 October 2012, an on-scene 18 command post was set up on Fireboat 2 with the 19 representatives from Marine Police and Marine Department 20 for coordinating the command and control of the rescue 21 operation. Marine Police informed that there were 22 a total of 130 passengers with 3 crew members onboard 23 the affected vessel (MV Lamma IV) and the other involved 24 vessel was steered underway to the nearby pier under 25 police escort with all passengers safely onboard.</p>

<p style="text-align: right;">Page 93</p> <p>1 At about 22:10 hours on 1 October 2012, Fireboat 8 2 was also instructed to convey the rescued casualties 3 from scene of incident to the HKE pier at South 4 Horizons, Ap Lei Chau for further dispatch to hospitals 5 for medical attention. Likewise, Marine Police launch 6 berthed alongside Fireboat 2 and conveyed 8 casualties 7 with 4 male adults, 3 female adults and 1 male child 8 transferred them onto Fireboat 2 for medical care. At 9 about 22:15 hours on 1 October 2012, SDO Kwan Kam-wing 10 arrived at scene and took over the command; I then 11 assisted [him] to take charge of the sea surface rescue 12 operation sector at the scene. 13 Fireboat 8 conveyed the 2 unconscious casualties 14 from Fireboat 7 to HKE pier, South Horizons for medical 15 treatment at about 22:17 hours ... At about 22:34 hours 16 ... Fireboat 4 returned to scene from HKE pier, South 17 Horizons and conveyed another 8 casualties onboard 18 Fireboat 2 to HKE pier ... At about 22:45 hours on 19 1 October 2012, DCFO(H) Yau Wai-keung took over the 20 command as Incident Commander to take charge of the 21 incident. 22 Upon arrival of Fireboat 6 at about 23:00 hours on 23 1 October 2012, the on-scene command post was then 24 shifted from Fireboat 2 to set up on Fireboat 6 25 accordingly. After the completion of rescuing all the</p>	<p style="text-align: right;">Page 95</p> <p>1 17:10 hours on 2 October 2012, FS divers located 2 17 female bodies, 7 male bodies and 3 male children 3 bodies inside the wreckage whereas 2 female and 1 male 4 bodies were found by Police SDU divers inside the 5 wreckage. As agreed with the on-scene Marine Police 6 liaison officer on spot, Fireboat 6 would be used as the 7 temporary mortuary to place the found bodies in this 8 incident for police pre-identification work before 9 sending ashore to the public mortuary by police 10 launches. I then continued to oversee the sea surface 11 search and rescue operation in the vicinity waters by 12 fireboats and speedboats, the progress of the search 13 operation was periodically reported to the Incident 14 Commander ... Besides, GFS helicopters and Marine Police 15 launches were further requested to conduct aerial and 16 coastal search for any possible casualties/survivors in 17 the vicinity water respectively. 18 At about 11:59 hours in the next morning on 19 2 October 2012, I was instructed by CFO(H) Yeung 20 Chung-hau to accompany him to proceed to the director 21 command post at Fire Services headquarters, Tsim Sha 22 Tsui East for attending a special meeting. I therefore 23 handed over my duties to ADO(M) Leung Chi-wang and 24 conveyed by Fireboat 8 ashore to Central Fireboat 25 Station."</p>
<p style="text-align: right;">Page 94</p> <p>1 survivors at sea surface and inside the wreckage of 2 Lamma IV at about 23:00 hours on 1 October 2012, 3 I instructed Fireboat 3 and Fireboat 2 to extend the sea 4 surface search in the vicinity water after due 5 consideration of the tidal current and wind direction. 6 Later on, Fireboat 8 conveyed other casualties, who were 7 rescued from Lamma IV, from Fireboat 7 to HKE pier, 8 South Horizons for medical treatment. 9 As the ... Lamma IV was still unstable with sinking 10 risk, DCFO(H) Yau Wai-keung instructed me to inform FSCC 11 to arrange a crane barge from Marine Department to 12 attend the scene of incident for stabilising the 13 affected vessel ... but with negative reply. The 14 underwater search to the affected vessel by FS divers 15 was commenced at 22:45 hours on 1 October 2012, acting 16 DO(Diving) Yang Kin-sang arrived at scene and took over 17 the command of the underwater search diving operation. 18 At about 23:10 hours on 1 October 2012, I was informed 19 by the representative of MD, Lee Chi-wai onboard 20 Fireboat 6 that arrangement of the crane barge has been 21 confirmed and arranged by MRCC and the crane barge would 22 expect to be arrived at the scene at around 02:30 hours 23 on 2 October 2012. 24 Commencing from the 1st dive by FS divers at about 25 22:45 hours on 1 October 2012 until its ended at about</p>	<p style="text-align: right;">Page 96</p> <p>1 Mr Chan, I just have one question arising out of 2 that. You mentioned that before you began the dives, 3 you undertook due consideration of the tidal current and 4 wind direction. Do you remember what it was, or did you 5 keep a record? 6 THE INTERPRETER: I was asked to repeat the question. 7 (Question retranslated). 8 A. Yes, I did keep a record but I didn't consider the tidal 9 current and the wind direction before beginning the 10 dives. It was when I did the search on the sea and 11 decided to expand the area of search that I considered 12 the tidal current and wind direction. 13 Q. So was that at about 23:00 hours? 14 A. At 23:00, when I instructed Fireboat 2 and Fireboat 3 to 15 expand the area of search, of sea search, I considered 16 the weather elements, the tidal currents and the wind 17 direction. 18 Q. Yes. I just want to know what it was. If you can't 19 tell me now, then perhaps you can tell me through the 20 DoJ at a later time. 21 A. There's no need. 22 Q. You remember? 23 A. I am clear about it. 24 Q. Could you tell us then, please. 25 A. At about 10 minutes past 10, the tide, the current was</p>

