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<p>1 Monday, 4 February 2013 2 (10.00 am) 3 THE CHAIRMAN: Mr Grossman? 4 MR GROSSMAN: Mr Chairman, just before Mr Beresford comes, 5 about a week or so ago we filed a witness statement from 6 a naval architect, Mr Wallaston. 7 THE CHAIRMAN: Yes. 8 MR GROSSMAN: I indicated to you at that stage that we would 9 probably not call him. 10 THE CHAIRMAN: Yes. 11 MR GROSSMAN: I can now indicate to the Commission that we 12 will not be calling Mr Wallaston. 13 THE CHAIRMAN: Thank you. I think the only document that 14 perhaps we would require -- perhaps it could be produced 15 through the next witness -- was one of the drawings that 16 was as-built, or as-completed. 17 MR GROSSMAN: Yes. I'll check that and ensure that it's 18 done. Thank you. 19 THE CHAIRMAN: Thank you. 20 Mr Grossman, the drawing I had in mind is in expert 21 bundle 2 at page 983, described as "General Arrangement 22 (As Fitted)". 23 MR GROSSMAN: Thank you. I'll certainly ensure that's done. 24 THE CHAIRMAN: Mr Beresford? 25 MR BERESFORD: Good morning, Mr Chairman and</p>	<p>1 courtesy of informing us, if that's what you're doing. 2 MR YEUNG: Yes. Thank you very much. 3 THE CHAIRMAN: But we'll deal with your application now, as 4 it's restricted to Mr Fung, later today. 5 MR YEUNG: Thank you. 6 THE CHAIRMAN: Mr Beresford. 7 MR BERESFORD: Mr Chairman, the next witness is Mr Tang 8 Wan-on. 9 MR TANG WAN-ON (affirmed in Punti) 10 (All answers via interpreter unless otherwise indicated) 11 Examination by MR BERESFORD 12 MR BERESFORD: Good morning, Mr Tang. Thank you very much 13 for attending this morning to assist this Commission 14 with its Inquiry. I have some questions to ask you on 15 behalf of the Commission. 16 Mr Tang, before I do so, you have made some 17 statements and given an interview previously in this 18 matter. There are some notes of an interview you gave 19 to the Marine Department which are to be found in our 20 marine bundle 1 at page 20, with the translation at 21 page 34-1. 22 You have also made a statement, which is to be found 23 in our RSRB bundle at pages 278 to 774; and 24 a supplemental statement in the same bundle at 25 pages 774-1 to 774-82.</p>
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<p>1 Mr Commissioner. My learned friend Mr Yeung indicated 2 he had an application or some housekeeping to sort out 3 before we start this morning. 4 THE CHAIRMAN: Yes. 5 Good morning, Mr Yeung. 6 MR YEUNG: Good morning, Mr Chairman. I'd like to seek 7 direction from Mr Chairman regarding the application we 8 made last week, to apply to recall Mr Fung of the Marine 9 Department. I wonder whether Mr Chairman can give 10 an indication as to when is the most appropriate time to 11 deal with our application. 12 THE CHAIRMAN: Not now, but thank you for reminding us. 13 It's not just Mr Fung either, is it; it's Mr Lo as well? 14 MR YEUNG: In light of the developments of the evidence, we 15 are not seeking to recall Mr Lo. I raise this because 16 the evidence has come to -- or the taking of evidence 17 has come to a stage that we believe we will be making 18 another application to seek leave for our team to be 19 excused, because it appears that the evidence is going 20 to another aspect which is not concerning our client. 21 THE CHAIRMAN: It's entirely a matter for you, your 22 instructing solicitors and your lay client as to whether 23 or not you attend and participate. We've granted you 24 leave to do so, but it doesn't mean that you have to 25 avail yourself of that right. But thank you for the</p>	<p>1 Do you have those three documents before you? 2 A. Yes. 3 Q. Do you recognise your signature on those documents? 4 A. Yes. 5 Q. Have you had a chance to remind yourself of their 6 content today? 7 A. Yes. 8 Q. Is there any amendment you wish to make? 9 A. On the first one, which is now shown on the screen, 10 there are three places I need to amend. 11 Q. Yes. Please tell us. 12 A. It's item 10. 13 Q. Paragraph 10? 14 A. Yes, paragraph 10. This is only being placed in the 15 office of the pier. 16 Q. So you wish to delete the words "put on board each of 17 HKEC's vessels and"; is that right? 18 A. Yes. 19 THE CHAIRMAN: When you say "the office of the pier", do you 20 mean the Lamma Power Station pier? 21 A. Yes. Yes, in the pier there's a room in there. 22 THE CHAIRMAN: Mr Beresford, do we have any photographs that 23 would help us understand this evidence? 24 MR BERESFORD: I'll see if something be brought out. 25 THE CHAIRMAN: Perhaps the witness can give us some idea of</p>

