

Page 1	Page 3
<p>1 Wednesday, 16 January 2013 2 (2.00 pm) 3 THE CHAIRMAN: Yes, Mr Beresford. 4 MR BERESFORD: Good afternoon, Mr Chairman. 5 The next witness is Mr Fung Wai-kin, Terence. 6 THE CHAIRMAN: Before we come to him, can we just deal with 7 the housekeeping matters that have come into play during 8 the adjournment. 9 We've received some further insurance material, 10 presumably from Reed Smith Richards Butler. 11 MR BERESFORD: Mr Chairman, I haven't seen any additional 12 material as yet, as I've been otherwise engaged. 13 THE CHAIRMAN: Has that reached anybody else? 14 MR GROSSMAN: I thought it had. It had been sent this 15 morning to Lo & Lo. 16 THE CHAIRMAN: Yes, it certainly reached me -- 17 MR BERESFORD: Mr Chairman, there's no implied criticism of 18 my learned friend or those instructing him; it's just 19 that I've been engaged in other matters. 20 THE CHAIRMAN: I understand that. 21 Perhaps I can deal with Mr Grossman directly. 22 MR GROSSMAN: Yes. This was the insurance you had asked if 23 there had been, what they call event insurance, and 24 relates partly to 1 October. 25 THE CHAIRMAN: Yes, but perhaps you can confirm this. I've</p>	<p>1 Lo, a director, apparently, of Cheoy Lee Shipyards Ltd. 2 Has that reached the parties yet? 3 MR GROSSMAN: Not us. 4 THE CHAIRMAN: I'm told it's in the course of being printed 5 now, but I think it's sensible, on the understanding 6 that he is available to testify tomorrow -- 7 MR PAO: Mr Chairman, yes. 8 THE CHAIRMAN: -- that we notify him through you, perhaps, 9 that he will be required to give evidence tomorrow, 10 subject to anything you have to say, Mr Beresford. 11 MR BERESFORD: Mr Chairman, as far as I'm concerned, he is 12 listed as the first witness tomorrow. 13 THE CHAIRMAN: Yes. We'll interpose him, if necessary, to 14 see if we can assist. 15 MR BERESFORD: Yes, Mr Chairman. 16 THE CHAIRMAN: Mr Mok, if I can come to you. 17 MR MOK: Yes. 18 THE CHAIRMAN: Those instructing you have been kind enough 19 to respond to your enquiry expeditiously as to the 20 circumstances in which the manning levels changed, and 21 at our request you've identified who it was that made 22 the change and you've provided some detail as to why it 23 was made. 24 MR MOK: Yes. 25 THE CHAIRMAN: May we ask that a brief witness statement be</p>
Page 2	Page 4

<p style="text-align: right;">Page 5</p> <p>1 THE CHAIRMAN: Is Mr Fung here? Perhaps he's outside. If 2 so, would somebody be kind enough to let him know that 3 we'd ask him to come in. 4 MR BERESFORD: Somebody has just gone, Mr Chairman. 5 OFFICER FUNG WAI-KIN, TERENCE (affirmed in Punti) 6 Examination by MR BERESFORD 7 MR BERESFORD: Officer, thank you very much for coming along 8 this afternoon to assist with this Inquiry. I have some 9 questions to ask you on behalf of the Commission. 10 Officer, you have previously made a statement in 11 relation to this matter, have you not, which may be 12 found in our police bundle L, item 106, at 13 pages 3312-240 to 3312-247? This is duplicated at 14 bundle Q, tab 3, page 4975-1. 15 Do you have a copy of your statement in front of 16 you? 17 A. Yes. 18 Q. Have you had an opportunity to look at it today and 19 remind yourself of what it says? 20 A. Yes, I have done so. 21 Q. Do you have any amendment you wish to make? 22 A. No. 23 Q. So are the contents of this statement true? 24 A. Yes. 25 Q. Thank you. Officer, I'm going to read from parts of</p>	<p style="text-align: right;">Page 7</p> <p>1 and to prepare for any potential contingency on that 2 day. 3 At the Regional Command and Control Centre of Marpol 4 ('RCCC'), five divisional consoles were deployed 5 round-the-clock to handle the routine watch and ward 6 incidents through operating the central command system 7 (with the use of radar, the daylight cameras and thermal 8 imagers) to monitor suspicious targets along the sea 9 boundary of the HKSAR. On 1 October 2012, I was in 10 command of the National Day fireworks operation from 11 RCCC at a console ('HICOM') activated for the operation, 12 which was identical to the five divisional consoles. 13 ... 14 Upon receiving notification of the collision, I took 15 over the command of the rescue operation. Marpol 16 vessels which could be mobilised, including those which 17 could be diverted from the harbour section fireworks 18 duties, were instructed to attend the scene of the 19 collision to take part in the rescue. A number of 20 speedboats and high speed launches were diverted to the 21 scene of the collision as they had higher 22 manoeuvrability and were more suitable for rescue of 23 passengers overboard. 24 The following Marpol vessels were involved in the 25 rescue operation in the immediate aftermath of the</p>
<p style="text-align: right;">Page 6</p> <p>1 your statement with a view to saving time. Because your 2 statement is in English, I'm going to read quite slowly 3 because we have simultaneous translation. So they will 4 be catching up with me. 5 A. Yes. 6 Q. I'm going to read from paragraph 3: 7 "For the purpose of assisting the Commission, the 8 Marpol has submitted 82 statements given by Marpol 9 officers plus 12 statements given by ... officers 10 involved in the rescue operation in relation to the 11 collision incident off Lamma Island on 1 October 2012. 12 The purpose of this witness statement is to explain the 13 role of Marpol in the collision rescue operation, 14 identify the number of Marpol ... vessels and officers 15 involved, and summarise the location of the bodies 16 recovered by the ... divers. The matters set out in 17 this witness statement are based primarily on the 18 information disclosed in the statements already 19 submitted. 20 As the National Day fireworks display was scheduled 21 to take place in the central part of the Victoria 22 Harbour at 21:00 on 1 October 2012, Marpol had deployed 23 a significant number of vessels and officers to the 24 central harbour and its immediate vicinity to assist the 25 Marine Department in supervising vessel traffic control</p>	<p style="text-align: right;">Page 8</p> <p>1 collision up to [midnight] on 2 October 2012." 2 Can we just have a look at that on the screen rather 3 than read out a table. 4 We can see for the rest of that page and at the 5 beginning of the following page a list of 19 vessels, 6 the first one of which at the scene was number 3, was it 7 not, PL43, called out at 20:30 and arriving at 20:39? 8 A. (Witness nods). 9 THE CHAIRMAN: Is that right, Officer? 10 A. Yes. 11 THE CHAIRMAN: Thank you. 12 MR BERESFORD: Continuing from paragraph 9: 13 "As can be seen from the statements filed, the 14 rescue operation started with aquatic (sea surface) 15 rescue since there were a large number of passengers 16 stranded in the open sea and trapped inside Lamma IV, 17 which was continuing to sink at the time and thus poses 18 a serious threat to the lives of those trapped inside. 19 Having secured and rescued all the passengers on the sea 20 surface and those observed and identified inside 21 Lamma IV, the rescue operation moved to the next phase, 22 and underwater penetration dives were commenced to 23 locate the missing passengers. As explained in the 24 statement of [I believe this is Police Diver 1], 25 divers ... were summoned to scene to take part in the</p>

<p style="text-align: right;">Page 9</p> <p>1 underwater rescue operation alongside the Fire Services 2 Department divers, who carried out dives in different 3 parts of Lamma IV. Two units of ... divers (15) were 4 involved in this part of the rescue operation, which 5 took place from 00:05 to 08:05 on 2 October 2012. 6 The ... divers were assigned to search the port side 7 main deck passenger cabin area of Lamma IV. The 8 following dives were carried out and 3 bodies were 9 recovered." 10 Then you give a table there, Officer, of seven 11 dives. We see in dives 3, 4 and 5, "1 female", "1 12 female", and "1 male" respectively were recovered. 13 "A table setting out the location and other 14 information of the bodies recovered by the ... divers 15 and Marpol officers is attached as annex A. Deceased 2, 16 7 and 35 were recovered by the ... divers during the 17 penetration dives referred to above whereas deceased 4, 18 13 and 25 were discovered by Marpol officers in the 19 water outside Lamma IV." 20 If we can just turn to the table that's annexed to 21 your statement, we see there summarised the -- 22 THE CHAIRMAN: Just before we go on, could you help me 23 locate this in paper. Which police file is it to be 24 found in? 25 MR BERESFORD: I've got a statement from bundle Q, tab 3,</p>	<p style="text-align: right;">Page 11</p> <p>1 A. Yes. 2 Q. I'm continuing from paragraph 10: 3 "Throughout the entire operation, Marpol deployed 4 a total of 38 vessels and over 200 officers. These 5 officers included those involved in the actual rescue 6 and also those who took part and/or assisted in 7 transporting injured passengers to hospitals to receive 8 medical care. The search and rescue operation continued 9 until 09:46 hours on 5 October 2012." 10 There's just one matter you refer to in a footnote, 11 footnote 8 in your statement, where you note: 12 "... the Fire Services Department has also claimed 13 that the body of deceased 2 [which is Cheng Yin-lan] was 14 recovered by its officers." 15 You observe that the police diver has confirmed in 16 the identification process that he recovered that body. 17 We have of course heard that evidence. 18 A. Yes. 19 MR BERESFORD: Thank you very much, Officer. I have no 20 further questions. Would you please wait there. 21 A. Thank you. 22 THE CHAIRMAN: Are there any applications by counsel? 23 MR GROSSMAN: No, thank you, Mr Chairman. 24 MR SUSSEX: Mr Chairman, no, thank you. 25 MR PAO: Mr Chairman, no.</p>
<p style="text-align: right;">Page 10</p> <p>1 page 4975-8. But if you've got bundle L there, 2 Mr Chairman -- 3 THE CHAIRMAN: Page 3312-247? 4 MR BERESFORD: That's the bundle L reference. So that 5 should be about page 3312-247 in bundle L. If you have 6 tabs, it's tab 106. 7 THE CHAIRMAN: Yes, thank you. 8 MR BERESFORD: We see there in that table marked annex A, 9 Officer, the names and police reference numbers of six 10 deceased that you believe were recovered by the police; 11 is that right? 12 A. Yes. 13 Q. Giving details of their sex and age; the position they 14 were believed to have been in before the collision; the 15 area where they were located by the rescuer; whether or 16 not they were wearing a life jacket, and in each case 17 they were not; and whether or not they were trapped by 18 objects or debris. Two are relevant. One is Leung 19 Ka-kit, who was found beneath the seat in the 20 mid-section portion of the main deck, and the other is 21 Chan Man-ying who was found hooked at the fallen ceiling 22 of the main deck. 23 A. Yes. 24 Q. That's a helpful summary. We have of course heard from 25 the individual officers about those circumstances.</p>	<p style="text-align: right;">Page 12</p> <p>1 MR MOK: No, Mr Chairman. 2 THE CHAIRMAN: Thank you. 3 Thank you, Senior Superintendent, for attending to 4 assist the Commission in its enquiries by your 5 testimony, which has been most helpful. 6 A. Thank you, Mr Chairman. 7 THE CHAIRMAN: Would you thank those who assisted you in 8 collating the information in the various schedules, 9 which is very helpful. 10 A. Thank you, Mr Chairman. 11 THE CHAIRMAN: Your evidence is now complete. You are free 12 to go with our thanks. You may of course stay in the 13 hearing room if you wish. Thank you. 14 A. Thank you. 15 (The witness withdrew) 16 THE CHAIRMAN: Yes, Mr Beresford. 17 MR BERESFORD: Mr Chairman, the next witness starts a new 18 group of witnesses, and is Mr Wong Chi-kin, one of the 19 Marine Department surveyors. 20 THE CHAIRMAN: Yes. 21 MR WONG CHI-KIN (affirmed in Puntì) 22 Examination by MR BERESFORD 23 MR BERESFORD: Good afternoon, Mr Wong. Thank you very much 24 for attending this afternoon to assist this Commission 25 with its Inquiry. I have some questions to ask you on</p>