<p style="text-align: right;">Page 97</p> <p>1 continuing to -- 2 THE INTERPRETER: (Chinese spoken). 3 A. It was high tide, and the current was flowing from the 4 east to west after 8 pm when the accident occurred. And 5 at the site of accident in Lamma Island, the current was 6 flowing to the north-west. 7 THE CHAIRMAN: That's why you encountered debris from the 8 vessel as you came from the harbour, is it not? 9 A. Correct. 10 MR BERESFORD: When you considered the tidal current, did 11 you consider the set, the rate of the tide? 12 A. Yes. 13 Q. What was it, please? 14 A. At the time of the accident, the current was at about 15 0.5 to 0.7 metres per second. 16 MR BERESFORD: Thank you. 17 THE CHAIRMAN: Mr Beresford, you were dealing with the 18 deceased that this officer recovered. Is that dealt 19 with in paragraph 344, the second of those paragraphs? 20 MR BERESFORD: I believe it is, yes. 21 THE CHAIRMAN: Could you deal with that, and as to whether 22 or not the person was wearing a life jacket? 23 MR BERESFORD: Yes. Thank you. 24 Officer, you recounted how you recovered 25 an unconscious aged female adult who you found with her</p>	<p style="text-align: right;">Page 99</p> <p>1 MR GROSSMAN: Mr Chairman, may I ask one question about the 2 condition of the sea? 3 THE CHAIRMAN: Yes. 4 Examination by MR GROSSMAN 5 MR GROSSMAN: Mr Chan, a previous witness has said that the 6 sea that evening was very rough and visibility was 7 limited to about 100 metres. 8 THE CHAIRMAN: Who is this witness? 9 MR GROSSMAN: It was a witness who gave evidence yesterday. 10 THE CHAIRMAN: 100 metres? 11 MR GROSSMAN: That's what he said, yes. 12 THE CHAIRMAN: That's why I'm asking who it was, because I'm 13 surprised. 14 MR GROSSMAN: I'll try and remember. 15 THE CHAIRMAN: Before you put it to the witness, tell me who 16 the witness was. 17 MR BERESFORD: It was Mr Wu. 18 THE CHAIRMAN: Thank you. 19 MR GROSSMAN: Yes. I'm grateful. 20 Was that your recollection of the state of the sea, 21 the state of the weather? 22 A. I don't agree. 23 Q. Perhaps you'd like to give your impression of the state 24 of the sea, and visibility. 25 A. On that night, the sea was not very rough. The waves</p>
<p style="text-align: right;">Page 98</p> <p>1 head facing into the sea surface, and Fireman Lo 2 conducted an examination, you said, for sign of life 3 with negative result. Do you remember that? 4 THE INTERPRETER: I think this is a translation problem. 5 A. In fact she was unconscious at that time. 6 MR BERESFORD: Yes. And was she wearing a life jacket? 7 A. No. 8 Q. Did you notice anything else about her that might throw 9 light upon the circumstances of her passing away? 10 A. When I recovered the aged female, her face was facing 11 downwards into the water and she was not responding. 12 MR BERESFORD: Okay. Thank you, Officer. Please wait 13 there. 14 THE CHAIRMAN: Has this deceased been identified, as you 15 understand it? 16 MR BERESFORD: We believe that she has. 17 THE CHAIRMAN: You told us earlier it's the one described at 18 number 36. 19 MR BERESFORD: Yes. It's Li Wing-mui. 20 THE CHAIRMAN: And the cause of death, as expressed by way 21 of opinion by the pathologist? 22 MR BERESFORD: I understand it to be drowning. 23 THE CHAIRMAN: Thank you. 24 MR BERESFORD: Thank you, Mr Chairman. 25 THE CHAIRMAN: Mr Grossman?</p>	<p style="text-align: right;">Page 100</p> <p>1 were about 2-3 feet high, that means about 1 metre high. 2 Even though it was quite dark, the visibility was quite 3 clear and one can see a relatively far distance. 4 MR GROSSMAN: Thank you. No further questions. 5 MR ZIMMERN: We have no questions. 6 MR MOK: No questions. 7 THE CHAIRMAN: Mr Beresford? 8 MR BERESFORD: No further questions. 9 Questions by THE COMMISSION 10 THE CHAIRMAN: One of the other witnesses told us, the 11 coxswain, Cheng, on Lamma II, he could see the Tsing Ma 12 Bridge as he left the Hongkong Electric pier. Were you 13 able to see the Tsing Ma Bridge? 14 A. At that time, I am able to see the light in the 15 direction of the Tsing Ma Bridge. 16 THE CHAIRMAN: Thank you, Officer. Your evidence is 17 complete. We thank you for attending to give evidence, 18 and we commend you for your part in this rescue 19 operation. Thank you. 20 A. Thank you, Mr Chairman. This is my duty. 21 (The witness withdrew) 22 THE CHAIRMAN: Mr Beresford? 23 MR BERESFORD: Mr Chairman, the next witness is Tam Kam-lun. 24 25</p>