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<p>1 where it is, how big it is, who has access and so on.</p> <p>2 MR BERESFORD: Mr Chairman, I think the only photographs</p> <p>3 we've got in the bundles presently are the photographs</p> <p>4 from the sea of the typhoon shelter, with the boats at</p> <p>5 the pier at some distance. So they may not be of much</p> <p>6 assistance.</p> <p>7 THE CHAIRMAN: Very well.</p> <p>8 MR BERESFORD: But I understand that Hongkong Electric are</p> <p>9 following up on this, and they may be able to assist.</p> <p>10 MR GROSSMAN: Yes, we'll do our best to assist in this</p> <p>11 regard.</p> <p>12 THE CHAIRMAN: Thank you.</p> <p>13 Perhaps the witness can at least give us</p> <p>14 a description of where the room is and, as I say, who</p> <p>15 has access and so on.</p> <p>16 MR BERESFORD: Yes, Mr Chairman.</p> <p>17 So perhaps I can come back to that, Mr Chairman,</p> <p>18 when I come to that part of his evidence.</p> <p>19 THE CHAIRMAN: Very well.</p> <p>20 MR BERESFORD: So you said there were three amendments,</p> <p>21 Mr Tang?</p> <p>22 A. The second one is paragraph 16.</p> <p>23 Q. Yes?</p> <p>24 A. The training for the deckhand, Mr Leung, it should be in</p> <p>25 1998, November.</p>	<p>1 these notes of interview and your two statements true?</p> <p>2 A. Yes.</p> <p>3 Q. Thank you. Now, what I'm going to do, Mr Tang, is to</p> <p>4 work through your main witness statement and then your</p> <p>5 supplemental statement. So we'll start with the main</p> <p>6 witness statement at page 258.</p> <p>7 On 1 October 2012, you were in your position as</p> <p>8 marine officer employed by Hongkong Electric Company; is</p> <p>9 that right?</p> <p>10 A. Yes, correct.</p> <p>11 Q. But your work title has now changed to "marine manager"?</p> <p>12 A. Yes.</p> <p>13 Q. And you've completed secondary school education?</p> <p>14 A. Yes.</p> <p>15 Q. And you have experience as a sailor and a Liberian</p> <p>16 Class III certificate of competency?</p> <p>17 A. It should be Class II.</p> <p>18 Q. And what does that certify you as being competent in,</p> <p>19 Mr Tang?</p> <p>20 A. So I can be --</p> <p>21 THE INTERPRETER: Sorry, I need to look up the name.</p> <p>22 A. -- for the Liberian Class II in the vessel.</p> <p>23 MR BERESFORD: Is that competence as crew?</p> <p>24 A. Well, it's one of the positions in the crew.</p> <p>25 Q. Yes. I'm told it's a second-mate certificate, Mr Tang.</p>
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<p>1 THE CHAIRMAN: Rather than what?</p> <p>2 A. The other two personnel's training date were the same,</p> <p>3 and only Mr Leung, the deckhand, the training date needs</p> <p>4 to be corrected to November 1998.</p> <p>5 MR BERESFORD: So after the words "appendix 5", where it</p> <p>6 appears in bold, you say:</p> <p>7 "I note from the training records that the crew of</p> <p>8 Lamma IV on the night of the collision, Mr Chow Chi-wai</p> <p>9 (coxswain) attended this course ... on 8 July 1997,</p> <p>10 Mr Leung Pui-sang attended this course in November 1998,</p> <p>11 and Mr Leung Tai-yau attended this course on 8 July</p> <p>12 1997."</p> <p>13 Is that right?</p> <p>14 A. Yes, correct.</p> <p>15 Q. Thank you. And the third amendment?</p> <p>16 A. Paragraph 20. Well, the demonstration of the life</p> <p>17 jackets is only demonstrated in the morning with the</p> <p>18 trip going to Lamma Island. The others does not proceed</p> <p>19 this demonstration.</p> <p>20 Q. So you wish to delete the words "and an afternoon" in</p> <p>21 the second sentence; is that right?</p> <p>22 A. Yes.</p> <p>23 Q. Are they all the amendments you have, Mr Tang?</p> <p>24 A. Correct.</p> <p>25 Q. So, subject to those amendments, are the contents of</p>	<p>1 Would you agree with that?</p> <p>2 A. Yes.</p> <p>3 Q. And you had five years at sea, and then after a further</p> <p>4 two years, you joined Hongkong Electric in 1980 as</p> <p>5 a jetty supervisor?</p> <p>6 A. Yes.</p> <p>7 Q. After a number of years working for Hongkong Electric,</p> <p>8 you were promoted to marine officer on 1 February 1996</p> <p>9 and held that position for 15-16 years?</p> <p>10 A. Yes, correct.</p> <p>11 Q. You then tell us about the organisation of the marine</p> <p>12 section, and you've provided us with an organisation</p> <p>13 chart at appendix 1, which is page 269 of the bundle.</p> <p>14 A. Yes, correct.</p> <p>15 Q. On that page, we can see a high-level organisation</p> <p>16 showing the three divisions -- generation, transmission</p> <p>17 &amp; distribution, and system control -- all under the</p> <p>18 director of operations, Mr Yuen Sui-see?</p> <p>19 A. Correct.</p> <p>20 Q. Then at page 270, you've shown us a chart of the</p> <p>21 generation division, and this shows five sections --</p> <p>22 maintenance, operations, materials handling, chemistry,</p> <p>23 and administration -- all under the general manager</p> <p>24 Mr Francis Cheng Cho-ying?</p> <p>25 A. Correct.</p>