<p style="text-align: right;">Page 13</p> <p>1 behalf of the Commission. 2 Mr Wong, you have previously made a statement in 3 relation to this matter, have you not, which we may find 4 at marine bundle 11, item 39, pages 3869 to 3926. 5 A. Yes. 6 Q. You have also given an interview to the Marine 7 Department. 8 A. Yes. 9 Q. A copy of which we may find at marine bundle 8, item 8, 10 pages 1929 to 1933. The note of interview is in 11 Chinese. The translation into English is at item 8A of 12 that bundle, page 1933-1 to 1933-5. 13 Mr Wong, do you have your statement and the notes of 14 your interview in front of you? 15 A. Yes. 16 Q. Have you had an opportunity to consider them today? 17 A. Yes. 18 Q. Is there any amendment you would wish to make? 19 A. No. 20 Q. So are the contents of these statements true? 21 A. Yes. 22 Q. Thank you. Mr Wong, you are a former principal surveyor 23 of ships? 24 A. Yes. 25 Q. You were the former general manager of the local vessel</p>	<p style="text-align: right;">Page 15</p> <p>1 Mr Wong, you've then given us details of your 2 shipbuilding and ship draftsman experience in the early 3 years of your career. I'll pass over that, if you don't 4 mind. 5 You joined the Government in 1980 as a ship 6 inspector, and in 1990 you became a senior ship 7 inspector. In 1992, with a scholarship, you went to 8 study naval architecture at Strathclyde University and 9 obtained a bachelor of engineering in 1994? 10 A. Yes. 11 Q. You then became a surveyor of ships in the Marine 12 Department and you became senior surveyor of ships in 13 2001 and principal surveyor of ships in 2010? 14 A. Yes. 15 Q. You also obtained in 2002 a masters degree in project 16 management, and in 2007, a masters degree in 17 international commercial law? 18 A. (Witness nods). 19 Q. You tell us: 20 "In my 40-odd years of work experience, my 21 involvement had mostly been in respect of local licensed 22 vessels (being non-ocean-going vessels and usually of 23 smaller size) and the procurement of a large number of 24 Government vessels." 25 A. Yes.</p>
<p style="text-align: right;">Page 14</p> <p>1 safety branch of the Marine Department? 2 A. Yes. 3 Q. And the local vessels safety section is under that 4 branch? 5 A. Yes. 6 Q. Your rank was that of principal surveyor of ships and 7 you retired in November 2011? 8 A. Agree. 9 Q. Thank you. You've told us something about your personal 10 background. You're a chartered engineer of The 11 Engineering Council of the United Kingdom; you're 12 a member of the Royal Institution of Naval Architects; 13 a registered European engineer of the European 14 Federation of National Engineering Associations -- 15 A. Yes. 16 Q. -- and you were, until your retirement, also a member of 17 the Society of Naval Architects and Marine Engineers in 18 the USA? 19 A. Agree. 20 Q. You were and still are a member of the Hong Kong 21 Institution of Engineers and a registered professional 22 engineer (marine and naval architecture) under the 23 Engineers Registration Ordinance, Cap 409? 24 A. Yes. 25 Q. Thank you.</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. You say: 2 "I am well familiar with the construction standards 3 and survey requirements relating to local vessels." 4 A. Yes. 5 Q. You then turn to deal with the plan approval process 6 relating to the Lamma IV. 7 A. (Witness nods). 8 Q. You tell us: 9 "I was responsible for the approval of the hull 10 drawings submitted by Cheoy Lee Shipyards Ltd" -- whom 11 we shall call "Cheoy Lee" -- "at the beginning on 1995. 12 At that time, I was a surveyor of ships in the then 13 local craft safety section", the predecessor of what is 14 now the local vessels safety section. 15 A. Because the section's name has been changed. The 16 present name is local vessels safety section. 17 Q. And that's a section of the Marine Department? 18 A. Yes. 19 Q. You explain: 20 "In order to be licensed for operations in Hong Kong 21 waters, Cheoy Lee was required to submit a set of 22 drawings showing the hull, machinery and electrical 23 arrangements/installations of its proposed new vessel 24 for approval by the section." 25 A. Yes.</p>

<p style="text-align: right;">Page 17</p> <p>1 Q. You say: 2 "The relevant guidelines relating to the approval 3 process were called the 'Instructions for the Survey of 4 Launches and Ferry Vessels"', which was commonly known 5 as the "Blue Book"? 6 A. Yes. 7 Q. And that's how we shall refer to it: the Blue Book. You 8 note that these were subsequently superseded -- 9 THE CHAIRMAN: Mr Beresford, might I suggest, subject to 10 your views on the matter, that we deal with what the 11 witness actually did first, and then we can come back to 12 deal with why he did it. In other words, deal with the 13 factual evidence first. 14 MR BERESFORD: Yes, very well, Mr Chairman. 15 THE CHAIRMAN: Unless you think the story would be better 16 told in the way that you're dealing with it. 17 MR BERESFORD: Well, I don't have a strong view, 18 Mr Chairman, so I'm happy to be guided by you. 19 THE CHAIRMAN: Thank you. 20 I think that would mean that we would pick it up at 21 paragraph 16. 22 MR BERESFORD: Yes, Mr Chairman. 23 So, turning to what was actually submitted. 24 "In the case of Lamma IV ..." 25 Mr Chairman, can I perhaps just take it in</p>	<p style="text-align: right;">Page 19</p> <p>1 is directing your attention to. Do you understand that? 2 It may be that it's in your file, in which case that's 3 fine. 4 A. Okay. 5 THE CHAIRMAN: If it's not in your file, of course, then 6 it's not fine, because you won't know what he's talking 7 about. 8 Yes, Mr Beresford. 9 MR BERESFORD: Mr Wong, can I just clarify that what you've 10 got in your file is just a copy of your witness 11 statement and the exhibits referred to? 12 A. (Witness nods). 13 Q. Or do you have other documents that we don't have? 14 A. Yes. 15 THE CHAIRMAN: Which of the two is it? Is it your 16 statement -- 17 A. Okay, okay -- 18 THE CHAIRMAN: -- plus exhibits, or is it -- 19 A. -- I'll refer to the court's document. 20 THE CHAIRMAN: Try and answer the question first. Is the 21 bundle that you've got statement plus exhibits, or does 22 it contain other things as well? 23 A. Yes. 24 THE CHAIRMAN: I'll leave it to you to try, Mr Beresford. 25 MR BERESFORD: Perhaps you can put that down for a moment,</p>
<p style="text-align: right;">Page 18</p> <p>1 chronological order. 2 THE CHAIRMAN: Yes. I thought that was what it might be. 3 MR BERESFORD: I want to start a little bit before then -- 4 THE CHAIRMAN: Yes. 5 MR BERESFORD: -- because there's a letter or a fax from the 6 senior surveyor of ships to the managing director dated 7 1 August 1994, which is not specific to Lamma IV, but 8 which perhaps sets some of the background. 9 THE CHAIRMAN: In what paragraph is that dealt with? 10 MR BERESFORD: I'm told it's 36, Mr Chairman. 11 A. Sorry. Mr Chairman, I'd like to refer my own book, 12 because I make the reference to my witness statement. 13 Can I just refer my own book? 14 THE CHAIRMAN: Is that your witness statement together with 15 the related exhibits? 16 A. Yes. 17 THE CHAIRMAN: Yes, unless anyone has any objection, you may 18 do so. 19 But what's going to happen is you will be shown on 20 the screen, and if necessary on documents, what it is 21 you're being asked to look at. 22 A. I just make my own reference. 23 THE CHAIRMAN: Yes. 24 A. And I will speak -- 25 THE CHAIRMAN: It's important that you look at what counsel</p>	<p style="text-align: right;">Page 20</p> <p>1 Mr Wong, and we'll show you the documents we want you to 2 look at. 3 Mr Wong, first of all, could you please have a look 4 at a document which is in marine bundle 8, tab 17, 5 page 2081. This is a fax from the senior surveyor of 6 ships, local craft safety section, to the managing 7 director of a design company that has no relevance to 8 the facts of this case. You are there giving details of 9 stability requirements for ferry vessels. 10 A. Yes. 11 Q. In paragraph 3, you say, or Mr Lee says, for the 12 Director of Marine: 13 "For every vessel carrying more than 100 passengers, 14 the watertight subdivision (one-compartment flooding) 15 requirements are to be complied with (see attached 16 copies, schedules 1 and 3)." 17 There is attached to that fax a publication from the 18 gazette which, can you confirm, is in the same terms as 19 schedules 1 and 3 to the Merchant Shipping (Safety) 20 (Passenger Ship Construction and Survey) (Ships Built On 21 or After 1 September 1984) Regulations 1991. 22 THE CHAIRMAN: I think in order to follow this, we need to 23 have the two documents. 24 MR BERESFORD: Mr Chairman, I believe we may have the other 25 one in a legislation bundle that's been prepared by the</p>

Page 21	Page 23
<p>1 solicitors, but before I get into that, Mr Chairman, I'm 2 just introducing this for now. I will come back to it 3 later if there's a particular point turning upon it. 4 THE CHAIRMAN: Very well. So the proposition is that what 5 is at page 2082 -- 6 MR BERESFORD: What is at pages 2082 to 2085 as amended sets 7 out the watertight subdivision one-compartment flooding 8 requirements that you required at that time. 9 THE CHAIRMAN: Yes. 10 A. Yes. 11 MR BERESFORD: Is that right, Mr Wong? 12 A. Right. 13 THE CHAIRMAN: Just a moment, please. 14 The second part of the proposition was that this 15 mirrors which piece of legislation? 16 MR BERESFORD: The Merchant Shipping (Safety) (Passenger 17 Ship Construction and Survey) (Ships Built On or After 18 1 September 1984) Regulations 1991. 19 THE CHAIRMAN: Thank you. 20 Do you agree with that proposition, that the two 21 pieces of legislation are the same? 22 A. Yes. 23 MR BERESFORD: In fact, Mr Wong, this is not a different 24 piece of legislation, is it; this is just the version as 25 gazetted, is that right?</p>	<p>1 this in detail when we come to it in Mr Wong's 2 statement, but at the moment I'm just setting 3 a chronological framework. 4 THE CHAIRMAN: Yes. What is the relevance of the actual fax 5 itself? Is that in fact irrelevant other than -- 6 MR BERESFORD: It's irrelevant, other than to show that this 7 is the standard that was being applied. 8 THE CHAIRMAN: By this witness? 9 MR BERESFORD: Yes. 10 THE CHAIRMAN: Yes. Thank you. 11 MR BERESFORD: Mr Wong, we were just coming to the drawings 12 that had been submitted to you for approval and for 13 examination. 14 A. (Witness nods). 15 Q. You mentioned a series of plans in paragraph 15 of your 16 statement: the General Arrangement plan; the midship 17 section; lines; hydrostatic curves; and other plans. 18 A. (Witness nods). 19 Q. In paragraph 16, you say: 20 "In the case of Lamma IV, the General Arrangement 21 plan was initially submitted on 24 November 1994. The 22 hull construction plans ... consisting of drawings 23 entitled 'Shell Expansion', 'Midship Section', 'Profile 24 & Deck' and 'Sections & Bulkheads (Sheet 1 of 2)', were 25 submitted on 21 March 1995."</p>
Page 22	Page 24
<p>1 A. Right. 2 Q. Yes. If I've understood your evidence correctly, this 3 regulation does not apply to non-sea-going vessels, but 4 you used it as a guide? 5 A. Yes. 6 Q. Thank you. And schedule 1 is concerned with the 7 calculation of maximum length of watertight 8 compartments? 9 A. Yes. 10 Q. Schedule 3 is concerned with stability in damaged 11 condition? 12 A. Yes. 13 Q. The relevance of this copy, as opposed to the Government 14 printer's copy of the legislation, is that it has your 15 amendment on page 2085 -- 16 A. Yes. 17 Q. -- where paragraph 1(3)(a) has been modified to take out 18 a detailed calculation, and insert a reference to 19 one-compartment flooding. 20 A. Yes. I override this. 21 Q. Yes. We'll come back to -- 22 THE CHAIRMAN: Give me a moment, please, Mr Beresford. 23 MR BERESFORD: Yes, Mr Chairman. 24 THE CHAIRMAN: Thank you. 25 MR BERESFORD: Mr Chairman, I'm coming back to deal with</p>	<p>1 A. Yes. 2 Q. "The rest of the drawings were submitted subsequently." 3 Now, if we can just look at those drawings or the 4 key drawings in the order in which they were approved. 5 THE CHAIRMAN: As far as the overall chronology is 6 concerned, can you remind me of the date of the letter 7 from Cheoy Lee to the Marine Department advising them 8 that they'd won the contract which led to the 9 construction of this vessel? 10 MR BERESFORD: I'll have that checked, Mr Chairman. 11 THE CHAIRMAN: I think it's the first page of marine 12 bundle 1. 13 MR BERESFORD: Mr Chairman, if it's of assistance, I have 14 provided a chronology relating to the initial surveys of 15 Lamma IV, which is at miscellaneous bundle 19. It's 16 shown on the screen now. It doesn't include the 17 document you just mentioned. 18 THE CHAIRMAN: No, it doesn't. 19 MR BERESFORD: But it's just intended as a framework 20 document; an aide-memoire. 21 THE CHAIRMAN: Perhaps we can come back to that. I think 22 I'm wrong about where it might be. 23 MR BERESFORD: Mr Chairman, perhaps you would care to try 24 page 171, a letter dated 24 November 1994. I'm grateful 25 to my learned friend Mr Pao for drawing this to my</p>