<p style="text-align: right;">Page 101</p> <p>1 OFFICER TAM KAM-LUN (affirmed in Punti) 2 (All answers via interpreter unless otherwise indicated) 3 Examination by MR BERESFORD 4 MR BERESFORD: Officer, thank you for coming today. I have 5 some questions to ask you on behalf of the Commission. 6 You have previously made a statement to the Director 7 of Fire Services, have you not? It can be found in Fire 8 Services Department bundle 2, pages 364 to 367. 9 Could the witness please be given a copy of that 10 statement. The translation, Mr Chairman, is at 11 pages 367-1 to 367-5. 12 Officer, do you recognise that as your statement? 13 A. Yes. 14 Q. Have you had an opportunity to have a look at it today 15 and remind yourself of its content? 16 A. Yes. 17 Q. Do you have any amendment to make? 18 A. No. 19 Q. So the contents of this statement are true? 20 A. Yes. 21 Q. Thank you. Officer, I'm proposing to read extracts from 22 your statement, and the Chinese will be shown on the 23 screen. I shall be reading from the English 24 translation. If there is anything that strikes you as 25 inaccurate, please stop me and tell me.</p>	<p style="text-align: right;">Page 103</p> <p>1 holding the ship side handrail outside the starboard 2 lower deck exit door and stranded on the handrail with 3 her feet close to water crying for help. 4 When Fireboat 4 got closer to about 5-6 m away from 5 the wreckage, we tried to throw a lifebuoy with 6 a heaving line to this woman for a few time but in vain. 7 In turn, we handed the lifebuoy to a Marine patrol 8 vessel (PV15) for passing to the woman. When the woman 9 had put on the lifebuoy, we pulled the heaving line and 10 led her to Fireboat 4. Due to the high freeboard of 11 Fireboat 4, the heaving line was passed to the police 12 officer on PV15 but they still could not take the woman 13 out of water. I together with Fireman Wong Tsz-kiu 14 embarked PV15 and get the woman out of water. At the 15 same time, the other crews of fireboat found that 16 a large amount of persons were hitting the window (the 17 4th from bow on starboard side) on upper deck and cried 18 for help. I then used by torch to sweep across the 19 lower and upper deck of the wreckage for twice and noted 20 from the 6th window on starboard side (counting from the 21 bow) that persons were trapped inside." 22 Can I please pause there. The Fire Services 23 Department have very helpfully produced a plan showing 24 the windows numbered. 25 You've said in your statement when you used your</p>
<p style="text-align: right;">Page 102</p> <p>1 I'm going to commence reading from the paragraph 2 beginning "At about 20:41 hours", the fourth down. 3 "At about 20:41 hours when Fireboat 4 arrived at sea 4 off Shek Kok Tsui, I saw from distance a white 5 triangular object with one tip pointing upward afloat at 6 sea. Later on, I saw a Marine Police patrol vessel, 7 a Marine Police RIB and a white vessel stationed about 8 100 m off the triangular object. Peoples on board the 9 white vessel were shouting to us but we could hardly 10 know what they were shouting for. 11 When Fireboat 4 approached closer, it was [realised] 12 that the white triangular object was the bow of a vessel 13 with the stern pointing upward and the hull 14 perpendicular sunk into sea. No light was noticed from 15 inside the said vessel (later known that the windows 16 were stuck with dark reflective window films) whilst the 17 starboard green navigational light was lit on and the 18 radar on top of the bridge was still turning at that 19 time. The starboard exit door was closed with a small 20 portion above waterline. No person was noticed at sea 21 and at the vessel perpendicularly at sea. I heard some 22 person onboard another vessel about 50 m away from the 23 starboard bottom of the sunken vessel crying for help 24 and pointing to the wreckage. When I turned back to the 25 wreckage, I noticed a woman about 30 years of age was</p>	<p style="text-align: right;">Page 104</p> <p>1 torch to sweep the lower and upper deck of the wreckage 2 and noticed from the sixth window on the starboard side, 3 counting from the bow, you've said that is the one 4 labelled "G6". 5 A. Yes. 6 Q. Does it follow that the first reference to a window, the 7 fourth from the bow on the starboard side, is G4? 8 A. No, it is G6. 9 Q. You've mentioned two windows. You said first of all 10 "the other crews of fireboat found that a large amount 11 of persons were hitting the window (the 4th from ... the 12 starboard side) on upper deck and cried for help", you 13 then used your torch and noted from the sixth window 14 that persons were trapped inside. 15 The sixth window, you say, is the one labelled "G6", 16 so which one is the fourth window? 17 THE CHAIRMAN: I think we can work that out from the 18 diagram, can't we? Fourth window from the bulk? 19 MR BERESFORD: I thought it was simple, but the witness said 20 it was G6. 21 THE CHAIRMAN: Well, I think we can nevertheless reach our 22 own conclusion. 23 MR BERESFORD: Okay. Thank you, Mr Chairman. 24 "All the windows were either in closed positions or 25 of sealed-up type. We immediately reported to the</p>

<p style="text-align: right;">Page 105</p> <p>1 officer-in-charge of Fireboat 4 ... Principal Fireman 2 Lee then instructed me, Senior Fireman Tsui Kwong-hong 3 and Fireman Wong to board PV15 to the wreckage to 4 investigate the detail with the other crews handing the 5 break-in tools (pry axe and crowbar) to us. 6 When PV15 got close to the G6 window on starboard 7 side, a lot of casualties were in water hitting on the 8 window and crying for help. At that time, the 9 officer-in-charge of Fireboat 4 reminded us by the 10 broadcasting system of Fireboat 4 that breaking-in the 11 window might speed up the sinking of the wreckage. 