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<p>1 Q. Then at page 271, we have a chart of the materials 2 handling department, which is divided into materials 3 handling and technical services, both under the chief 4 materials handling engineer, Mr Leung Yuk-wai, David. 5 A. Correct. 6 Q. Then at page 272, we have a chart of the materials 7 handling section, showing maintenance &amp; general 8 services, marine, and production, under the senior 9 materials handling engineer, Lee Kit, Bernie. 10 A. Correct. 11 Q. This is where we see your name as marine officer, in 12 charge of the marine section? 13 A. Correct. 14 Q. Finally, that office is set out at page 273. This shows 15 you are assisted by marine supervisor Chan Chun-shing? 16 A. Correct. 17 Q. And you have under you four coxswains, four engineers 18 and four deckhands? 19 A. Correct. 20 Q. Included in those are coxswain Chow Chi-wai, engineer 21 Leung Pui-sang, and deckhand Leung Tai-yau? 22 A. Correct. 23 Q. I mention those three, of course, because they were the 24 crew of the Lamma IV on the night of 1 October; is that 25 not right?</p>	<p>1 Q. Can you tell us what it's near so that we can hear in 2 words where it is? You can use the cursor if you like, 3 Mr Tang. You can direct Mr Secretary to point the 4 cursor. You can tell him "Up a bit, down a bit, left 5 a bit" -- 6 A. More to the right. A little bit up. A little bit to 7 the left. It's approximately here. 8 Q. I see. So north of the power station, to the left of 9 the coal depot? 10 A. Yes. 11 Q. Thank you. You then tell us in paragraph 6 of your 12 statement: 13 "The 2 launches currently owned by Hongkong Electric 14 are Lamma II and Lamma IV, which have total carrying 15 capacities of 244 and 232 respectively." 16 A. Correct. 17 Q. Lamma IV was delivered new from Cheoy Lee Shipyards in 18 1996, and Lamma II in 1994. 19 A. Correct. 20 Q. So when they were delivered, would you have been working 21 either as a marine supervisor or as marine officer in 22 the marine section? 23 A. When handed Lamma II to us, I was the marine supervisor. 24 When they handed Lamma IV to us, I was the marine 25 officer.</p>
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<p>1 A. Correct. 2 Q. Going back, then, to your witness statement. You tell 3 us: 4 "... the materials handling department is 5 responsible for matters including the marine operations 6 connected with the handling of coal, oil, ash limestone 7 and gypsum carriers calling at the ... Power 8 Station ..." 9 A. Correct. 10 Q. And your office, the marine section, "assists in those 11 operations and is responsible for the offsite 12 transportation of personnel to and from Lamma Power 13 Station". 14 A. Correct. 15 Q. And you're responsible for the operation of the two 16 launches owned by the company for that purpose? 17 A. Correct. 18 Q. And your office is based at Lamma Power Station? 19 A. Correct. 20 Q. May we just have a look at the chart at miscellaneous 21 bundle 1, please. Just focus on the power station. 22 When we've enlarged it sufficiently, Mr Tang, can you 23 just tell us approximately where in the power station 24 your office is? 25 A. It's approximately over here (indicates).</p>	<p>1 Q. Thank you. 2 "They operate a scheduled shuttle ferry service on 3 a 24 hours, 7 days a week basis." 4 And you've provided us with a copy of the latest 5 version of the ferry schedule at page 275, appendix 2. 6 A. Correct. 7 Q. You've explained to us the operation of the ferry 8 services running between, on the one hand, Ap Lei Chau 9 and Lamma Island; and on the other hand, Tsim Sha Tsui, 10 Central and Lamma Island. Since 1 April 2011, the Tsim 11 Sha Tsui-Central-Lamma Island route has been contracted 12 out to Yat Fat Launch Company; is that right? 13 A. Correct. 14 Q. And since 3 January 2011, the night-time services of the 15 Ap Lei Chau-Lamma route have been contracted out to and 16 operated by crew members of the Hong Kong &amp; Kowloon 17 Ferry Company Ltd? 18 A. Only the crew members are outsourced to this company. 19 Q. Right. So you mean it's Hongkong Electric's vessels, 20 but HKKF crew? 21 A. Correct. 22 Q. But Hongkong Electric uses its own crew to run the 23 day-time services, between 8 am and 8 pm; is that right? 24 A. Correct. 25 Q. So Lamma II and Lamma IV are deployed for the Ap Lei</p>