Page 25	Page 27
1 attention. 2 THE CHAIRMAN: Yes. Yes, that's the letter I had in mind. 3 Thank you. 4 MR BERESFORD: In fact that's the document referred to in 5 paragraph 16 of Mr Wong's statement, where he says: 6 "... the General Arrangement was initially submitted 7 on 24 November 1994." 8 THE CHAIRMAN: Yes. 9 MR BERESFORD: Mr Wong, I just wanted to introduce the key 10 drawings. On 3 May 1995, you approved a drawing called 11 "Profile & Deck" which is at page 204 of marine 12 bundle 2. 13 THE CHAIRMAN: Are we to see this General Arrangement 14 document? 15 MR BERESFORD: It's coming, Mr Chairman. 16 THE CHAIRMAN: Thank you. 17 MR BERESFORD: So that's the "Profile & Deck" drawing, is 18 that right, Mr Wong? 19 A. Right. 20 Q. At page 205, also approved on 3 May -- 21 THE CHAIRMAN: Is this the first version of this document or 22 a later version? 23 MR BERESFORD: This is the last version, the final version. 24 THE CHAIRMAN: Could we see the one that was attached to the 25 letter we just looked at, 16 November 1994, General	1 A. Yes. 2 THE CHAIRMAN: Just help me if you would, before we go on. 3 The bottom right-hand corner -- perhaps we could zoom in 4 on that. This is where we get the title of the 5 document. So it's -- 6 MR BERESFORD: "General Arrangement". 7 THE CHAIRMAN: "General Arrangement", and then there is the 8 naval architect's name, Naval-Consult, and then there is 9 a reference beneath it with a 1 circled and then 10 L-7962/1. What's the significance of that reference? 11 A. That is our file number, the Marine Department's file 12 number. 13 THE CHAIRMAN: And who would give it that reference? 14 A. Our filing office. They re-enter every new drawing, and 15 we call a new file name for the new vessel. Then every 16 time the submission will, according to this file, with 17 the number of circle, add 1, 2, 3, 4, 5. 18 THE CHAIRMAN: That's how one can see the document, although 19 it's broadly the same, has some changes as one goes 20 forward, when it's given another number like 2, 3, 4 21 and 5; is that right? 22 A. Right. 23 THE CHAIRMAN: Yes, Mr Beresford. 24 MR BERESFORD: Well, if we turn to page 173 of marine 25 bundle 2, we see the Marine Department's reply to the
Page 26	Page 28
1 Arrangement? 2 MR BERESFORD: These are the only copies of these drawings 3 we have in the bundle, Mr Chairman. You see the 4 footnote to paragraph 16, footnote 2, gives the 5 reference "201". In the indexes -- 6 THE CHAIRMAN: Just pause there. The letter of 24 November 7 says: 8 "Attached, also please find two copies of the 9 General Arrangement drawings ..." 10 And then it gives numbers. 11 MR BERESFORD: Yes. 12 THE CHAIRMAN: Do we have them or not? 13 MR BERESFORD: Yes, we do have the General Arrangement, 14 Mr Chairman. I'm coming to that. 15 THE CHAIRMAN: Very well. 16 MR BERESFORD: The other drawing that you approved on 3 May, 17 Mr Wong, is at page 205, and that's entitled "Sections & 18 Bulkheads". 19 A. Yes. 20 Q. The drawing mentioned by Mr Chairman, the General 21 Arrangement, is at page 172 of the bundle. 22 So it appears that that is the drawing that was 23 submitted on 24 November 1994, as well as being 24 a drawing that was approved on 8 May 1995; is that 25 right?	1 letter of 24 November, do we not, and we see the 2 reference L-7962, after the letters "SD" and the Marine 3 Department's reference. Is that right, Mr Wong? 4 A. Yes. 5 THE CHAIRMAN: He can't see it if it's not scrolled to. 6 MR BERESFORD: Scroll up, please. At the top: 7 "Our reference: SD/L-7962." 8 So does that reference identify the vessel? 9 A. Yes. 10 Q. Your file would relate to one vessel? 11 A. Yes, relate to one vessel. 12 THE CHAIRMAN: So that's a unique description of the vessel, 13 is it? 14 A. Yes. 15 THE CHAIRMAN: Alphabet and number? L-7962? 16 A. Yes, L-7962. 17 THE CHAIRMAN: That's this Cheoy Lee 28-metre vessel? 18 A. Yes. 19 THE CHAIRMAN: Thank you. 20 MR BERESFORD: Then is it correct, returning to the drawing 21 at page 172, the bottom right-hand corner -- 22 MR MOK: Mr Chairman, if it helps, we actually have a copy 23 of the file in bundle R(II), I believe it's the police 24 file, tab 10. So the whole file is actually there. 25 THE CHAIRMAN: The file that was --

Page 29	Page 31
<p>1 MR MOK: Copied from the Marine file. 2 THE CHAIRMAN: Right. 3 MR MOK: So if anyone needs to refer to the particular -- 4 THE CHAIRMAN: This is to be found in the marine files, is 5 it not, as well? 6 MR MOK: I'm not sure. The one that I have is R(II) of the 7 police files. 8 THE CHAIRMAN: Very well. 9 Thank you, Mr Mok. 10 MR BERESFORD: Mr Wong, we can see by that reference number 11 L-7962, immediately before that we see a 1 in a circle. 12 Does that indicate that this was drawing number 1? 13 A. Yes, drawing number 1. 14 Q. If we go to the next page at page 202, we see an 11. So 15 was that drawing number 11? 16 THE CHAIRMAN: We're now at page 202? 17 MR BERESFORD: Yes, Mr Chairman. 18 THE CHAIRMAN: Thank you. 19 A. Yes, that is number 11. 20 MR BERESFORD: Drawing number 11? 21 A. (Witness nods). 22 THE CHAIRMAN: Just a moment, please. 23 Yes, thank you. 24 MR BERESFORD: In fact I think this is made clear, is it 25 not, from the Marine Department's index to the Marine</p>	<p>1 "The hull construction plans (falling under 2 paragraph 15(2) above), consisting of drawings entitled 3 'Shell Expansion', 'Midship Section', 'Profile & Deck' 4 and 'Sections & Bulkheads (Sheet 1 of 2)', were 5 submitted on 21 March 1995. The rest of the drawings 6 were submitted subsequently." 7 You give the reference to the covering letter at 8 page 201. 9 Then you go on to deal with the General Arrangement 10 plan, which is the plan we saw at page 172. You say 11 that the words in handwriting shown on this page, you 12 believe, were those of Mr Leung Kwong-chow. 13 A. Yes. 14 Q. Who is amongst the surveyors who are to be called this 15 week. He was a ship inspector assisting you in the plan 16 approval process at the time. 17 A. Yes. 18 THE CHAIRMAN: Which are these "words in handwriting"? As 19 opposed to being -- is anything in handwriting added 20 later? 21 A. No. I think in our original drawing, the handwriting 22 will be written in red colour. 23 THE CHAIRMAN: Right. 24 A. So it is very easy to discern the handwriting. 25 THE CHAIRMAN: Where are the originals?</p>
Page 30	Page 32
<p>1 Department bundles, in which all of these drawings are 2 so numbered. 3 Just staying on page 220 for a moment, but if we can 4 zoom out so that we can see the whole drawing, this is 5 a drawing of a shell expansion, or entitled "Shell 6 Expansion", shown as having been approved on 17 May 7 1995. 8 A. Yes. 9 Q. Then the last drawing which we are concerned with today 10 is at page 203. This is headed "Midship Section". This 11 is also shown as having been approved on 17 May 1995. 12 A. Yes. 13 THE CHAIRMAN: Were you the person approving these drawings? 14 MR BERESFORD: Mr Wong, you approved each of these drawings, 15 did you not? 16 A. Yes, I approved these drawings in the first instance. 17 THE CHAIRMAN: That's your signature? 18 A. Yes. 19 THE CHAIRMAN: Thank you. 20 MR BERESFORD: So, returning to your statement, Mr Wong, you 21 say: 22 "In the case of Lamma IV, the General Arrangement 23 was initially submitted on 24 November 1994." 24 We've seen that letter at page 171 of marine 25 bundle 2.</p>	<p>1 A. I don't know. This is the -- 2 THE CHAIRMAN: If you don't know, just say so. 3 MR BERESFORD: But, Mr Wong, are you able to identify 4 Mr Leung's handwriting on this? 5 A. Yes, I believe. 6 Q. So for example, in the top part of the drawing, top 7 left, it says "Drawing for ..." 8 A. "The mast". 9 Q. All right. Let's take that first, yes. 10 THE CHAIRMAN: "Drawing for rudder and rudder stock to be 11 submitted for approval"; who wrote that? 12 A. The inspector. 13 THE CHAIRMAN: That's Mr -- 14 A. Mr Leung. 15 THE CHAIRMAN: Mr Leung. 16 MR BERESFORD: He also put the circle around the mast and 17 wrote "See note 3"? 18 A. Yes. 19 Q. Then on the second drawing, did he write "See note 5"? 20 THE CHAIRMAN: By that you mean the upper deck plan? 21 MR BERESFORD: In the upper deck plan, yes. 22 A. Yes. Yes. 23 Q. Sorry, I missed one on the profile. There's one that's 24 saying "See note 10" just above the bow. And also on 25 the profile, did he write the figures underneath?</p>

<p style="text-align: right;">Page 33</p> <p>1 A. Figure? Yes. 2 Q. So the dotted lines running down the hull, are they 3 bulkheads? Do they represent bulkheads? 4 A. The dotted line represented the bulkhead. 5 Q. They do? 6 A. Yes. 7 Q. Underneath each bulkhead there is a handwritten figure. 8 A. Yes. 9 Q. Is that handwriting Mr Leung's? 10 A. Yes. 11 Q. Thank you. 12 THE CHAIRMAN: Mr Mok, might I enquire as to whether or not 13 you have any information about the existence of the 14 originals? Because obviously if originals exist and we 15 have a colour photocopy, then we're in a much better 16 position to see at a glance. 17 MR MOK: Unfortunately my understanding is that the original 18 files were converted into microfilm sometime in 2001, so 19 the original file actually no longer exists. These are 20 all copies. 21 THE CHAIRMAN: That probably explains the appalling 22 quality -- 23 MR MOK: Yes, it does. 24 THE CHAIRMAN: -- which is the process of rendering things 25 into microfiche.</p>	<p style="text-align: right;">Page 35</p> <p>1 A. Yes. 2 Q. And over to the right, there's "See note 12"? 3 A. Yes. 4 Q. And underneath that, by the stair, it says "See note 4"? 5 A. Yes. 6 Q. Under the bow, on the starboard side, does that say "WT" 7 and "Weather-tight"? 8 A. Yes. 9 THE CHAIRMAN: "WT" standing for what? 10 A. According to this, the wording only, "Weather-tight". 11 But it doesn't mean the watertight bulkhead. 12 THE CHAIRMAN: What does "WT" that's been used there mean? 13 A. Maybe Mr Leung referred to some of the fitting on the 14 main deck, the accommodation, the weather-tight door, 15 the weather-tight window, that sort of thing. 16 THE CHAIRMAN: Why has he used "WT" and then the full words? 17 The two mean the same -- 18 A. Maybe he specified the "WT" abbreviation somewhere else 19 in the drawing. 20 THE CHAIRMAN: Thank you. 21 A. So that there is more than one of this location. He did 22 not want to repeat the wording every time, so he just 23 make a short note. 24 THE CHAIRMAN: Yes. 25 MR BERESFORD: Mr Wong, does it say "WT = weather-tight"?</p>
<p style="text-align: right;">Page 34</p> <p>1 MR MOK: I'm sorry about that. 2 MR PAO: Mr Chairman, maybe I can be of some assistance. 3 I have in fact seen the original, because there are two 4 sets. One is kept by the Marine Department, and one set 5 was returned to my client. My client still has the 6 original set. 7 THE CHAIRMAN: It would be very -- 8 MR PAO: I'll have those instructing me to have a colour 9 copy made, maybe in a reduced size, so that everybody 10 can have a copy. 11 THE CHAIRMAN: Well, if they could bring the originals here 12 and then we can colour-photocopy them here. Either way, 13 liaise with counsel and let's see what we can do about 14 it. Thank you. 15 MR PAO: Yes. 16 MR BERESFORD: So, returning then to the upper deck plan. 17 There are two comments of Mr Leung's here, are there 18 not? One says "See note 5", and the other refers to 19 inflatable life jackets, or life rafts, I'm sorry. 20 A. Yes. 21 Q. Is that right, Mr Wong? 22 A. The "inflatable life raft", the wording was written by 23 Mr Leung. 24 Q. Yes, thank you. Then on the main deck plan, starting 25 from the left, there's a note saying "To be specified"?</p>	<p style="text-align: right;">Page 36</p> <p>1 A. I need to know the location. 2 Q. Does it say on the plan in front of us, "WT = 3 weather-tight"? 4 A. For this short sentence, yes. 5 Q. So that's a key indicating what "WT" means? 6 A. Yes. 7 Q. Thank you. Then we can see at various parts on the main 8 deck that he's used the abbreviation "WT"? 9 A. Yes. 10 Q. Thank you. Then in relation to the underdeck plan, 11 there appears to be some -- 12 THE CHAIRMAN: Before you go on, you say you can see -- 13 could we zoom in on this main deck so we can see the 14 "WT"? 15 A. I can identify them now. That is the access opening on 16 deck. You see there is some oval type on the main deck. 17 THE CHAIRMAN: Yes. 18 A. The centreline of the ship. 19 THE CHAIRMAN: Yes. 20 A. You see there is an oval, and then there is a "WT" under 21 that. 22 THE CHAIRMAN: Yes, I see that. Thank you. The others? 23 A. This should be the weather-tight manhole. 24 THE CHAIRMAN: And the others? 25 A. The other is the middle one and the forward one, just</p>