12 Under the quick assessment of the situation ... it was 13 concluded that: 14 1. the vessel was still sinking unceasingly; 15 2. the upper deck tended to lean to sea leading to 16 the vessel to capsize which would render the rescue more 17 difficult; and 18 3. the passenger compartments were not air tight as 19 some of the windows were openable and had gaps and the 20 water level inside out were of the same. 21 Judging that the situation at that time was adverse 22 and all persons trapped inside would die in a short 23 period of time if we did not break in to effect the 24 rescue. All three of us decided to effect the break-in. 25 I then tied a mooring line to PV15 to the wooden cover</p>	<p style="text-align: right;">Page 107</p> <p>1 outside and observed for any risk from any changes of 2 the wreckage. I saw Fireman Wong was pulling the 3 casualties close to G6 window opening and noticed that 4 a lot of casualties were afloat inside the compartment. 5 Some of them had put on life jackets or lifebuoy whilst 6 some of them did not put on the life jacket properly. 7 There were 3 persons squatting on the back plate of 8 a roll of seats. 9 Senior Fireman Tsui intended to rescue a female 10 casualty in water in the first instance, the casualty 11 begged Senior Fireman Tsui to rescue a girl who one of 12 them squatting on the back plate of the roll of seat. 13 Whilst all other persons pending for rescue agreed 14 unanimously, Fireman Tsui and a person squatting next to 15 the girl effected the rescue. Unfortunately, by the 16 time when Senior Fireman Tsui was in contact with the 17 girl, the roll of seat detached and fell down. Senior 18 Fireman Tsui was hit by the falling chairs; fell 19 together with the three persons into water. As I was 20 grasping the back harness of Senior Fireman Tsui's life 21 jacket, I was suddenly dragged into the compartment and 22 I loosed by grip. As in emergency, I leaned into the G6 23 window opening, grasped Senior Fireman Tsui and pulled 24 him out of water with all my effort. I retrieved to 25 PV15 when Senior Fireman Tsui held the window frame. He</p>
<p style="text-align: right;">Page 106</p> <p>1 of the starboard navigation light of the affected 2 vessel. Senior Fireman Tsui and Fireman Wong then broke 3 the G6 window which was at about the deck level of PV15 4 and I was behind them to appraise the situation and for 5 safety assessment. After the window was broken, I clear 6 the glass shredded on PV15 to prevent the rescuers 7 [being] cut by the broken pieces. 8 Upon breaking the G6 window, Fireman Wong entered 9 the passenger compartment and reported that about 10 to 10 20 casualties were in water inside the compartment. 11 I then shouted to Fireman Wong who was at the bow of 12 Fireboat 4 to get ready blankets and first aid equipment 13 for the casualties. Senior Fireman Tsui then instructed 14 me to assist him to break the window (G5) above. Whilst 15 we were clearing up the broken pieces after breaking the 16 G5 window, I felt something glanced off my head and back 17 (I thought that I was run into by the police officer who 18 lost his balance). When I turned back, I heard a police 19 officer shouted 'I was hit (by something)' and found 20 an anchor (with the length of about the arm of an adult) 21 was behind me on the deck of PV15." 22 I'm just going to move on a bit now. 23 "Later on, Senior Fireman Tsui got into the 24 compartment through the G6 window opening. I grasped 25 the back harness of Senior Fireman Tsui's life jacket</p>	<p style="text-align: right;">Page 108</p> <p>1 then passed the girl to me and I in turn passed to the 2 police officer on board PV15. Senior Fireman Tsui then 3 got out and in water outside the G6 window opening. 4 Casualties were pushed out from inside the compartment 5 unceasingly through the G6 window opening to Senior 6 Fireman Tsui and in turn to PV15. I together with the 7 police officer pull them out from water to board PV15. 8 Later, a series of swells caused PV15 to hit against and 9 washed away from the wreckage and [we were] unable to 10 pick up the casualties. The police officer shouted to 11 request for unlash the mooring line. 12 When PV15 was leaving away from the wreckage, 13 casualties were coming out from the G6 window opening. 14 I immediately asked the police officer to pass me the 15 lifebuoy with the heaving line and I in turn passed to 16 a male and a female fled from the wreckage. When I was 17 pulling the line to lead them to PV15, the female got 18 out from the G6 window opening, yelling that she did not 19 know swimming and jumped into sea. I then handed the 20 heaving line to a police officer, jumped into water and 21 rescued the female. I then found that casualties were 22 coming out from the wreckage continuously. It was noted 23 that some of them were hurt; some of them were having no 24 floating aid or had just put on the life jacket over 25 their heads. Some of them had fear, anxiety and</p>

<p style="text-align: right;">Page 109</p> <p>1 helplessness written all over their faces. I could see 2 that their lives were hanging by a thread." 3 I'm going to move on to the paragraph beginning 4 "Later on, other injured passengers". 