Page 13	<p>1 Chau-Lamma route?</p> <p>2 A. Correct.</p> <p>3 Q. And then you explain that you prefer using Lamma II</p> <p>4 because of higher passenger-carrying capacity and lower</p> <p>5 fuel consumption. So Lamma IV is only used when two</p> <p>6 vessels are required to be in service at the same time?</p> <p>7 A. Correct.</p> <p>8 Q. You then explain:</p> <p>9 "The marine section employs 4 teams of 3 crew</p> <p>10 members ([consisting of] coxswain, engineer and</p> <p>11 deckhand)."</p> <p>12 We've seen those at page 273.</p> <p>13 A. Correct.</p> <p>14 Q. And you prepare a crew roster every four weeks?</p> <p>15 A. Correct.</p> <p>16 Q. And each crew member works an average of 42 hours</p> <p>17 a week?</p> <p>18 A. Correct.</p> <p>19 Q. You say it's rare for crew members to work more than</p> <p>20 50 hours a week?</p> <p>21 A. Correct.</p> <p>22 Q. You tell us:</p> <p>23 "On average, 6-9 crew members are on duty on any</p> <p>24 given day ..."</p> <p>25 A. Correct.</p>	Page 15	<p>1 you have told us that these are laid down in the</p> <p>2 company's operations manual, which describes the</p> <p>3 responsibilities of the crew members. You've provided</p> <p>4 us with a copy at appendix 3. The Chinese copy starts</p> <p>5 at page 277. Your company's solicitors have prepared</p> <p>6 a translation into English at page 298.</p> <p>7 A. Correct.</p> <p>8 Q. I propose to look briefly at the English version.</p> <p>9 Perhaps you can follow the Chinese on the screen.</p> <p>10 We start with the responsibilities of the coxswain.</p> <p>11 You set out the purpose, qualification, training</p> <p>12 required, the responsibility, procedure. There's</p> <p>13 a preamble giving a history of the fleet.</p> <p>14 A. Yes.</p> <p>15 Q. You set out logbook and course direction instructions?</p> <p>16 A. Correct.</p> <p>17 Q. And you provide a course, Lamma Power Station to</p> <p>18 Central, stating the passenger pier to Shek Kok Tsui to</p> <p>19 be 000 degrees true course direction, altering to</p> <p>20 010 degrees after Shek Kok Tsui?</p> <p>21 A. Correct.</p> <p>22 Q. You cover daily ferry maintenance, navigation safety and</p> <p>23 navigation in fog.</p> <p>24 A. Correct.</p> <p>25 Q. And there you reference the International Regulations</p>
Page 14	<p>1 Q. And that on weekdays, there are usually 14 sailings</p> <p>2 between Ap Lei Chau and Lamma Island using Lamma II, and</p> <p>3 two using Lamma IV?</p> <p>4 A. Correct.</p> <p>5 Q. And you say:</p> <p>6 "Each trip is around 20 minutes."</p> <p>7 A. Correct.</p> <p>8 Q. "On Saturday, there are 7 sailings ... using Lamma II</p> <p>9 and 1 sailing using Lamma IV."</p> <p>10 A. Correct.</p> <p>11 Q. "On Sundays and public holidays, there are 7 sailings</p> <p>12 ... using Lamma II only."</p> <p>13 A. Correct.</p> <p>14 Q. "When the crew members are not sailing, they will be</p> <p>15 standing by onshore ... for minor routine</p> <p>16 maintenance ... tasks."</p> <p>17 A. Correct.</p> <p>18 Q. "Each coxswain/engineer has about 31.5 days of annual</p> <p>19 leave while each deckhand has about 27.5 days."</p> <p>20 A. Correct.</p> <p>21 Q. You then go on to tell us about crew training under the</p> <p>22 headings "Standard Operating Procedures", "Navigation",</p> <p>23 "Radar", "Emergency Response" and "Accident Reporting".</p> <p>24 A. Correct.</p> <p>25 Q. Dealing first with the standard operating procedures,</p>	Page 16	<p>1 for the Prevention of Collisions at Sea, 1972.</p> <p>2 A. Correct.</p> <p>3 Q. Under your summary, you mention in particular the</p> <p>4 requirement of coxswains to maintain an arrangement for</p> <p>5 an official look-out? And under "Check all related</p> <p>6 navigation facilities", you prescribe certain checks,</p> <p>7 including a check of "whether the navigation lights and</p> <p>8 signalling device are normal"?</p> <p>9 A. Correct.</p> <p>10 Q. So how often is the coxswain required to make those</p> <p>11 checks?</p> <p>12 A. When the coxswain is on board the vessel, then he will</p> <p>13 check all these navigation lights and the facilities.</p> <p>14 Q. Yes, but how often, Mr Tang?</p> <p>15 A. We instruct them to check every day when they go on to</p> <p>16 their shift, and also every week to have a thorough</p> <p>17 check, including the navigation lights facilities.</p> <p>18 Q. Then you go on to detail particular steps to be taken</p> <p>19 for navigation in fog, and there's a section "Action for</p> <p>20 Prevention of Collision". In the second paragraph, that</p> <p>21 reads:</p> <p>22 "Regardless of the time, keep a good look-out, in</p> <p>23 order to be able to completely identify at the</p> <p>24 appropriate time all situations of the danger of</p> <p>25 collision.</p>