<p style="text-align: right;">Page 37</p> <p>1 after the winch, after the winch you can see there is 2 a "WT". 3 THE CHAIRMAN: Behind the winch? 4 A. Behind the winch. 5 THE CHAIRMAN: So that's on the foredeck, behind the winch? 6 A. Foredeck, yes. 7 THE CHAIRMAN: Yes. 8 A. So the -- 9 THE CHAIRMAN: On the centreline? 10 A. On the centreline. 11 THE CHAIRMAN: Okay. What about the stern of the boat? 12 A. The stern -- near the door. 13 THE CHAIRMAN: Is there one there in the middle on the 14 centreline? 15 A. Yes, also in the centreline of the ship. 16 THE CHAIRMAN: Thank you. 17 MR BERESFORD: Then on the underdeck plan there's some 18 handwriting just forward of the aft peak bulkhead, is 19 there not? 20 A. Yes. 21 Q. Can you identify what that is? 22 In the tank room. 23 A. Yes. That is the dimension of the tank. I think the 24 upper one is 2 metres in height. Maybe that is 25 "2.00 ht". And the lower one is "0.5 m". The width is</p>	<p style="text-align: right;">Page 39</p> <p>1 watertight or non-watertight. 2 THE CHAIRMAN: What's its purpose? 3 A. If that is a watertight bulkhead, that should provide 4 the reserve buoyancy. That is, the bulkhead to hold the 5 water and to maintain the ship in -- maintain the ship's 6 survivability. But for non-watertight bulkhead, it 7 should be sometimes for the structural purpose. For the 8 structure, structural purpose rather than the stability 9 or damage stability, that sort of thing. 10 THE CHAIRMAN: Thank you. 11 MR BERESFORD: Then, Mr Wong, my learned friend Mr Mok asked 12 me to draw your attention to the mark on the line, the 13 aft peak bulkhead line, just above the tank. If we can 14 zoom in. 15 A. What area are you referring? 16 Q. If you don't recognise it, don't worry about it. We'll 17 come back to deal with that issue later. 18 I'd like to ask you about the comments at the top 19 right of the drawing. 20 Can we zoom in on the comments, please. 21 There's a box there headed "Hong Kong Marine 22 Department Comments" containing 15 comments. 23 A. Yes. 24 Q. Is that Mr Leung's work? 25 A. Mr Leung typed it on the paper and pasted it on the</p>
<p style="text-align: right;">Page 38</p> <p>1 0.5, and the length of the tank -- I think that is the 2 fuel oil tank. 3 Q. The fuel tank, did you say? 4 A. Small fuel oil tank. Maybe fuel oil tank or freshwater 5 tank; I'm not sure. That is the FO tank or F -- because 6 I can't remember what tank it is. 7 Q. Anyway, a tank for fuel or freshwater? 8 A. Yes. 9 Q. We see that that is just forward of a solid line, and 10 there are five solid lines corresponding to the dotted 11 lines that we looked at on the profiles. 12 A. Yes. 13 Q. Would you agree that the solid line is a convention for 14 watertight bulkheads? 15 A. I can say that is a bulkhead. Whether it is 16 weather-tight or -- whether it is watertight or not, 17 I need to check the drawing of the other section. 18 Q. Yes, all right. We'll be coming to those. 19 A. Yes. 20 Q. Then top right -- 21 THE CHAIRMAN: Just help us, if you would, as to what you 22 understand a bulkhead is. 23 A. Yes. 24 THE CHAIRMAN: What is a bulkhead? 25 A. A bulkhead is a transverse partition. It can be</p>	<p style="text-align: right;">Page 40</p> <p>1 drawing. 2 Q. So these are his proposed comments? 3 A. Yes. 4 Q. And you approved them? 5 A. Yes. 6 Q. We note in particular at number 1: 7 "Vessel will be licensed for plying within waters of 8 Hong Kong including Specified Sheltered Waters." 9 A. Yes. 10 Q. So it's a non-open-sea-going vessel? 11 A. Yes. 12 Q. Number 2: 13 "Instructions for the Survey of Launches and Ferry 14 Vessels' are to be complied with." 15 Then 3: 16 "Lights, shapes and sound signals are to be of 17 approved type. The 'International Regulations for 18 Preventing Collisions at Sea 1972' are to be complied 19 with." 20 I don't think I need read 4, 5, 6 or 7. 21 "8. Inclining experiment to be carried out upon 22 completion of the vessel. 23 9. Number of passengers permitted to carry on board 24 vessel will be determined by actual measurement. Seats 25 must be firmly secured."</p>

Page 41

1 Number 10 is a condition about windows.
2 "11. Damaged stability and floodable length
3 calculation to be submitted for approval."
4 Then other conditions are added at 12 to 15.
5 You've identified the signature inside the box as
6 yours?
7 A. Yes.
8 Q. You say in relation to the comments that the handwritten
9 words on the drawing were to be read in conjunction with
10 the typed comments set out in the box?
11 A. Yes.
12 Q. You say:
13 "These comments are broadly of two types. One of
14 them is concerned with express local or international
15 rules, regulations or practices."
16 For example, paragraphs 2 and 3.
17 A. Yes.
18 Q. The other type are those not stipulated in any express
19 local or international rules, regulations or practices,
20 and you give as an example comment 11.
21 You also observe that paragraph 2 you interpret as
22 referring expressly to the Blue Book.
23 A. Yes.
24 THE CHAIRMAN: It doesn't do it expressly, does it? It
25 refers to the book by its full title, which you know as

Page 42

1 the Blue Book.
2 A. Yes. We may specify the Blue Book, what is Blue Book,
3 after the lawyer asked me.
4 THE CHAIRMAN: I'm sure we will, but it's not express,
5 is it?
6 MR BERESFORD: Well, Mr Wong, after the 1995 instructions
7 came into force, did you refer to that by its full
8 title, "Instructions for the Survey of Class I and
9 Class II Launches and Ferry Vessels", 1995? Would you
10 have expected that whole thing to appear in the typed
11 comments?
12 A. Do you mean at the time of approving the General
13 Arrangement plan?
14 MR BERESFORD: After 1996, when the 1995 instructions --
15 A. After 1996, I was transferred out of the section. So
16 I don't need to use that new --
17 Q. So you can't help us with that?
18 A. Huh?
19 Q. You can't help us with the practice after 1996?
20 A. The practice after 1996 --
21 Q. After, if you would.
22 A. -- in the local craft section --
23 Q. Yes.
24 A. You mean my colleague in that section?
25 Q. I only want to know what you know. So if you weren't

Page 43

1 there, then you can't help us; is that right?
2 A. Because I did not work at that time in the local craft
3 section. I don't want to make a confusion.
4 Q. No, I don't want you to either, Mr Wong.
5 A. Okay.
6 Q. That's fine. Thank you.
7 Then you go on to say:
8 "Although so stated, there was in fact no applicable
9 rule, regulation or practice which required both damage
10 stability and floodable length calculation to be
11 approved in respect of non-seagoing local vessels. This
12 is because under paragraph 15 of the Blue Book, all that
13 was stated (in respect of non-seagoing local vessels)
14 was as follows:
15 'All new launches, designed to carry more than 100
16 passengers, must comply with the watertight subdivision
17 requirements. Regulation 5 of the Merchant Shipping
18 (Passenger Ship Construction and Survey) Regulations
19 1984 refers' (' the 1984 Regulations')."
20 Perhaps we could just pause there and refer to the
21 Blue Book so that we all know what we're talking about.
22 There's a copy at marine bundle 8, page 1761. We see
23 that that is entitled "Instructions for the Survey of
24 Launches and Ferry Vessels, Marine Department,
25 Hong Kong" and that's repeated on the next page, where

Page 44

1 it's shown to have been "Printed and published by the
2 Government Printer, Hong Kong".
3 A. Yes.
4 Q. And the arrangement of the instructions or table of
5 contents is set out at pages 1763 to 1765.
6 Paragraph 15 forms part of chapter II, which is
7 headed "Requirements and construction of hull", which we
8 can see from page 3. If we go to the top of page 1768.
9 So that's the beginning of chapter II, "Requirements and
10 construction of hull". Then if we go forward two pages
11 to page 1770, we see at the top, paragraph 15, headed
12 "Watertight Subdivision". That's the paragraph you've
13 cited in your statement, is it not, Mr Wong?
14 A. Yes.
15 Q. "All new launches, designed to carry more than 100
16 passengers, must comply with the watertight subdivision
17 requirements. Regulation 5 of the Merchant Shipping
18 (Passenger Ship Construction and Survey) Regulations
19 1984 refers."
20 A. Yes.
21 Q. Then you go on to explain that the reference to
22 regulation 5 is a typographical error and it should
23 refer to regulation 6.
24 A. Yes.
25 Q. You give a detailed explanation of why that is the case.

<p style="text-align: right;">Page 45</p> <p>1 We agree with you, so I don't know, Mr Chairman, if you 2 want me to go through all that explanation. 3 THE CHAIRMAN: It's simply a mistake? 4 MR BERESFORD: It's simply a mistake, yes. It's apparent 5 from the derivation from the UK regulation. 6 THE CHAIRMAN: Yes. 7 MR BERESFORD: That's accepted by Dr Armstrong. 8 THE CHAIRMAN: Is now a convenient time to look at that 9 regulation in its proper form? 10 MR BERESFORD: Do you want to look at the English 11 regulation? 12 THE CHAIRMAN: Well, to put it into context, what is 13 paragraph 15 requiring the vessel to be equipped with? 14 MR BERESFORD: Paragraph 15 refers to watertight 15 subdivision. It's the paragraph that we had on the 16 screen. 17 THE CHAIRMAN: Yes. 18 MR BERESFORD: Oh, I see. I'm sorry. I'm being slow, 19 Mr Chairman. 20 This is exhibited to your statement, is it not, 21 Mr Wong, at WCK-1, which is at page 3887. I'm sorry, 22 this is the English version. 23 Mr Wong, it's my fault. Paragraph 15 of the Blue 24 Book refers to a regulation of the English regulations; 25 is that right?</p>	<p style="text-align: right;">Page 47</p> <p>1 instructions at marine bundle 8, page 1822, 2 instruction 8: 3 "All vessels designed to carry more than 100 4 passengers, shall comply with the watertight subdivision 5 requirements as stipulated in regulation 6 of the 6 Merchant Shipping (Safety) (Passenger Ship Construction 7 and Survey) (Ships Built On or After 1 September 1984) 8 Regulations 1991, as amended." 9 Mr Wong, that is not in fact reference to the 10 English regulations, is it? Not the 1984 regulations, 11 anyway. 12 A. No, no, no. 1991 is our legislation. 13 Q. Yes. 14 A. That's under Cap 369 -- but that is the same, I think 15 nearly the same as the UK 1984. 16 Q. In substantially the same terms? 17 A. (Witness nods). 18 Q. In any event, while we're here, regulation 8 or 19 instruction 8 of the 1995 instructions is applied to 20 what was defined as "existing vessels" by instruction 8A 21 at page 1830. 22 THE CHAIRMAN: And we pick that up from the title at 23 page 1828, do we? 24 MR BERESFORD: At page 1828 chapter IIA deals with existing 25 vessels. Chapter II deals with new vessels.</p>
<p style="text-align: right;">Page 46</p> <p>1 A. Yes. 2 Q. Yes. Paragraph 6, which is the paragraph that should be 3 referred to -- 4 A. Yes. 5 Q. -- is at page 3888. Is that right? 6 A. Right. 7 Q. Paragraph 5 is in fact on the previous page. We can see 8 that that is obviously inappropriate; it deals with 9 application. 10 But paragraph 6 of the English 1984 regulations 11 requires that: 12 "Every ship shall be subdivided by bulkheads, which 13 shall be watertight up to the bulkhead deck, into 14 compartments the maximum length of which shall be 15 calculated in accordance with such of the provisions of 16 schedule 1 to these regulations as apply to that ship. 17 Every other portion of the internal structure which 18 affects the efficiency of the subdivision of the ship 19 shall be watertight, and shall be of a design which will 20 maintain the integrity of the subdivision." 21 So that is the regulation that was required to be 22 complied with by paragraph 15 of the Blue Book; is that 23 right? 24 A. Yes. 25 Q. You go on to say the error has been corrected in 1995</p>	<p style="text-align: right;">Page 48</p> <p>1 But, Mr Wong, Lamma IV was a new vessel, wasn't it? 2 If we look at the definition of "new vessel", the 3 definition is on page 1817 -- 4 A. No. Lamma IV is not a new one. 5 THE CHAIRMAN: Let's have a look at it so we can follow what 6 you're saying. 7 MR BERESFORD: Page 1817 shows the definitions of both 8 "existing vessel" and "new vessel". We have to start 9 with "new vessel". 10 THE CHAIRMAN: We're looking at the 1995 regulations or 11 instructions, rather; is that right? 12 MR BERESFORD: That's right, Mr Chairman. 13 THE CHAIRMAN: And which page? 14 MR BERESFORD: Page 1817. 15 THE CHAIRMAN: Yes. 16 MR BERESFORD: We see first of all: 17 "existing vessel" means a vessel which is not new 18 vessel." 19 THE CHAIRMAN: Just pause so we can follow this. 20 MR BERESFORD: "new vessel" means 21 (a) a vessel the keel of which is laid ..." 22 Passing over the other subparagraphs: 23 "... on or after 1 January 1995". 24 A. Yes, but actually this 1995 instruction was prepared in 25 the whole year of 1995, with the provisional advisory</p>