5 "Later on, other injured passengers came out from 6 the vessel one by one. Some of them were conscious; 7 some did not know how to swim and some had fractured 8 bones. As there were many injured persons, the life 9 jackets and lifebuoys on the sea were not enough, so 10 I yelled to the people inside the crashed vessel to 11 throw more rescue equipment out. I also asked a man who 12 claimed to have dislocated his left hand to gather all 13 the life jackets that had been thrown out from the 14 vessel onto the sea, while I helped each survivor to 15 take hold of their own life jacket as a floating aid. 16 The vessel continued to show signs of sinking. Half of 17 the 4th window from the bow on the starboard side was 18 already immersed in the water. Soon afterwards, someone 19 pushed two unconscious persons, a male and a female, out 20 from the vessel. After checking their carotid pulses, 21 it was revealed that the lady was already pulseless and 22 the man had a weak one. I first pulled them to my side 23 and lay the head of the man with a pulse on my life 24 jacket, supporting his chin to prevent water from 25 covering his face. Then another unconscious lady, whose</p>	<p style="text-align: right;">Page 111</p> <p>1 cord hanging from the top of the vessel, so I grasped 2 the opportunity and, with my body against the hull of 3 the vessel, I twisted the cord around my right hand and 4 quickly supported the head of the man again. 5 Fireboat 7 arrived at the scene after a period of 6 time." 7 You then describe how you handed over the two 8 unconscious female casualties and the unresponsive -- 9 and you saw Fireman Wong holding an unresponsive little 10 girl in his arms as he came out of the cabin. 11 "He gave first aid treatment to the girl ..." 12 "I swam towards the hull of the vessel concerned 13 again to guide the persons evacuated to swim towards the 14 life raft until I was exhausted. Afterwards, I swam 15 towards a large life raft. Senior Fireman Shek, Fireman 16 Ho and fireman Lam, who were already on the life raft, 17 helped me board the raft. 18 Subsequently, a diver also boarded ... That diver 19 and I were exhausted and we lay down. When I was on the 20 raft, I saw that a Marine patrol vessel approached us 21 and carried an unconscious person and Fireman 8401 22 away." 23 Then you describe how you boarded Fireboat 7 and 24 helped the casualties onboard to dress their wounds and 25 give them blankets and fire tunics, et cetera, to keep</p>
<p style="text-align: right;">Page 110</p> <p>1 face immersed in the water, appeared from window G6 on 2 the starboard side, so I took hold of her with my hand. 3 As my life jacket could not support the weight of 4 4 adults at the same time, my whole body and my head were 5 already under water. I was in this dire situation, but 6 I never thought of giving up, because I knew that if 7 I had let go, all of these people that I had rescued 8 would have sunk and I would have lost them to the sea. 9 They would have one chance less of being rescued. I had 10 no choice but to disarm and give up my personal 11 equipment, including my safety boots, diving torch, 12 personal aquatic rescue knife, belt and personal 13 operation hip pack to decrease the speed of sinking. 14 I took a deep breath and held it. I had been using my 15 two hands to support the three survivors and we were 16 sinking together. Then I shifted from using my right 17 palm to support the head of the man to using my elbow to 18 lock him in place instead, and I immediately grabbed the 19 two female survivors with my right hand. At the same 20 time I used my left hand to quickly dismount my 21 equipment and return to my original rescue manoeuvre. 22 I also tried to use my legs to tread water with a higher 23 frequency to increase buoyancy. As a result I quickly 24 emerged from under the water and swam slowly towards the 25 sinking vessel. At the same time I discovered a white</p>	<p style="text-align: right;">Page 112</p> <p>1 them warm and console them. 2 Forgive me for passing over some of your statement, 3 Officer, but it's a very dramatic story and on behalf of 4 everybody, may I thank you for your efforts. 5 I have no other questions. 6 Mr Chairman, there is no deceased involved in this 7 statement. 8 THE CHAIRMAN: Thank you. 9 MR GROSSMAN: I have no questions, thank you. 10 MR ZIMMERN: No questions. 11 MR MOK: I have a question about the timeframe. 12 THE CHAIRMAN: Yes. 13 Examination by MR MOK 14 MR MOK: Mr Tam, in your statement you describe an incident 15 where you were supporting three survivors by yourself in 16 the water; correct? 17 A. Yes. 18 Q. Is it correct to say that all three of them were without 19 life jackets? 20 A. Yes. 21 Q. Can you tell the Commission for how long were you 22 supporting these three survivors in the water all on 23 your own? 24 A. I am not sure. 25 Q. Could you also tell the Commission, if you can remember,</p>

<p style="text-align: right;">Page 113</p> <p>1 the operation that you took part in until you yourself 2 were replaced, how long did that whole operation take? 3 Just approximately. 4 A. Are you asking me about the time from the time we set 5 sail on Fireboat 4, until the next morning when the 6 operation was over? 7 Q. Yes. 8 A. About 11 hours. 11 hours. 9 Q. Finally, do you have any recollection or impression of 10 how many people were you and your colleagues able to 11 rescue throughout that operation? 12 A. I'm not sure. 13 MR MOK: Thank you. 14 THE CHAIRMAN: Mr Beresford? 15 MR BERESFORD: No further questions, Mr Chairman. 16 Questions by THE COMMISSION 17 THE CHAIRMAN: Officer, I think it's paragraph 4 or 5 of 18 your statement, you describe arriving at what clearly 19 was Lamma IV, sunk with its bow pointing out of the 20 water, and you say at that stage there was a green 21 navigation light lit. 22 Later on you describe attaching a mooring line to 23 the wooden cover of the starboard navigation light; 24 that's the green light. The question is this, simply: 25 at that later stage, when you attached the mooring line,</p>	<p style="text-align: right;">Page 115</p> <p>1 statement is at page 307-4. 