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<p>1 Should take all measures to prevent collision in 2 an unequivocal and timely manner under the permitted 3 circumstances. The action must effectively enable the 4 two vessels to pass in a safe distance." 5 A. Correct. 6 Q. Then you set out certain items of emergency action 7 practice, which includes informing passengers that 8 an event has occurred and checking and assisting 9 passengers putting on life jackets correctly. 10 A. Correct. 11 Q. In the "Remarks" column, you mention: 12 "Crew members should conduct once a month 13 a demonstration for donning life jackets (usually on 14 Friday of each month). 15 A. Correct. 16 Q. Then it says: 17 "Every time as the demonstrating crew member 18 explains, the passengers should be reminded of this 19 point." 20 What point does that refer to, Mr Tang? Is that the 21 point made in (c) there about jumping into the water? 22 A. Yes. 23 Q. And then you have a section on radar operation and you 24 have some fairly detailed instructions on radar 25 operation procedure.</p>	<p>1 A. The room is located where the writing "362" -- it's 2 a little bit higher. Higher. A little bit higher. 3 It's approximately here. 4 Q. So that's at the beginning of the western pier of the 5 typhoon shelter? 6 A. There are two parking spaces which are a little bit 7 higher, a little bit above from there. 8 THE CHAIRMAN: Does this room have a name? 9 A. We usually call it the pier office. 10 MR BERESFORD: What's the purpose of the room, Mr Tang? 11 A. This is a place for the crew members when they are 12 onshore to file their documents, and we store some files 13 in this room. 14 Q. So this is not a place where they go and sit or spend 15 their non-working time? 16 A. When they go into this room they are during their 17 working time, and they do some communication, because 18 there is a phone there. So they can communicate with 19 the office. 20 Q. Are there seats for them there? 21 A. Yes. 22 Q. So you just write these instructions into the operations 23 manual, but you don't give a copy to the coxswains? 24 A. Correct. 25 Q. Who staffs the pier office?</p>
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<p>1 A. Yes. 2 Q. Then we have some instructions relating to emergency 3 situations and actions. And under (3), after headings 4 "Understand the situation" and "Take the correct and 5 effective actions", under the heading "Report", it says: 6 "Report the accident to the Marine Department and 7 the Marine Police or use other effective methods, also 8 request for help or assistance according to the 9 situation of the scene." 10 However, these vessels were not fitted with VHF 11 radio, were they, Mr Tang? 12 A. Correct. 13 Q. Then there's provision for making a record. Then the 14 operation manual goes on to deal with matters such as 15 anchor windlass, the CO2 system, how to use a life raft. 16 The last page is a reproduction of the instructions 17 on how to use your life raft. 18 How were these instructions communicated to the 19 coxswains, please, Mr Tang? 20 A. These instructions, we kept them in a room, a small room 21 right near the pier so all the crew members can read 22 them. 23 Q. Perhaps we can have a look at that chart again at 24 miscellaneous bundle 1. Could you please explain to us 25 where the room you mentioned is located.</p>	<p>1 A. All crew members were in this pier office when they are 2 on their shift. 3 Q. So there's nobody else administering the office? 4 A. That office belongs to the Marine Department. 5 Q. This is a Marine Department office? Or marine section? 6 A. (In English) Marine section. 7 A. It's the marine section. 8 Q. Yes, but are there any clerical staff in that office? 9 A. No. 10 Q. So when the crew aren't there, it's empty? 11 A. Correct. 12 Q. So who has access to it? Perhaps we can refer to your 13 chart at page 273. 14 So the coxswains, engineers and deckhand have access 15 to it, I think you've said? 16 A. Correct. 17 Q. The marine supervisor presumably goes there from time to 18 time? 19 A. Correct. 20 Q. How often would he go? 21 A. When there's any work necessary, then he will go into 22 this office. 23 Q. So approximately how often would you expect him to visit 24 the office? 25 A. Actually, every day when he needs to work, he will have</p>

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<p>1 an opportunity to go to work in this office.</p> <p>2 Q. Does he have his own office somewhere else? Does he</p> <p>3 have a desk in the marine office?</p> <p>4 A. He has his own office somewhere else, and he does not</p> <p>5 have a desk in the marine office.</p> <p>6 Q. So he's mainly located in his own office, but he visits</p> <p>7 the pier office approximately once a day?</p> <p>8 A. Correct.</p> <p>9 Q. What about you, Mr Tang?</p> <p>10 A. I seldom go to this office.</p> <p>11 Q. If we turn to page 272, does anybody on that page, apart</p> <p>12 from yourself, ever go to the pier office in the</p> <p>13 ordinary course of their duties?</p> <p>14 A. Seldom.</p> <p>15 Q. Then going back to appendix 3, you see the marine</p> <p>16 engineer's instructions commencing at page 326 in the</p> <p>17 Chinese, and page 334 in the English translation.