Page 49	Page 51
<p>1 committee of local craft. 2 Q. Mr Wong, I understand your point and we're going to come 3 to that. 4 A. Okay. 5 Q. I'm not going to stop you from saying that. 6 A. Okay. 7 Q. But the point is here that, even assuming these were to 8 apply, chapter II applies to new vessels; chapter IIA 9 applies to existing vessels. In relation to watertight 10 subdivision, rule 8A of chapter IIA says instruction 8 11 should be complied with. 12 A. Yes. 13 Q. So it doesn't matter; it's the same? 14 A. Yes. 15 Q. What's more, as I understand your evidence, the 1995 16 instructions are substantially the same as the Blue Book 17 as far as watertight subdivision is concerned? 18 A. Yes, only as far as -- for the issue of watertight 19 subdivision. 20 Q. Yes. 21 A. But not the other. 22 Q. No. But watertight subdivision, no change? 23 A. Yes. 24 Q. Thank you. You've set out regulation 6 of the 1984 25 regulations at paragraph 24 of your statement, and in</p>	<p>1 "Damaged stability and floodable length calculation to 2 be submitted for approval." 3 A. Yes. 4 Q. You say: 5 "... although paragraph 11 referred to both damage 6 stability and floodable length calculation, the former 7 [ie damage stability] was not required under the Blue 8 Book." 9 The comments are just coming up on the screen now, 10 so if you could just focus so that we can see 11 comment 11. 12 THE CHAIRMAN: This is page 172 then, rather than page 2172? 13 MR BERESFORD: It's marine bundle 2 -- 14 THE CHAIRMAN: Yes, but the page number -- 15 MR BERESFORD: Page 172. 16 THE CHAIRMAN: The page numbers are unique, are they not? 17 MR BERESFORD: No, Mr Chairman. 18 THE CHAIRMAN: They're not? 19 MR BERESFORD: No, the police bundles and the marine bundles 20 are all different numberings. 21 THE CHAIRMAN: Then we miscarried, because it was intended 22 that each page have a unique number. Then one wouldn't 23 get involved in this complexity. 24 Thank you. Carry on. 25 MR BERESFORD: I believe they call them Bates numbers in the</p>
Page 50	Page 52
<p>1 fact we've just looked at those regulations so there's 2 no need to read that again. 3 Mr Wong, do you agree that that's based on SOLAS 4 regulations? 5 A. Yes. Yes. 6 Q. You then say at paragraph 25: 7 "The importance of this is that schedule 1 of the 8 regulations [referred to in regulation 6] only deals 9 with calculation of maximum length of watertight 10 compartments, whereas matters concerning stability in 11 damaged condition lie outside schedule 1 and are 12 contained in schedule 3 instead." 13 A. Yes. 14 Q. You say: 15 "The said regulation 6 (which was imported into the 16 Blue Book by paragraph 15 thereof) therefore only 17 required compliance with the provisions relating to the 18 maximum length of watertight compartments and not damage 19 stability." 20 A. Yes. 21 Q. You then refer back to the comments on the approved 22 General Arrangement plan, because in those comments -- 23 comment 11 -- 24 THE CHAIRMAN: Which page? 25 MR BERESFORD: Page 2172 of marine bundle 2 required both</p>	<p>1 United States, Mr Chairman. I don't know why they're 2 not more commonly used here. 3 We can see now comment 11: 4 "Damaged stability and floodable length calculation 5 to be submitted for approval." 6 You're pointing out that although comment 11 7 referred to both matters, damage stability was not 8 referred to under the Blue Book. 9 THE CHAIRMAN: Do you agree, is that what you're saying? 10 A. Yes, but I need to elaborate something. 11 THE CHAIRMAN: I think all counsel is doing is trying to 12 take this step by step, and you'll have your chance in 13 due course. 14 A. Okay, but I think a simple explanation about the meaning 15 of "approval" ... 16 THE CHAIRMAN: Yes, if you feel it would help us. 17 A. Yes. Actually we use the word "approval" as a broad 18 term. Every time we request the owner to submit a set 19 of drawings, it includes a large number of items and we 20 group it, a simple wording, "submit the whole set for 21 approval". But not all the drawings we will stamp 22 "approved" later on. That is the point I need to 23 specify. 24 THE CHAIRMAN: You stamp some of them "seen", do you not? 25 A. Yes, "seen", just for information.</p>

<p style="text-align: right;">Page 53</p> <p>1 THE CHAIRMAN: Meaning that you've seen the documents but 2 not approved them? 3 A. So I agree the wording for that statement is somewhat 4 misleading, that floodable length and damage stability 5 to be submit for approval, but actually that is not -- 6 for the real meaning of the approval. 7 MR BERESFORD: Mr Wong, let's see if anything turns on that, 8 shall we, before we worry too much about it. 9 A. Okay. 10 THE CHAIRMAN: That's where you're taking issue, that the 11 phrase "approval" is used? What are you suggesting, 12 that if it had been written properly it would have said 13 "so that we can mark it as being seen"? 14 A. Yes. 15 THE CHAIRMAN: Is that your point? 16 A. Yes. 17 THE CHAIRMAN: Just so I understand. 18 A. Yes, okay. 19 THE CHAIRMAN: I think we ought to take a break at that 20 stage. Let's take 15 minutes. 21 (3.37 pm) 22 (A short break) 23 (3.55 pm) 24 THE CHAIRMAN: Mr Wong, you continue to testify according to 25 your original affirmation.</p>	<p style="text-align: right;">Page 55</p> <p>1 a submission of damage stability calculation." 2 A. Yes. 3 Q. And you say it worked the other way round as well. So 4 sometimes a shipyard might submit only a damage 5 stability calculation without a floodable length 6 calculation. 7 A. (Witness nods). 8 Q. And you regarded yourselves as having a discretion 9 whether or not to accept such submission as sufficient. 10 A. Yes, I will consider the detail of the damage stability 11 and then I will accept it, if that is enough -- 12 Q. You considered you had a discretion? 13 A. Yes. 14 Q. That's all I'm on at the moment. 15 Then you refer specifically to the Cheoy Lee 16 submission, and you say that they submitted only 17 a calculation of damage stability and not floodable 18 length. We haven't seen this yet, so let's have a look 19 at the Cheoy Lee submission. This is to be found in 20 marine bundle 2 at page 337. We see there a letter from 21 Cheoy Lee Shipyards dated 6 March 1996 addressed to the 22 Director of Marine, saying: 23 "Please find enclosed two copies each of the 'Damage 24 Stability information' booklet". 25 That's stamped with the Marine Department Shipping</p>
<p style="text-align: right;">Page 54</p> <p>1 A. Yes. 2 THE CHAIRMAN: Mr Beresford. 3 MR BERESFORD: Thank you, Mr Chairman. 4 Mr Wong, can I just clarify one minor matter that 5 arose out of our previous discussion. 6 You noticed on the General Arrangement plan a key 7 saying "WT" meant "weather-tight". Do you remember 8 that? 9 A. Yes. 10 Q. But it doesn't always mean "weather-tight", does it? It 11 meant weather-tight on that plan, but on other documents 12 and drawings it may mean watertight, which is 13 a different thing. 14 A. I agree. 15 Q. I just want to put a marker down that that may be 16 different. Thank you. 17 We were at paragraph 26 of your witness statement. 18 Having distinguished between the damage stability and 19 floodable length calculation referred to in comment 11 20 on the General Arrangement plan, you say: 21 "As a matter of practice, those shipyards which were 22 familiar with the section sometimes would only submit 23 calculation relating to floodable length but not damage 24 stability, and the section could, in its discretion, 25 still accept such submission without also requiring</p>	<p style="text-align: right;">Page 56</p> <p>1 Division stamp, dated 7 March 1996. It is marked in 2 handwriting with the word "seen". Do you agree that 3 that is Mr Leung Wai-hok's signature? 4 A. No, no. That is the -- I believe that is the principal 5 surveyor, Mr Hussain. Because the letter first to his 6 office, and then he signed the initial -- that is only 7 for the letter. 8 Then -- 9 Q. So where it says "seen, 8/3", you identify those 10 initials as "WSH"? 11 A. Not WSH. That's Mr Hussain. He is the senior of 12 Mr WSH. 13 Q. Oh, the senior of Mr WSH? 14 THE CHAIRMAN: Just tell us who it is, if you would. Who 15 is it? 16 A. It is the principal surveyor. 17 THE CHAIRMAN: No, what's his name? Does he have a name? 18 A. His surname is Hussain. It's an Indian nationality. 19 THE CHAIRMAN: Hussain? 20 A. Hussain, yes, H-u-s-s-a-i-n. 21 THE CHAIRMAN: Mr Hussain? 22 A. Yes, principal surveyor at that moment. 23 MR BERESFORD: Thank you. Then attached to that on the next 24 page, 338, we see the damage stability information, 25 front page. That's also marked with a Marine Department</p>

Page 57	Page 59
<p>1 Shipping Division "seen" stamp, dated 26 July 1996. Who 2 signed that one? 3 A. Another ship surveyor, Mr Leung. 4 Q. That's Mr Leung, is it? 5 A. Yes, Mr Leung Wai-hok. 6 Q. Mr Leung Wai-hok. 7 Mr Chairman, we are due to hear from Mr Leung 8 Wai-hok later this week. 9 THE CHAIRMAN: Thank you. 10 MR BERESFORD: Then at page 339 of the bundle, page 1 of the 11 booklet, we see a calculation for the fore peak 12 compartment. 13 Perhaps we could see the whole page, please. 14 At page 340, we see a similar calculation for the 15 void space aft of the fore peak compartment. 16 At page 341 -- 17 THE CHAIRMAN: Just before you move on, pause, if you would. 18 Yes, thank you. 19 MR BERESFORD: Page 341, a similar calculation for the 20 crew's space. This is the hatched area on the profile; 21 is that right, Mr Wong? 22 A. Yes. 23 Q. At page 4, we see one done for the engine room 24 compartment. At page 343, we see one for the tank room. 25 At page 344, we see one for the steering gear</p>	<p>1 Yes, Mr Beresford. 2 MR BERESFORD: Can we turn back to page 343. This is the 3 calculation on the assumption that the damaged 4 compartment is the tank room; is that right? 5 A. Yes. 6 Q. We won't go through all of the figures, but an important 7 one is the second-to-last column, headed "GMT", which is 8 the metacentric height, is it not? 9 A. Where? 10 Q. "GMT" -- 11 A. Yes, GMT, yes. 12 Q. -- is the -- 13 A. That is the metacentric height. 14 Q. Thank you. 15 THE CHAIRMAN: Before you go any further, what does that 16 mean? 17 MR BERESFORD: That's exactly what I was going to ask him, 18 Mr Chairman. 19 THE CHAIRMAN: Let's ask the witness. 20 MR BERESFORD: In layman's terms, is that the amount of the 21 righting lever? 22 A. No. 23 Q. How would you describe it then, Mr Wong? 24 A. The metacentric height, that is the characteristic of 25 a ship's centre of gravity, and at the M is the rotating</p>
Page 58	Page 60
<p>1 compartment. 2 A. Yes. 3 Q. So there's one calculation for each compartment of the 4 underdeck; is that right? 5 THE CHAIRMAN: Do you agree? 6 A. According to this booklet -- I don't agree that is each 7 compartment. For my understanding, the last two were 8 not a one compartment. 9 THE CHAIRMAN: That's not how the information has been 10 presented. It's been presented as though it were six 11 separate compartments, in the way it's been divided into 12 six parts. 13 A. Yes. 14 THE CHAIRMAN: Is that right? 15 A. It really divided in six compartments. 16 THE CHAIRMAN: Yes, we can see that because each one is on 17 a different page. 18 A. Okay. 19 THE CHAIRMAN: You can take issue with this matter -- don't 20 worry, you'll have plenty of opportunity to do so. 21 A. Okay, okay. 22 THE CHAIRMAN: But all you're being asked to confirm is 23 what's on the paper. 24 A. Because "compartment" has different meaning. 25 THE CHAIRMAN: You'll have your chance. Don't worry.</p>	<p>1 the ship's access. It's one of the points at the 2 midship -- at the centreline of the ship. 3 To speak simply, the G had to be lower than the M. 4 Then the ship will not turn over. If the G is above the 5 M, that metacentric height, then the GM has negative 6 value. If the GM has negative value, the ship will 7 turn, will turn over. 8 Q. As I understand it, the minimum was 0.05; is that right? 9 A. 50 mm. Yes. Yes, 0.05 metres. 10 THE CHAIRMAN: Minimum of GMT? 11 MR BERESFORD: Minimum GMT. So taking this -- 12 THE CHAIRMAN: Just pause a moment, please. 13 So the minimum is 50 mm? 14 A. Yes, 50 mm. 15 THE CHAIRMAN: Yes. 16 MR BERESFORD: So if the minimum is 0.05 metres, then the 17 figure here, 0.636 metres, is satisfactory? 18 A. Yes. With a lot of margin. 19 Q. Yes. Then at page 344, we have a separate calculation 20 for the steering gear compartment. We also see on these 21 profiles a drawing of a margin line. 22 THE CHAIRMAN: Could you illustrate that and ask the witness 23 to agree or disagree, what a margin line is? 24 MR BERESFORD: Yes, Mr Chairman. 25 We can see the margin line drawn on the profiles,</p>