2 Do you recognise these statements as yours? 3 A. Yes. 4 Q. Have you been given an opportunity to have a look at 5 them today and remind yourself of what they say? 6 A. Yes. 7 Q. Do you have any amendment? 8 A. No. 9 Q. Are the contents true? 10 A. Yes. 11 Q. Thank you. Officer, I'm going to read your statement in 12 English. The Chinese is going to be shown on the 13 screen. If there's anything that strikes you as 14 inaccurate or wrong, please stop me and tell me. 15 A. I understand. 16 Q. I'm going to start from the third paragraph, commencing 17 with the words "Upon arrival at the scene". 18 "Upon arrival at the scene, we saw the bow of 19 Lamma IV above sea level and floating vertically. Crews 20 of TLW diving tender on board Fireboat 7 collected 21 information about the incident from crews of Penny's Bay 22 diving tender." 23 Can you remind me, please, what "TLW" stands for? 24 Is it Tung Lo Wan? 25 A. It's Tung Lo Wan.</p>
<p style="text-align: right;">Page 114</p> <p>1 was the navigation light still lit or not? 2 A. Yes. 3 THE CHAIRMAN: Did you ever notice a stage at which the 4 light was extinguished, the green navigation light? 5 A. I didn't pay attention to this. 6 THE CHAIRMAN: Thank you very much, Officer, for attending 7 to assist us with your evidence. On behalf of the 8 Commission, we commend you for your part in this rescue 9 attempt, in part obviously successful. Thank you. 10 A. Thank you, Mr Chairman. This is our duty. 11 (The witness withdrew) 12 THE CHAIRMAN: Yes, Mr Beresford? 13 MR BERESFORD: Mr Chairman, the next witness is Kwong 14 Chi-keung. 15 THE CHAIRMAN: Thank you. 16 OFFICER KWONG CHI-KEUNG (affirmed in Puntì) 17 (All answers via interpreter unless otherwise indicated) 18 Examination by MR BERESFORD 19 MR BERESFORD: Good afternoon, Officer. Thank you for 20 attending. I'm going to ask you some questions on 21 behalf of the Commission. 22 Officer, you have made two previous statements to 23 the Director of Fire Services which are to be found in 24 Fire Services Department bundle 2, pages 304 to 307. 25 The translation is at page 307-1 to 307-3. The second</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. "Then, crews of the Tung Lo Wan diving tender on board 2 diving tender 2 to approach Lamma IV. Senior Station 3 Officer Chan MF made a decision that detailed coxswain 4 of DV2 to inspect the surrounding of Lamma IV. Senior 5 Station Officer Chan then made an important decision 6 that detailed coxswain of DV2 to slight touch the bow of 7 Lamma IV with DV2 for testing its stability, he further 8 emphasised that all of us should be well prepared for 9 any dangerous situation. Coxswain of DV2 skilfully 10 manoeuvred DV2 to touch Lamma IV and confirmed that no 11 imminent danger of further capsized. Then, Senior 12 Station Officer Chan MF decided to carry out the rescue 13 operation from the starboard of Lamma IV. 14 When Fireman Ko was swimming toward Lamma IV for 15 securing a rope on it as a guide line, Senior Fireman 16 Yuen and I were standing by with full diving gear on 17 DV2. Then, Fireman Ko used a sink to break the window 18 of Lamma IV under the rough sea condition." 19 Just pausing there. Can we have a look at the plan, 20 the window plan, please. 21 Are you able to tell us which window it was that was 22 broken? 23 A. G12. 24 Q. G12? That's the second window back from the bow on the 25 main deck?</p>

<p style="text-align: right;">Page 117</p> <p>1 A. Yes.</p> <p>2 Q. Thank you.</p> <p>3 "As the area of Lamma IV was very limited for</p> <p>4 rescuers to stay, I suggested to Senior Station Officer</p> <p>5 Chan that Fireman Ko should stay over there as a diver</p> <p>6 attendant so that I could enter the deck. Senior</p> <p>7 Station Officer Chan agreed and detailed me to carry out</p> <p>8 further tasks that were, search for missing victims,</p> <p>9 search for any air pocket inside Lamma IV that had</p> <p>10 survivors, remove obstacles inside the deck and look for</p> <p>11 passage to upper deck."</p> <p>12 I should warn you, Mr Chairman, that we are now</p> <p>13 coming to deal with deceased number 39; which is Hui</p> <p>14 Ka-wai.</p> <p>15 THE CHAIRMAN: Edwin Hui?</p> <p>16 MR BERESFORD: Yes.</p> <p>17 "I was appointed as diver 1 and entered the deck</p> <p>18 from the starboard side. Inside the deck, some floating</p> <p>19 obstacles were removed by attendant Fireman Ko. Then,</p> <p>20 I found space near the plastic chairs on the starboard</p> <p>21 side to descend. I cleared and removed obstacles while</p> <p>22 I was descending and tried to search horizontally.</p> <p>23 Since a lot of obstacles mostly the ceiling and wooden</p> <p>24 racks of Lamma IV inside the deck, I was unable to move</p> <p>25 freely. As part of the obstacles still partially</p>	<p style="text-align: right;">Page 119</p> <p>1 were trapped. I gently released the drowned and used my</p> <p>2 legs to hold it. I told the surface to release my</p> <p>3 communication line when I descended a little.</p> <p>4 I discovered that the drowned was partially wearing a</p> <p>5 life jacket. Then, I took off the life jacket from the</p> <p>6 drowned. Because of the limited space, I was unable to</p> <p>7 turn around the drowned and ascended again with holding</p> <p>8 the drowned legs. Because of the obstacles, I told the</p> <p>9 surface to pull me up with the communication line. The</p> <p>10 communication line was detached from my facemask,</p> <p>11 I checked by cylinder content with 150 bars and the</p> <p>12 depth gauge showed 7.8 m. I kept calm, as I learned</p> <p>13 that I still had plenty of time. As soon as I attached</p> <p>14 the communication line to the face mask, I heard that</p> <p>15 the surface was sending the standby diver to assist me.