</p> <p>18 We can see that his duties are primarily concerned</p> <p>19 with the engine and generators, fire-fighting, and</p> <p>20 bunkering, also the maintenance of batteries. I just</p> <p>21 pause to note the last sentence there:</p> <p>22 "The ventilation holes of the battery covers shall</p> <p>23 be kept clear."</p> <p>24 A. Correct.</p> <p>25 Q. Are you familiar with the arrangement of these vessels,</p>	<p>1 rooms.</p> <p>2 Q. Yes, but I'm asking specifically about the ventilation</p> <p>3 of the batteries. If you don't know, Mr Tang, just say</p> <p>4 you don't know.</p> <p>5 A. I cannot remember.</p> <p>6 Q. Okay. Then we have operating instructions for the</p> <p>7 deckhand, with the Chinese commencing at page 346 and</p> <p>8 the English at page 358.</p> <p>9 The deckhand is required to know local and</p> <p>10 international signals, including SOS and wireless</p> <p>11 telecommunications, and it refers here specifically to</p> <p>12 "Services of the Port Control Room (VHF)". But there's</p> <p>13 not much point in that, is there, Mr Tang, if there's no</p> <p>14 VHF on board?</p> <p>15 A. Correct.</p> <p>16 Q. Then there are various checks set out before setting</p> <p>17 sail, and duties in accidents and emergencies,</p> <p>18 life-saving and fire-fighting equipment use and</p> <p>19 maintenance set out as procedure 4; and procedure 5,</p> <p>20 "Emergency use of the steering machines". Then there's</p> <p>21 fire-fighting and windlass instructions.</p> <p>22 In procedure 8, "Look-out during navigation,</p> <p>23 Look-out in good weather", and the last item there,</p> <p>24 "Assist and demonstrate how to use life-saving</p> <p>25 equipments." And procedure 9 contains a number of</p>
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<p>1 Mr Tang?</p> <p>2 A. Well, I should be familiar because I have been working</p> <p>3 there more than 10 years.</p> <p>4 Q. Do you know where these ventilation holes are?</p> <p>5 A. Yes.</p> <p>6 Q. Where are they on the Lamma IV? Would it help you to</p> <p>7 refer to a drawing? We can show you the General</p> <p>8 Arrangement drawing, if you like, which is at page 172</p> <p>9 of the marine bundle 1.</p> <p>10 Perhaps direct the cursor.</p> <p>11 A. Okay. A little bit more down. A little bit higher, on</p> <p>12 the third --</p> <p>13 Q. Mr Tang, which plan should we be looking at: the</p> <p>14 underdeck, main deck, upper deck or profile?</p> <p>15 A. (In English) Main deck.</p> <p>16 Q. Main deck plan. We can see a series of numbers down the</p> <p>17 centreline. Perhaps we can start with one of those</p> <p>18 numbers and work from there.</p> <p>19 A. It is on -- where is near the passenger saloon, upper --</p> <p>20 yes, that's the two locations, yes. A little bit upper.</p> <p>21 A little bit higher. Yes, correct. Besides these two</p> <p>22 dampers, on the sun deck and on the upper deck, also</p> <p>23 there are two ventilation holes.</p> <p>24 Q. For the batteries?</p> <p>25 A. It is for the engine room. It's used for the engine</p>	<p>1 miscellaneous items.</p> <p>2 Presumably this was communicated to the deckhands in</p> <p>3 the same way as the coxswains' instructions, was it,</p> <p>4 Mr Tang?</p> <p>5 A. Correct.</p> <p>6 Q. A copy was just put up in the pier office and left for</p> <p>7 them to read?</p> <p>8 A. Correct.</p> <p>9 THE CHAIRMAN: Where in the pier office were the manuals</p> <p>10 kept?</p> <p>11 A. They have a locker, and this is put inside the locker</p> <p>12 where the other files are also in this locker.</p> <p>13 MR BERESFORD: You mean each crew member has his own locker?</p> <p>14 Or what kind of a locker are you referring to?</p> <p>15 A. They don't have their own locker. Actually, this is</p> <p>16 a locker or space where they put all the files in.</p> <p>17 THE CHAIRMAN: Who is "they"? Who puts all the files there?</p> <p>18 A. So there is a supervisor. The supervisor will pass the</p> <p>19 file to the on-duty crew member, and the crew member</p> <p>20 will put the documents into the file.</p> <p>21 MR BERESFORD: So you say copies of the operation manual are</p> <p>22 put in the pier office, and the way you put it in the</p> <p>23 pier office is to give it to the supervisor, who gives</p> <p>24 it to the crew, and the crew put it in the pier office</p> <p>25 in a locker; is that right?</p>