Page 61	Page 63
<p>1 can we not, Mr Wong? 2 A. Yes. 3 Q. Yes. And it's a line drawn below the line of the deck? 4 A. Yes. 5 THE CHAIRMAN: Therefore it forms a parallel line, does it? 6 A. Yes, parallel line along the deck at side, not at 7 centre. 8 THE CHAIRMAN: We see that at page 339, "Deck at sideline"; 9 is that right? 10 A. You are right. 11 THE CHAIRMAN: Thank you. 12 MR BERESFORD: It's a plane, is it not, three inches below 13 the line of the deck? 14 A. Yes. 15 THE CHAIRMAN: The margin is always 3 inches? 16 A. In the imperial unit, 3 inches. But now in the metric 17 unit, some use 75 and some other SOLAS use 76. Only 18 1 millimetre difference. 19 THE CHAIRMAN: So 3 inches or 76 -- what unit? 20 A. Metric. 21 THE CHAIRMAN: Yes, what unit, though? 22 MR BERESFORD: Millimetres. 23 A. Millimetres. 24 THE CHAIRMAN: Thank you. 25 MR BERESFORD: That's basically a margin of safety, isn't</p>	<p>1 there is a watertight bulkhead between those 2 compartments, does it not? 3 A. Yes, according to this calculation. 4 Q. According to this calculation, yes. 5 A. Yes. 6 Q. And if the calculation were done with the tank room and 7 steering compartment flooded, it would show that the 8 boat would have sunk, wouldn't it? 9 A. Can you say it again? 10 Q. Yes. If you did this calculation, treating the steering 11 gear compartment and the tank room as one compartment, 12 it would show that the boat would sink, wouldn't it? 13 A. I don't agree. 14 Q. Have you done the calculation? 15 A. You mean now or -- 16 Q. Have you done it at all, ever? 17 A. -- at that moment? I haven't done it, but I know -- 18 I have -- I've seen the calculation. The ship will not 19 sink. 20 THE CHAIRMAN: Just give me a moment, please. So you've 21 seen a calculation, but you haven't done it yourself? 22 A. Not done by myself, of course, because I already 23 transferred out of the section. 24 THE CHAIRMAN: All I'm trying to do is summarise your 25 evidence. You've seen this calculation, and it doesn't</p>
Page 62	Page 64
<p>1 it, because if the compartment were to flood over the 2 deck, the ship would sink? 3 A. Yes. 4 THE CHAIRMAN: We see this margin line expressed in metric 5 units, do we not, at pages 340 and 341, by the margin 6 line? 7 MR BERESFORD: Is that the margin line, Mr Wong, 75 mm? 8 THE CHAIRMAN: Just zoom in, if you would. 9 A. It's shown here as 75, yes. 10 THE CHAIRMAN: Thank you. 11 MR BERESFORD: At page 344, there's a separate drawing for 12 the steering gear compartment, is there not? 13 THE CHAIRMAN: Do you agree? 14 A. Agree. 15 THE CHAIRMAN: The only problem we have with nodding is 16 nodding doesn't go down on the transcript. So it looks 17 as though Mr Beresford is asking you dozens of questions 18 with no answers from you. 19 A. Okay, okay. Sorry. 20 THE CHAIRMAN: So can I ask you to use words? 21 A. Okay. 22 THE CHAIRMAN: Thank you. 23 MR BERESFORD: The fact that they have done separate 24 calculations and prepared separate drawings for the tank 25 room and the steering gear compartment implies that</p>	<p>1 show that the vessel would sink, but you didn't do the 2 calculation yourself; is that your evidence? 3 A. Yes. 4 THE CHAIRMAN: Have I got it right? 5 A. Right. 6 THE CHAIRMAN: Thank you. 7 Just give me a moment, please, Mr Beresford. Thank 8 you. 9 MR BERESFORD: Can you tell us where you saw this 10 calculation, please, Mr Wong? 11 A. Well, because for this statement, I make my point in 12 a later paragraph. I mention for this existing 13 document, I can't see that combined flooding condition 14 between the tank room and the steering gear room. 15 Q. Mr Wong, have you seen the calculation or have you not 16 seen the calculation? 17 A. For myself? 18 Q. Have you seen a calculation? Yes, yourself. 19 A. Myself? No. 20 Q. No. 21 A. (Witness nods). 22 THE CHAIRMAN: Just let me take a note of that, because 23 a moment ago you told me you did. Just let me take 24 a note. 25 Thank you.</p>

Page 65	Page 67
1 MR BERESFORD: You say in your statement in relation to this 2 document -- 3 THE CHAIRMAN: Before you move on, Mr Beresford, are you 4 going to pursue this matter with the witness? 5 MR BERESFORD: Well, it does arise again in his statement 6 and I was proposing to deal with it then, Mr Chairman. 7 THE CHAIRMAN: Very well. Are you in a position to put the 8 calculation to him? 9 MR BERESFORD: No, Mr Chairman. Perhaps I can deal with 10 that -- we're coming to the end of the day, Mr Chairman. 11 What I was going to invite the witness to do is to, if 12 he feels able to, prepare his own calculation. Perhaps 13 I can put a calculation to him tomorrow. 14 THE CHAIRMAN: Very well. 15 So the proposition is, if this damage stability 16 calculation is done for this Lamma IV hull, if tank room 17 and steering room are combined, it would show that the 18 vessel would sink? 19 MR BERESFORD: That's the proposition, Mr Chairman. 20 THE CHAIRMAN: Thank you. 21 MR BERESFORD: So, Mr Wong, did you hear that exchange 22 between Mr Chairman and myself? 23 A. Yes. 24 Q. If I invite you to do your own calculation overnight, 25 would you be able to do that?	1 Stability Calculation for Lamma IV". That's the bold 2 heading. It says at the bottom that it's "Prepare by 3 Peter Cheng Naval Architect & Marine Consultant Ltd". 4 And that's repeated on the obverse side. 5 Do you understand "Peter Cheng Naval Architect & 6 Marine Consultant Ltd" to be the author of the document? 7 A. Yes. 8 THE CHAIRMAN: The document gives results, does it not? 9 A. That is the summary, yes. 10 THE CHAIRMAN: Yes. It's a results sheet. 11 A. Yes. 12 THE CHAIRMAN: Not a step along the way that gives the data 13 of how you get there. 14 A. No, I -- 15 THE CHAIRMAN: Just listen to my question, and if it helps, 16 ask the interpreter to interpret it. The question is 17 simply this: this is a result of the calculation? 18 A. Yes. 19 THE CHAIRMAN: Not the calculations? 20 A. Yes. 21 THE CHAIRMAN: Do you have the calculations? 22 A. I don't have the exact copy, the full copy. 23 THE CHAIRMAN: Do you have any copy of the calculations? 24 A. No, but I can get it if you want. 25 THE CHAIRMAN: Would it assist us, do you think, in dealing
Page 66	Page 68
1 A. Overnight? No. Because actually for this damage 2 calculation, we need a computer software to input all 3 this data of the hull form. And actually the computer 4 software does it for us. I have no such software. 5 Q. Very well, Mr Wong. 6 A. But can I say something? 7 THE CHAIRMAN: Yes. 8 A. Actually -- 9 THE CHAIRMAN: On this subject? 10 A. Yes, on this subject. 11 THE CHAIRMAN: Yes. 12 A. Because after the incident, I saw the calculation by the 13 colleague and one of the naval architects. I have the 14 copy now, showing these two compartments will survive. 15 THE CHAIRMAN: Right. So you have seen a calculation. 16 We're back to the first version now, are we? 17 A. But not the first version. 18 THE CHAIRMAN: Not only that; you've got it with you? 19 A. Yes. 20 THE CHAIRMAN: Do you want to share it with us? Thank you. 21 (Handed). 22 A. The first one. 23 THE CHAIRMAN: Thank you very much. 24 What you've handed me, and thank you for doing so, 25 is a document headed "Comparison of Result of Damaged	1 with this issue? That is, would the vessel have sunk on 2 a calculated basis if tank room and steering compartment 3 had been combined? Would it help resolve that question? 4 A. It's already shown in the summary. 5 THE CHAIRMAN: Well, that's the result. But can you get us 6 the calculations? 7 A. Yes. Tomorrow. 8 THE CHAIRMAN: Thank you very much. 9 Perhaps I could ask for this to be copied and then 10 provided to counsel. 11 Just give me a moment, please, Mr Beresford. 12 MR BERESFORD: Certainly, Mr Chairman. 13 THE CHAIRMAN: Thank you. 14 MR BERESFORD: Mr Wong, you say that you see from the 15 documents in this case that Cheoy Lee only submitted 16 a calculation of damage stability and not floodable 17 length. 18 A. Yes. 19 Q. Is that the document we've just been looking at? 20 A. Yes. 21 Q. But that's not a floodable length calculation, is it? 22 A. That is not a floodable length. 23 Q. No. Because that is just the result of a watertight 24 subdivision calculation; would you agree with that? 25 A. I think that is only a damage stability calculation.

<p style="text-align: right;">Page 69</p> <p>1 But if you look at the drawing, the profile, the 2 builder, I think, to my understanding, he intentionally 3 drew the margin line for the normal damage calculation. 4 We don't need to draw this margin line. So what I guess 5 is he wished to use this calculation in view of the 6 floodable length, and only submit that sort of damage 7 stability for our consideration. 8 Q. Yes, but the point is that there's no attempt here to 9 determine what is the maximum length of watertight 10 compartments, is there? 11 A. Yes; it did not have the meaning to design, but 12 opposite, in opposite way, it showed compartment already 13 in that length. If under that length compartment can 14 survive a trimming condition less than the margin line, 15 it has the same meaning as the floodable length 16 calculation. You get what I mean? 17 Q. Mr Wong, let's take it step by step. You have said that 18 the calculations have been done on the basis of the 19 lengths of the compartments as designed. 20 A. Yes. 21 Q. The calculations are not an attempt to find out what the 22 maximum length the compartment could be before the 23 vessel floods? 24 A. (Witness nods). 25 Q. Is that right?</p>	<p style="text-align: right;">Page 71</p> <p>1 to say, the ability of a vessel to right itself? 2 A. No. 3 Q. You don't agree with that? 4 A. That's not the case. Damage stability is actually 5 similar to determine whether the compartment between two 6 watertight bulkheads can survive a ship. If you use 7 different standards, one compartment, two 8 compartments -- but that is not for -- what you said is 9 for the intact stability, not for the damage stability. 10 Q. All right. Thank you. 11 THE CHAIRMAN: Just a moment, please. 12 Thank you. 13 MR BERESFORD: As I understand your evidence, when you refer 14 to "damage stability", you're referring to the ability 15 of a vessel to remain afloat when one compartment is 16 flooded? 17 A. Yes. 18 Q. Then you say that it appears that Cheoy Lee's submission 19 that we've just looked at was accepted by your section 20 by applying a stamp marked "seen" on the damage 21 stability booklet, and you go on to explain that the 22 word "seen" was used because it was not a requirement 23 for the licensing of the vessel that the damage 24 stability calculation be approved. 25 A. Yes.</p>
<p style="text-align: right;">Page 70</p> <p>1 A. Yes. 2 Q. So it's not what is normally known as a floodable length 3 calculation? 4 A. Yes, that is not the normal floodable length calculation 5 procedure. 6 Q. Thank you. 7 THE CHAIRMAN: One has only got to look at the document 8 itself. Take page 344 as an example, please. If we 9 look at the top of the document, it's headed "Lost 10 Buoyancy Data. Damaged Compartment: Steering Gear 11 Compartment". It's obvious what it's addressing, is it 12 not? 13 A. It makes the calculation showing the final trim water 14 line. That is below the margin line and with the 15 sufficient metacentric height. 16 THE CHAIRMAN: But it's addressing things on 17 a compartment-by-compartment basis, providing lost 18 buoyancy data? 19 A. Yes. 20 THE CHAIRMAN: Thank you. 21 MR BERESFORD: Now, you call this damage stability, and so 22 does the builder. 23 A. Yes. 24 Q. Would you agree that "damage stability" is also a term 25 that is sometimes used to mean something else; that is</p>	<p style="text-align: right;">Page 72</p> <p>1 THE CHAIRMAN: That's what your statement says? 2 A. Yes. 3 THE CHAIRMAN: Thank you. 4 MR BERESFORD: Does that surprise you, Mr Wong, that it 5 shouldn't be a requirement for a vessel carrying 6 200 passengers? 7 A. No. Because actually, we come across this kind of 8 submission quite frequently, especially during the old 9 days, Yaumati Ferry or Star Ferry, they all submit this 10 kind of ship, more than 100. It's very -- that is not 11 unusual. 12 THE CHAIRMAN: So the proposition being put is whether or 13 not the witness is surprised that it doesn't require 14 Marine Department approval, rather than merely that the 15 document was seen? 16 MR BERESFORD: Yes. 17 THE CHAIRMAN: Do you understand the point? 18 A. Yes. 19 THE CHAIRMAN: And you're not surprised? 20 A. I'm not surprised. 21 THE CHAIRMAN: This happens all the time? 22 A. Yes. 23 MR BERESFORD: There's no regulatory requirement for any 24 damage stability calculation? 25 A. For the non-seagoing local vessel.</p>