</p> <p>16 I immediately told the surface that the assistance was</p> <p>17 not required. With the co-operation of attendant, the</p> <p>18 drowned and I reached surface finally. I passed the</p> <p>19 drowned to Fireman Lam Yim-lung."</p> <p>20 Then you've added in your supplemental statement:</p> <p>21 "... the rescued male victim was wearing a deep</p> <p>22 colour shirt, long trousers and [had] bruises on his</p> <p>23 face."</p> <p>24 Continuing:</p> <p>25 "Then, I searched from the outside of Lamma IV for</p>
<p style="text-align: right;">Page 118</p> <p>1 attached to the vessel and zero visibility, I was unable</p> <p>2 to search horizontally. Then, I searched downward. For</p> <p>3 every distant about a row of chairs, I searched the</p> <p>4 ceiling and floor. I reported to the surface through</p> <p>5 the communication line for everything that I touched.</p> <p>6 When I reached the stern of Lamma IV, the depth gauge</p> <p>7 indicated 12.6m, there was a door opened outward.</p> <p>8 Beyond the door, it was sand and I believed that</p> <p>9 I reached the bottom of the sea."</p> <p>10 Just pausing there, Officer. Your depth gauge, did</p> <p>11 that indicate 12.6 metres on the sand, or was it about</p> <p>12 a metre above the sand, or what?</p> <p>13 A. One metre above the sand.</p> <p>14 Q. Thank you. So your estimate of depth of water as</p> <p>15 measured by that depth gauge is 13.6 metres; is that</p> <p>16 right?</p> <p>17 A. Yes.</p> <p>18 Q. Thank you.</p> <p>19 "So I ascended and searched again, on the second row</p> <p>20 of chair from the stern, I touched a foot with sock on</p> <p>21 covered with a lot of obstacles, I then slowly pulled</p> <p>22 out the body, my hands put under the armpits of the</p> <p>23 body. Although face to face, I was unable to tell the</p> <p>24 drowned was a male or female because of the darkness.</p> <p>25 Until I ascended with the drowned to 7.8 m depth, we</p>	<p style="text-align: right;">Page 120</p> <p>1 any entry on upper deck. At the same time, I also</p> <p>2 looked inside the upper deck, but I could not see</p> <p>3 through because the colour of glass. Then, I on board</p> <p>4 the fireboat and took off my diving gears as</p> <p>5 an attendant of Diver Fireman Yuen. After that, I was</p> <p>6 appointed to transport victims to police launch;</p> <p>7 I forgot how many of the victims were assisted by me."</p> <p>8 Pausing there, you've supplemented in your later</p> <p>9 statement that, assisted by the newspapers and your</p> <p>10 memory, you recognised a few. There was a female,</p> <p>11 colour pattern with black T-shirt, black tight long</p> <p>12 trousers, file number TB21/M5/B026; a female, pink</p> <p>13 stripe polo shirt, deep colour long trousers,</p> <p>14 TB4/MS/B020; and then, according to the police files</p> <p>15 assisting your memory, one was a female with a pink</p> <p>16 shirt and a black watch, TA5/MS/B015; a female with</p> <p>17 a colour stripe shirt, hand with wristlet, TC3/MS/B024;</p> <p>18 and a female with a raglan T-shirt, colour pattern,</p> <p>19 TB1/MS/B021.</p> <p>20 Continuing:</p> <p>21 "After 4 divers of Tung Lo Wan diving tender</p> <p>22 finished their tasks, we were relieved by Penny's Bay</p> <p>23 diving tender and returned to Fireboat 7 for standing</p> <p>24 by. When a ship with derrick arrived, the derrick</p> <p>25 secured Lamma IV. Station Officer Chan detailed Fireman</p>

<p style="text-align: right;">Page 121</p> <p>1 Lam and I stood by at diving tender from airport. When 2 the derrick lifted Lamma IV, a female victim was floated 3 to the surface. Then, the DV approached the victim and 4 Fireman Lam dived safely to the sea and rescued the 5 victim to DV. After Lamma IV was lifted, Fireman Lam 6 and I stood by at Fireboat 7. At about 06:00 hours, 7 I relieved Senior Fireman Yuen onboard DV2 until 8 08:00 hours." 9 You've supplemented that last passage about when the 10 derrick lifted Lamma IV and a female victim floated to 11 the surface, you describe her as: 12 "Female, black stripe vest, brown sports shoes, both 13 arms bending, a goal watch on her wrist (TE4/MS/B004). 14 The victim was taken to airport DV R86." 15 I wonder if I could just please show you Fire 16 Services 3 bundle, page 657 which shows on the 17 right-hand side where deceased 39 was found. Can you 18 confirm that, Officer? 19 A. Correct. 20 THE CHAIRMAN: You were assigned the designation "diver 1", 21 were you? 22 A. Yes, that was my designation on that day. 23 MR BERESFORD: Just on designations, I understand that the 24 interpreter translated deceased number 39 as the 39th 25 body recovered. In fact it wasn't the 39th, that's just</p>	<p style="text-align: right;">Page 123</p> <p>1 Q. Yes. My question is about the condition of the sea at 2 the time. A colleague of yours who just gave evidence 3 said that the waves were about 2-3 feet high. Does that 4 accord with your memory, or is your memory a little 5 different from that? 6 A. Yes. 7 Q. Over the page, when you were inside the vessel, you 8 described the condition of the water as being very dark 9 and you had zero visibility; right? 