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<p>1 A. Correct.</p> <p>2 Q. So does one crew put all of the instructions in the pier</p> <p>3 office, or do you give different instructions to</p> <p>4 different crew?</p> <p>5 A. Because we work on shift, so who is on duty, then we</p> <p>6 will pass to the person who is on duty.</p> <p>7 Q. Does this happen just once, or does it happen every time</p> <p>8 somebody starts a duty? Every shift?</p> <p>9 A. Whoever is on duty that day, the person will go to the</p> <p>10 file and read the instruction themselves.</p> <p>11 THE CHAIRMAN: No. Does this distribution happen once,</p> <p>12 perhaps once a year, once every five years, or does it</p> <p>13 happen every day?</p> <p>14 A. Actually, this operation, instruction distribution,</p> <p>15 happens once every very long period of time.</p> <p>16 THE CHAIRMAN: Thank you.</p> <p>17 MR BERESFORD: In fact we can see from page 299 -- the</p> <p>18 Chinese version is at page 278 -- that the effective</p> <p>19 date of the coxswains' instructions was 1 January 2003,</p> <p>20 and it's never been revised. Is that right, Mr Tang?</p> <p>21 A. Correct.</p> <p>22 Q. You have space there for "Amendment Details", but the</p> <p>23 only entry is for the original manual, and there are no</p> <p>24 amendments?</p> <p>25 A. Correct.</p>	<p>1 A. Usually reminded by myself or by the supervisor.</p> <p>2 Q. So just taking yourself first. When did you last remind</p> <p>3 the crew to review the operations manual? Let's be</p> <p>4 specific. When did you last ask Chow Chi-wai to review</p> <p>5 the operations manual?</p> <p>6 A. Well, I cannot remember the actual time because I met</p> <p>7 him quite often. So I cannot remember when.</p> <p>8 Q. What about Mr Leung Pui-sang? Did you remind him to</p> <p>9 review the operations manual?</p> <p>10 A. Because we met each other very often, so I cannot</p> <p>11 remember when.</p> <p>12 Q. I asked you "did you". Did you personally remind him to</p> <p>13 review the operations manual at any time?</p> <p>14 A. Not specifically to remind him to review the operation</p> <p>15 manual.</p> <p>16 Q. No. And what about the deckhand, Mr Leung Tai-yau? Did</p> <p>17 you personally remind him at any time to review the</p> <p>18 operations manual?</p> <p>19 A. No specific time to remind him.</p> <p>20 Q. Let's just go back to the coxswain then, Mr Chow</p> <p>21 Chi-wai. Did you specifically remind him at any time?</p> <p>22 A. No specific time.</p> <p>23 Q. Then you say in your statement:</p> <p>24 "The marine supervisor might also informally remind</p> <p>25 the crew members about that."</p>
Page 26	Page 28
<p>1 Q. So does that mean that on or about 1 January 2003, your</p> <p>2 marine supervisor gave this to either the coxswain or</p> <p>3 a crew, and they put it in the pier office?</p> <p>4 A. Correct.</p> <p>5 Q. And it's been sitting in a locker in the pier office</p> <p>6 ever since?</p> <p>7 A. Correct.</p> <p>8 Q. We can see from page 327 -- the English translation at</p> <p>9 page 325 -- that the engineers' instructions haven't</p> <p>10 been revised since 2 January 2003.</p> <p>11 A. Correct.</p> <p>12 Q. At page 347 -- English translation at page 359 --</p> <p>13 deckhands' instructions haven't been revised since</p> <p>14 2 January 2003 either?</p> <p>15 A. Correct.</p> <p>16 Q. So what happens if a crew member joins after 2003? How</p> <p>17 are they supposed to know about these instructions?</p> <p>18 A. Actually there is no new crew member joins after year</p> <p>19 2003.</p> <p>20 Q. Then you say:</p> <p>21 "Crew members will be reminded to review the</p> <p>22 operations manual during regular meetings with the</p> <p>23 crew."</p> <p>24 A. Correct.</p> <p>25 Q. Well, who does the reminding, Mr Tang?</p>	<p>1 The marine supervisor was Mr Chan Chun-shing; is</p> <p>2 that right?</p> <p>3 A. Yes, correct.</p> <p>4 Q. Is his English name Johnson?</p> <p>5 A. Yes, correct.</p> <p>6 Q. How would you know whether or not he reminded the crew</p> <p>7 members to review the operations manual?</p> <p>8 A. In his everyday job, he will communicate with the crew</p> <p>9 members.</p> <p>10 Q. But how would you know that he had done this?</p> <p>11 A. Because every day I am a passenger of one of the sails,</p> <p>12 so I can observe how they operate the vessels and I kind</p> <p>13 of monitor them.</p> <p>14 Q. But did you ever ask him if he had reminded the crew</p> <p>15 members to review the operations manual?</p> <p>16 A. On the navigation, yes, I did ask.</p> <p>17 Q. What did you ask, please?</p> <p>18 A. Especially I would ask mainly if the sails are operating</p> <p>19 on a foggy day, or when the navigating equipment or the</p> <p>20 radar are out of service, how they will have the vessel</p> <p>21 operate.</p> <p>22 Q. Mr Tang, in your witness statement you then go on to</p> <p>23 deal in a number of paragraphs, under the heading of</p> <p>24 "Navigation", with matters that we have covered when we</p> <p>25 looked through the instructions appended to your</p>