<p style="text-align: right;">Page 73</p> <p>1 Q. Even if they're carrying 200-plus passengers? 2 A. Yes. But for passengers more than 1,000, we require 3 that after the accident of Man Tack in 1978, that is 4 a triple-decker ferry collided with the hydrofoil 5 somewhere in the Outlying Islands in 1978, and then it 6 caused the collision bulkhead, so it made it two 7 compartment, then under the recommendation of the Marine 8 Court, all similar vessels later built will comply with 9 the two-compartment standard and the area under curve of 10 the damage stability. 11 Q. So -- 12 A. That damage stability applied for the triple-decker 13 later built after the accident of Man Tack. But that is 14 only the court recommendation. No law was enacted after 15 that accident to put this in effect. 16 Q. Let me see if I've understood this correctly. After the 17 Man Tack accident in 1978, there was a practice to 18 require two-compartment stability for -- 19 A. For the similar vessel to Man Tack. 20 Q. In other words, triple-decker vessels carrying 1,000 -- 21 A. More than 1,000. 1,050. I can't recall the exact -- if 22 you see the court recommendation, there is some wording 23 about this. So that is some different vessel may 24 require, but the amount of issue is I think -- after 25 that accident, Yaumati Ferry Company only built I think</p>	<p style="text-align: right;">Page 75</p> <p>1 Number 11, you say: 2 "Damage stability and floodable length calculation 3 to be submitted for approval." 4 A. Yes. 5 Q. We've seen your fax of 1 August 1994, and you said that 6 that reflected the normal practice with non-seagoing 7 vessels carrying more than 100 passengers, to require 8 one-compartment flooding stability? 9 A. One compartment, yes. 10 Q. But what you are telling us is that there was no 11 mandatory regulation -- 12 A. Yes. 13 Q. -- but you would waive that if you so chose; is that 14 right? 15 A. That is why I urgently expressed my meaning what is that 16 "approval". "Approval" is not a mandatory requirement. 17 But what is written at that sentence, "to be submitted 18 for approval", is a broad term for the Marine Department 19 to use it to request the builder to submit one set of 20 drawings. And then it comes to the Marine Department, 21 have a decision to see if that drawing meets the 22 specific regulation, and we required that is a must 23 requirement, then we stamp is "Approved". But if that 24 is only for the information, for the record, and that 25 calculation is not based on some statutory rule, then we</p>
<p style="text-align: right;">Page 74</p> <p>1 not more than 10 of that vessel and then later, no more 2 vessel built ever. 3 Q. But we also began this afternoon's session by looking at 4 your fax or your department's fax of 1 August 1994, in 5 which you indicated that it was the practice to require 6 one-compartment stability for vessels carrying more than 7 100 passengers. 8 A. Yes. 9 Q. So there was a requirement for one-compartment -- 10 A. Flooding. 11 Q. -- flooding, but not a regulatory requirement, just 12 a practice; is that right? 13 A. I think that is not a mandatory requirement. 14 Q. Not mandatory? 15 A. Not mandatory. But we request that following a very 16 long history, that means even during the construction 17 period of Star Ferry, that is more than 60 years before, 18 we request the floodable length and the intact 19 stability. That's it. All the documents in our Marine 20 Department can prove it. So that is no damage 21 stability. 22 Q. You say on your comments on the General Arrangement plan 23 that damage stability would be required. 24 THE CHAIRMAN: Can we go back to that. Is that page 172? 25 MR BERESFORD: Yes, Mr Chairman.</p>	<p style="text-align: right;">Page 76</p> <p>1 stamp it "seen". 2 Q. Yes. 3 A. No matter what we write, for "approval", for -- I think 4 that is -- 5 Q. But what happens if the shipbuilder refuses to provide 6 you with a damage stability calculation? 7 A. If they submit the floodable length, we consider it 8 acceptable, without the damage stability. Because 9 actually we don't require the damage stability. But -- 10 if: 11 Q. Why do you ask for it then, if you don't require it? 12 A. I make my statement in the later paragraph. 13 Q. Just answer me, please. 14 A. Do I speak now -- 15 Q. Why do you ask for it if you don't require it? 16 A. Floodable length is outdated, outdated calculation. 17 Even now, UK will not use it. But for our local 18 section, we follow it until now. We follow it -- not 19 until now, until the enactment of Cap 508, that is 2007, 20 until 2007. We have one set of damage stability in our 21 code of practice. But before that date, we still follow 22 the old practice from UK; that is, request only the 23 watertight subdivision, that is the floodable length 24 calculation, without the request -- without requesting 25 the submission of damage stability.</p>

<p style="text-align: right;">Page 77</p> <p>1 But in 1984 -- 1980, maybe, the SOLAS already 2 included this damage stability together with the 3 watertight subdivision by means of calculating the 4 permissible length of the bulkhead. That is not the 5 same calculation as the floodable length. A different 6 approach. So we accept -- we request the builder in 7 overseas. They do not have the same meaning, the 8 understanding of what I want. So normally, they submit 9 two sets of drawings, two sets of calculations: one is 10 floodable length, the other is damage stability. 11 I can simply show in the -- you can check the expert 12 report. The report quotes "damage stability as 13 watertight subdivision". That is -- what I mean is they 14 confuse, even the report, the expert report, inside. 15 THE CHAIRMAN: Just let me ask you, what is the name of this 16 expert? 17 A. Dr Armstrong. 18 THE CHAIRMAN: Thank you. 19 A. The report, inside there, there are two pages. He 20 mentioned about the damage stability, but at the 21 footnote he referred that it's a watertight subdivision. 22 MR BERESFORD: Mr Wong, we're going to be coming to all of 23 this, it looks like tomorrow now. 24 A. Okay. Because if you ask me, I need to clarify this in 25 the first instance.</p>	<p style="text-align: right;">Page 79</p> <p>1 They used this, and our section followed the UK 2 standard. UK standard, the Blue Book, as I quote, 3 follows the UK instruction to surveyor to Hong Kong. 4 THE CHAIRMAN: Just let me interrupt, if I may. Are you 5 suggesting that you asked for both of these plans or 6 calculations simply because it was practice, although in 7 fact you didn't require them and you weren't going to 8 look at them, both of them? 9 A. No, we required as a reference to show the vessel can 10 withstand a one-compartment flooding standard. If the 11 builder only submit the floodable length, we will 12 definitely accept without any query or any further 13 consideration. But if there is no floodable length and 14 the builder, they use the modern approach and submit the 15 only document, the damage stability, and then this is 16 the modern calculation, we will accept it. 17 MR BERESFORD: I think I've got it, Mr Wong. Let me try one 18 more time, if I may. 19 So they're really different ways of achieving the 20 same object; is that right? 21 A. Yes. 22 Q. So if the builder provides you with a floodable length 23 calculation, you can use that to determine whether or 24 not the one-compartment flooding standard was satisfied? 25 A. Yes.</p>
<p style="text-align: right;">Page 78</p> <p>1 Q. Well, perhaps we'll come back to it when we've gone into 2 your evidence in a bit more detail. 3 Mr Chairman, would that be convenient? 4 THE CHAIRMAN: We were going to sit until 5 o'clock because 5 we've had a foreshortened day as it is. 6 MR BERESFORD: I'm sorry. I don't wish to foreshorten it 7 any further. I'll carry on. 8 THE CHAIRMAN: I don't suppose it was foreshortened for you, 9 but ... 10 MR BERESFORD: No, Mr Chairman. Habit dies hard. 11 Mr Wong, we don't have to finish just yet, so we can 12 explore this a bit more. 13 Mr Wong, we're going to be dealing with the 14 disagreements between you and Dr Armstrong in due 15 course. 16 I'm asking you about your paragraph 26, where you 17 say that even though paragraph 11, or comment 11, on the 18 General Arrangement plan requested the submission of 19 damage stability and floodable length calculations for 20 approval, you did not necessarily require them. 21 A. Yes. 22 Q. I'm simply asking you, why did you ask for them if you 23 didn't require them? 24 A. But that is the old practice. As I mentioned, even in 25 the year 1950, Whampoa Dockyard built the Star Ferry.</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. On the other hand, if the builder provided you with 2 a watertight division calculation, then you could see by 3 that whether or not the one-compartment flooding 4 standard was satisfied, and you would take either one of 5 those calculations in the builder's option to satisfy 6 the one-compartment standard; is that right? 7 A. Yes. 8 Q. Is that a fair summary? 9 A. Yes, but I will not use that "damage stability" as 10 "watertight subdivision". Because, actually, damage 11 stability is different from watertight subdivision. 12 Q. All right. But for now, the basic point is that these, 13 in your view, were two means of achieving the same 14 object -- 15 A. Yes. 16 Q. -- which was to determine whether or not the 17 one-compartment flooding standard was satisfied? 18 A. Yes. 19 Q. Thank you. 20 You then go on in your statement to deal with the 21 "Other Plans", which we've seen briefly. You specify 22 the plans, entitled "Shell Expansion", "Midship 23 Section", "Profile & Deck" and "Sections & Bulkheads", 24 and in each case you say that those were examined by you 25 in the first instance and not by Mr Leung Kwong-chow,</p>

<p style="text-align: right;">Page 81</p> <p>1 the ship inspector? 2 A. Yes. 3 Q. You've given the references. It's pages 202 to 205. We 4 have looked at them briefly. 5 THE CHAIRMAN: Could we have a look at them again, please. 6 Page 202. Scroll down to the "Approval" box, "17 May 7 1995". 8 MR BERESFORD: Page 202 is "Shell Expansion", dated -- 9 THE CHAIRMAN: It's just the box that I'd like to go to. 10 MR BERESFORD: Yes. 11 THE CHAIRMAN: Is that your signature in the box? 12 A. Yes, yes. 13 MR BERESFORD: Page 203 is "Midship Section". It has a box 14 on the right dated 17 May 1995. 15 THE CHAIRMAN: Again, is that your signature? 16 A. Yes. 17 MR BERESFORD: Page 204 is "Profile & Deck". It has a box 18 dated 3 May 1995. Your signature? 19 A. Yes. 20 Q. Page 205 is "Sections & Bulkheads (Sheet 1 of 2)", and 21 that's also got a box dated 3 May 1995. Your signature? 22 A. Yes. 23 Q. Thank you. You say that there are two types of 24 handwritten words appearing on these drawings. The 25 words encircled by circular squiggly lines were inserted</p>	<p style="text-align: right;">Page 83</p> <p>1 Q. Frame 4, frame 1 -- 2 A. Yes. 3 Q. There's a remark added above frame 1: "See section B-B 4 of Drawing 'Sections & Bulkheads'". 5 A. Yes. 6 Q. And there's an asterisk above frame 1/2. Can you tell 7 us what the asterisk certifies? 8 A. That refers to another drawing, another "Sections & 9 Bulkheads". We don't want to show too many details on 10 all the drawings, so we just give a remark and then ask 11 the builder to refer to another drawing that requests 12 the addition of bracket between the bulkhead. 13 THE CHAIRMAN: What's a backhead? 14 A. Bracket is the structure between a beam and the girder, 15 or maybe the beam between the stiffener, just make it 16 the connecting piece, a steel plate, triangular in 17 shape. 18 THE CHAIRMAN: Connecting two perpendicular things? 19 A. Yes, connecting the structural member. 20 THE CHAIRMAN: Thank you. 21 MR BERESFORD: Then on the main deck plan, we can see 22 numerous handwritten marks in circles. They look like 23 hash signs. By frame 13, there's an annotation which 24 says "See Details in Drawing 'Sections & Bulkheads'". 25 A. Yes.</p>
<p style="text-align: right;">Page 82</p> <p>1 by Cheoy Lee staff by way of amendments, and the other 2 handwritten words were your own in response to the 3 drawings as amended? 4 A. Yes. 5 Q. Perhaps we can just try and identify those. 6 Because it was the first, in time, approved, let's 7 take the profile and deck at page 204. When you talk 8 about a circular squiggly line, is there an example of 9 that in the centreline, just above the centreline 10 profile, above the bow? 11 A. That is at frame number 19. You see the deck. That is 12 some -- frame number 19. 13 Q. Above frame number 19, yes. 14 A. Yes, 19, not 18. 15 Q. 19, yes. And there's a circular squiggly line saying 16 "175 x 2" something? 17 THE CHAIRMAN: Is that Cheoy Lee? 18 A. Yes. 19 THE CHAIRMAN: Thank you. 20 A. Cheoy Lee made the amendment. 21 MR BERESFORD: Then if we zoom out, we can see other circles 22 above frame 18, frame 13 -- 23 A. That is mine. 24 Q. -- frame 9? 25 A. Yes.</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. Is it right that all of the handwritten marks on the 2 main deck plan are your own? 3 A. Yes. 4 Q. And there is also a mark at frame 1/2. What does that 5 signify, please? 6 A. That is a symbol similar to 4 -- 7 Q. I see. That symbol means "in all cases on the main deck 8 plan, see details in drawing sections and bulkheads"? 9 A. Yes. 10 Q. Thank you. We see, just while we're looking at that 11 main deck plan, that frame 1/2 is drawn in a solid line, 12 whereas the frame 0, frame 1, frame 2 and frame 3 are 13 all drawn in dotted lines; do you see that? 14 A. Yes. 15 Q. Frame 4 is a solid line, and then the frames are dotted 16 lines until frame 9, which is a solid line. Frames 10, 17 11 and 12 are dotted lines. Frame 13 is solid. 18 Frames 14, 15, 16 and 17 are dotted. Frame 18 is solid. 19 So possibly -- no, that's something else, I think. 20 THE CHAIRMAN: What does the solid line signify? 21 A. Solid line signifies a bulkhead. 22 THE CHAIRMAN: Thank you. 23 MR BERESFORD: If we look at the bottom plan, which is the 24 last plan on that page, we can see a solid line 25 corresponding to each of those that we just looked at,</p>