10 A. Yes. 11 Q. Can you briefly described how you carried on your 12 operation of searching in those conditions? 13 A. On that day, the situation was a bit special because the 14 bow was already above water and all we need to do was to 15 go down, dive down, and then we could reach the bottom. 16 So as we descended, we felt what we came across and when 17 we came across any debris or articles, we just took them 18 away to reduce the obstructions. 19 Q. So in short, would it be correct to describe your 20 operation this way: that you were searching row by row, 21 through touching, and to recover whatever you thought 22 was necessary to recover? Is that right? 23 A. Correct. 24 MR MOK: Has it been translated? 25 THE CHAIRMAN: I think the Officer has been recorded on the</p>
<p style="text-align: right;">Page 122</p> <p>1 the police reference number. 2 THE CHAIRMAN: Yes. 3 MR BERESFORD: I have no further questions. 4 THE CHAIRMAN: Just the autopsy results? The forensic 5 pathologist's opinion was that Edwin Hui died of "severe 6 crushing injury to upper part of body, resulting in 7 a gaping laceration at the front of neck opening up of 8 the windpipe", and thoracic spine, fractures of multiple 9 ribs with no signs of drowning. 10 MR BERESFORD: No signs of drowning in this case, and the 11 lungs showed "patchy contusions with some blood in major 12 airways; no oedema". 13 That's it, Mr Chairman. 14 THE CHAIRMAN: Thank you. 15 MR GROSSMAN: No questions, thank you. 16 MR ZIMMERN: We have no questions, thank you. 17 THE CHAIRMAN: Mr Mok? 18 MR MOK: A couple of questions on the condition of the 19 water. 20 THE CHAIRMAN: Yes. 21 Examination by MR MOK 22 MR MOK: Yes, Officer. You described the sea condition when 23 you broke the window as being "rough sea condition". 24 A. In fact the window was not broken by me; it was broken 25 by another member called Ko Wing-ki.</p>	<p style="text-align: right;">Page 124</p> <p>1 transcript as agreeing with you. 2 MR MOK: Thank you. 3 One last question. At one point you said that there 4 was no need for another diver to come down to assist 5 you. What was your reason for that? 6 A. Because at that time I was holding the victim and 7 ascending to the surface of the water. But in the 8 meantime, the connection of my communication line broke 9 off and I lost my contact with my officer-in-charge who 10 was on the surface of the water. So he was worried 11 about me and was about to send a standby diver to assist 12 me. But after I managed to reconnect the communication 13 line, I knew that I was able to solve my problem and so 14 I said that there was no need to send another diver to 15 help me. 16 MR MOK: Thank you. 17 THE CHAIRMAN: Mr Beresford? 18 MR BERESFORD: Just one question, if I may, Mr Chairman. 19 Further examination by MR BERESFORD 20 MR BERESFORD: The Chairman mentioned to you the fact that 21 this particular deceased that you recovered had died of 22 multiple injuries, and you found him at the stern of the 23 vessel. Are you able to describe what it was, what was 24 the reason why he was stuck there? 25 A. I don't know why he was stuck there, but at that time he</p>

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<p>1 was lying on the seat and covered by a lot of articles. 2 Q. And could you tell what was the nature of those 3 articles? 4 A. Some of them were plastic ceilings and the others, 5 I have no idea because the visibility was not very good. 6 But I'm sure that one of these articles was ceiling. 7 MR BERESFORD: Okay. Thank you, Officer. 8 THE CHAIRMAN: Thank you for coming to assist the Commission 9 with your evidence, Officer. Your evidence is complete 10 and you are free to go. But first, we'd like to commend 11 you for your obvious bravery in this rescue mission. 12 Thank you. 13 A. This is my duty, Mr Chairman. 14 (The witness withdrew) 15 THE CHAIRMAN: Thank you. 16 We'll adjourn then until 10 o'clock tomorrow. 17 (4.40 pm) 18 (The hearing adjourned until 10 am on the following day) 19 20 21 22 23 24 25</p>	<p style="text-align: center;">I N D E X</p> <p>1 2 OFFICER CHAN WAI-HO (affirmed in Punti)81 3 Examination by MR BERESFORD81 4 Examination by MR GROSSMAN99 5 Questions by THE COMMISSION100 6 (The witness withdrew)100 7 OFFICER TAM KAM-LUN (affirmed in Punti)101 8 Examination by MR BERESFORD101 9 Examination by MR MOK112 10 Questions by THE COMMISSION113 11 (The witness withdrew)114 12 OFFICER KWONG CHI-KEUNG (affirmed in Punti)114 13 Examination by MR BERESFORD114 14 Examination by MR MOK122 15 Further examination by MR BERESFORD124 16 (The witness withdrew)125 17 18 19 20 21 22 23 24 25</p>
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<p style="text-align: center;">I N D E X</p> <p>1 2 MR WONG WAH-YAU (affirmed in Punti)2 3 Examination by MR BERESFORD2 4 Examination by MR GROSSMAN20 5 Examination by MR MOK25 6 (The witness withdrew)26 7 MR LEE AH-NGAU (affirmed in Punti)26 8 Examination by MR BERESFORD26 9 Examination by MR MOK37 10 Questions by THE COMMISSION40 11 (The witness withdrew)42 12 MR FOK WING-KEI (affirmed in Punti)43 13 Examination by MR BERESFORD43 14 Questions by THE COMMISSION58 15 Examination by MR GROSSMAN61 16 (The witness withdrew)62 17 MR LAM YUI-CHEUNG, GLEESON (affirmed in Punti)63 18 Examination by MR BERESFORD63 19 Questions by THE COMMISSION76 20 Examination by MR GROSSMAN80 21 (The witness withdrew)81 22 23 24 25</p>	