<p style="text-align: right;">Page 85</p> <p>1 and they are all marked "WT BHD". What does that mean, 2 please? 3 A. "Watertight bulkhead". 4 Q. Watertight bulkhead. On this bottom plan, we have some 5 more squiggly lines in the centre, between frames 5 6 and 7. Are they Cheoy Lee's marks? 7 A. Yes. 8 Q. Are there any of yours on this bottom plan? I can't see 9 any. 10 THE CHAIRMAN: Do you see any of your hand on that bottom 11 plan? 12 A. No. 13 THE CHAIRMAN: Thank you. 14 MR BERESFORD: Thank you. Then if we can turn to page 205, 15 which is the drawing marked "Sections and Bulkheads". 16 We can see in the bottom right-hand corner, this is 17 drawing NC-391-5, and it's marked "Sheet 1 of 2". 18 I only draw attention to that, Mr Wong, because 19 different people may claim responsibility for different 20 sheets. 21 A. (Witness nods). 22 Q. We see some of the squiggly circles that you've 23 mentioned on frame 6, which is the third frame along at 24 the top, on the top line. 25 A. Yes.</p>	<p style="text-align: right;">Page 87</p> <p>1 deck girder. I requested a bracket under the deck 2 girder with this horizontal flat bar between the 3 stiffener. 4 THE CHAIRMAN: An addition of a backhead? 5 A. Yes, addition of a bracket and a horizontal bar. 6 THE CHAIRMAN: Thank you. 7 MR BERESFORD: Is that what was referred to in the 8 centreline profile at page 204? 9 MR MOK: I'm sorry, Mr Chairman, I think in the [draft] 10 transcript, line 19, the reference should be "bracket" 11 rather than what is stated there. 12 THE CHAIRMAN: Yes. Thank you for that. That will help the 13 shorthand writers. Thank you. 14 MR BERESFORD: I'm just asking if there's a connection 15 between the annotation you made on page 204, the Profile 16 and Deck drawing, and in particular the centreline 17 profile, and the annotation that you've made on the 18 Sections and Bulkheads drawing at page 205, and in 19 particular the bulkhead at frame 1/2? 20 A. Yes. That remark with two lines and -- two horizontal 21 lines and two vertical lines is the point referred to 22 the section. You see that is a remark? 23 Q. Yes. 24 A. Two horizontal lines with two vertical lines. 25 Q. In relation to the Sections & Bulkheads drawing, in fact</p>
<p style="text-align: right;">Page 86</p> <p>1 Q. We see some more on the frame underneath, frame 8, and 2 some more on frame 5 in the bottom row of frames. Those 3 are all Cheoy Lee's, right? 4 A. Yes. 5 Q. Then is it your marking that we can see on the left of 6 frame 6? 7 A. Frame 6? 8 Q. Something about pigeon holes? 9 A. Yes, "R25 Drain Holes". 10 Q. Then on the bulkhead at frame 4, that's in the middle of 11 the page -- 12 THE CHAIRMAN: Aren't we interested in the 1/2 frame 13 bulkhead, Mr Beresford? 14 MR BERESFORD: Yes, that's what I'm coming to. 15 THE CHAIRMAN: Well, can we go to that? 16 MR BERESFORD: Can we go straight to the 1/2 frame bulkhead, 17 bottom left corner, please. You've made an annotation 18 on there, have you not? 19 THE CHAIRMAN: Is that your circle at the top? 20 A. Yes. 21 THE CHAIRMAN: What was that put there for? 22 A. That is to add an additional structural member above the 23 deck beam, deck longitudinal. 24 THE CHAIRMAN: Deck longitudinal beam? 25 A. Yes. Actually, that is the deck girder. You saw the</p>	<p style="text-align: right;">Page 88</p> <p>1 you have said: 2 "... on the approved 'Sections and Bulkheads' plan 3 [that we've been looking at], there is a handwritten 4 asterisk inserted on the drawing marked 'Bulkhead at 5 Frame 1/2'. The asterisk referred to handwritten words 6 inserted by me on the drawing marked 'Bulkhead at 7 Frame 9', indicating that a bracket with the dimension 8 of 200 x 200 x 6 should be installed on 'both sides' of 9 the bulkhead." 10 A. Yes. 11 Q. Is that right? So, in respect of that, we have to look 12 not only at the bulkhead at frame 1/2 but also the 13 bulkhead at frame 9, which is in the right-hand -- yes, 14 it's there now on the screen. 15 You come then to the access opening marked on the 16 drawing marked "Bulkhead at Frame 1/2". That's showing 17 on the screen now. You say that although there was no 18 express indication on that drawing that that opening was 19 watertight, you considered that it should be read in the 20 context of the other drawings, and you refer to section 21 BB on the same plan, and the profile and deck and shell 22 expansion plans where the bulkhead at frame 1/2 was 23 indicated to be "WT", meaning "watertight"? 24 A. Yes. 25 Q. We can see section B-B in the top right-hand corner.</p>

Page 89	Page 91
<p>1 There we can see a vertical line which appears to go 2 from a 2 to a B. Is that a section that corresponds to 3 the line through the side of the drawing B-B in the 4 bulkhead at frame 1/2? 5 A. Yes. That is a plan view, a plan view. 6 Q. A plan view? 7 A. Yes, a plan view. 8 Q. Thank you. And between those markings in the 9 section B-B drawing, you can see the expression -- the 10 abbreviation for watertight bulkhead. 11 A. (Witness nods). 12 THE CHAIRMAN: Do you see that? 13 A. Yes, I see it. 14 MR BERESFORD: Thank you. So that's one of the indications 15 to you that that was meant to be a watertight bulkhead. 16 Then you refer to the "Profile and Deck" drawing, which 17 is at page 204. 18 THE CHAIRMAN: Before we move pages, whilst we're on 19 page 205, please, the bulkhead, I think "BHD at 20 Frame 1/2" -- can we zoom in to the rectangular box. 21 Expand that. 22 Can you help us with what these abbreviations mean: 23 "Access opening 1200 x 600 W/50R at corner (port only)". 24 A. That an opening. 50R is the radius, the radius of 25 four-corner -- make a radius at the four-corner top, the</p>	<p>1 MR BERESFORD: But otherwise the opening was to measure 1200 2 x 600; is that right? 3 A. Yes. 4 THE CHAIRMAN: That's millimetres? 5 A. Millimetres. 6 THE CHAIRMAN: Just coming back to this reference, "50R at 7 corner (port only)", does that mean that it's only on 8 two sides of this opening? 9 A. Only one side, port side. 10 THE CHAIRMAN: Why would you do that? Why would you make 11 provision for that on one side only of the access? 12 A. Because they can use one side to access from the tank 13 room to the steering compartment. There is no need to 14 provide two access opening. 15 THE CHAIRMAN: No. Is this a reference to the rectangular, 16 as we see it on the drawing, plan only, that only two of 17 these four corners are to be rounded? Is that right? 18 A. Right. 19 THE CHAIRMAN: Why do you round only two, not four? 20 A. No, four. Two upper and two lower. 21 THE CHAIRMAN: What then is the purpose of "(port only)"? 22 A. I can't understand. 23 MR BERESFORD: Mr Wong, does it perhaps refer to the access 24 opening being on one side, there only being one access 25 opening?</p>
Page 90	Page 92
<p>1 four top and bottom corners. 2 THE CHAIRMAN: Yes. The four corners of the rectangular 3 opening -- 4 A. Yes. 5 THE CHAIRMAN: -- has a radius of 50 what? 6 A. 50 mm. 7 THE CHAIRMAN: And what's encompassed in that radius? The 8 50 mm radius, what happens there, the four corners? 9 A. That is only to let the bulkhead plate without any hard 10 spot, and the stress will not concentrate too much at 11 that point. 12 THE CHAIRMAN: For what purpose? 13 A. For opening, at the plate, if you cut it square, it will 14 easily crack at the corner because of the sharp corner. 15 If you make it a little bit radius, then the stress will 16 be spread in a better way. And the force will not 17 concentrate at that point, and the plate will not easily 18 be cracked. 19 THE CHAIRMAN: So do I understand you to be saying this, 20 that the four corners of this access opening are to have 21 curved, rounded -- 22 A. Rounded curve. 23 THE CHAIRMAN: -- edges. Is that it? 24 A. Yes. 25 THE CHAIRMAN: Thank you.</p>	<p>1 A. Yes, only one access, at the port side. 2 THE CHAIRMAN: Thank you. 3 Well, we've gone past time. Mr Wong, obviously your 4 evidence is far from finished and I'm going to have to 5 ask you to come back. But let me canvass with counsel, 6 first of all, when that should be, because we're going 7 to interpose another witness tomorrow, as I understand 8 it. 9 MR PAO: Mr Chairman, there is a possibility -- I had a word 10 with my client over the break -- that my client may be 11 able to cancel his trip to South America altogether. 12 But he has to confirm it with his associate in a few 13 hours' time. 14 THE CHAIRMAN: Yes. 15 MR PAO: So the original order of the witnesses testifying 16 may be able to be restored. 17 THE CHAIRMAN: So what are you suggesting, that I should ask 18 Mr Wong to come back here tomorrow for 10 o'clock? 19 MR PAO: Yes, to come back tomorrow, because there is this 20 possibility. Well, a probability, actually. 21 THE CHAIRMAN: Very well. 22 MR PAO: So depending on what my learned friends -- 23 THE CHAIRMAN: If it's a probability, then that's probably 24 the sensible way to go. 25 MR PAO: Yes.</p>

<p style="text-align: right;">Page 93</p> <p>1 THE CHAIRMAN: Mr Wong, we think, it appears now, that we 2 can continue with you tomorrow morning because the other 3 evidence that we were to deal with, maybe we can deal 4 with it at some other stage. So may I ask you to come 5 back tomorrow to resume your evidence at 10 o'clock. 6 A. Okay. 7 THE CHAIRMAN: Thank you. 8 Mr Beresford, are there any housekeeping matters we 9 can deal with? 10 MR BERESFORD: Yes, Mr Chairman. We've now received some 11 more insurance information from Hongkong Electric which 12 has been scanned, and in particular is four pages which 13 have the reference of pages 1233 to 1236. 14 THE CHAIRMAN: Yes. I saw something that came in this 15 afternoon, I think. We'll deal with that at another 16 stage. 17 MR BERESFORD: Very well, Mr Chairman. 18 THE CHAIRMAN: Are there any other matters? 19 MR BERESFORD: No, Mr Chairman. 20 THE CHAIRMAN: Thank you. 10 o'clock tomorrow. 21 (5.05 pm) 22 (The hearing adjourned until 10 am on the following day) 23 24 25</p>	
<p style="text-align: right;">Page 94</p> <p>1 I N D E X 2 OFFICER FUNG WAI-KIN, TERENCE5 (affirmed in Punti) 3 Examination by MR BERESFORD5 4 (The witness withdrew)12 5 MR WONG CHI-KIN (affirmed in Punti)12 6 Examination by MR BERESFORD12 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	