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<p>1 statement. So I think we've dealt with all of those 2 matters and we can move on to the question of radar. 3 Mr Chairman, I note the time. 4 THE CHAIRMAN: Yes. We'll take our mid-morning break now. 5 Mr Tang, we're going to take a break for 20 minutes, 6 and we'll resume at 11.50. 7 (11.30 am) 8 (A short break) 9 (11.50 am) 10 THE CHAIRMAN: Before we go on, Ms Sit, there's a matter I'd 11 like to address you on and it's simply this. The 12 Commission has requested that the foam that is part of 13 the sandwich in the upper deck floor be measured. 14 MS SIT: Yes. 15 THE CHAIRMAN: Some correspondence has been brought to our 16 attention about doing that activity. It doesn't require 17 an extra part of the vessel to be excised and measured 18 with any great particularity. It would be sufficient if 19 someone takes a pair of dividers, puts it against the 20 foam, and then measures that out against a ruler. All 21 want to know is approximately the size of the foam. 22 MS SIT: Yes. I'm sure that's a matter I can explore with 23 those instructing me and the Marine Department to 24 ascertain whether we can just go to the wreck and just 25 do that.</p>	<p>1 Polytechnic, dated 2 July 1984. 2 A. Correct. 3 Q. And you say that you have used this training to develop 4 a company-specific radar training course for the marine 5 crew. 6 A. Correct. 7 Q. You've produced a handout at appendix 5, which starts at 8 page 373. The English translation starts at page 409. 9 We can see at page 410, after the introduction, your 10 advice on practice in good visibility conditions. You 11 say: 12 "When the visibility is good, the coxswain can take 13 this chance to operate the radar, so as to obtain more 14 experience and maintain skilled operation with high 15 standards." 16 A. Correct. 17 Q. Then going on, we have a heading "Radar and collision 18 prevention", and you say: 19 "If the radar can be used properly, this equipment 20 is a great help towards collision prevention." 21 And you refer to certain difficulties in the use of 22 radar. 23 Then under the heading "How to use the radar in 24 different circumstances", you say: 25 "1. With good visibility: What the naked eye can</p>
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<p>1 THE CHAIRMAN: That's all we want. Thank you. 2 Yes, Mr Beresford. 3 MR BERESFORD: Thank you, Mr Chairman. 4 Mr Tang. Radar. You have told us that as far as 5 radar usage is concerned, "coxswains are reminded to 6 practise using the radar when in clear visibility to 7 familiarise themselves with objects on the radar picture 8 so that various types of targets ... can be 9 differentiated even when visibility is poor." 10 A. Correct. 11 Q. Is that the only use of radar that you remind coxswains 12 to practise in clear visibility? 13 A. Mainly I direct the coxswain to practise to use the 14 radar when the visibility is clear so they can 15 differentiate from the radar picture where is the hill 16 or where is the direction. 17 Q. Yes, I see. You yourself have certain certificates in 18 the use of radar, do you not, and you've produced them 19 at appendix 4. The first one is at page 370. 20 A. Correct. 21 Q. That one is "Radar Observer on Merchant Ships". It's 22 a certificate of competency dated 1 August 1979. 23 A. Correct. 24 Q. At page 371, you've produced a "Radar Operator 25 Instructors Course" certificate from the Hong Kong</p>	<p>1 see is usually enough but the radar can determine the 2 distance accurately." 3 There's no instruction here, is there, on rule 7 of 4 the Collision Regulations? Perhaps if we can just have 5 the Collision Regulations, rule 7 on the screen. 6 In paragraph (a), that says: 7 "Every vessel shall use all available means 8 appropriate to the prevailing circumstances and 9 conditions to determine if risk of collision exists. If 10 there is any doubt such risk shall be deemed to exist. 11 (b) Proper use shall be made of radar equipment if 12 fitted and operational, including long-range scanning to 13 obtain early warning of risk of collision and radar 14 plotting or equivalent systematic observation of 15 detected objects." 16 There's no mention of the use of long-range scanning 17 to obtain early warning of collision in your training 18 materials, is there? 19 A. No. 20 Q. Lamma IV could have checked her radar before leaving the 21 pier, and she would have seen the Sea Smooth if 22 long-range scanning had been used, wouldn't she? 23 There's a translation problem, I think. 24 MR PAO: "Sea Smooth" is the name of the vessel. 25 (Question retranslated)</p>



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<p>1 A. Maybe.</p> <p>2 MR BERESFORD: You go on --</p> <p>3 THE CHAIRMAN: How far is it from the pier at Lamma Power</p> <p>4 Station to Green Island, approximately?</p> <p>5 A. About 3 sea miles.</p> <p>6 THE CHAIRMAN: What was the capability of the radar on</p> <p>7 Lamma IV in terms of distance --</p> <p>8 A. About 3 sea miles.</p> <p>9 THE CHAIRMAN: How much more than 3 miles?</p> <p>10 A. On the detection, they have a range from 48, 24, 14, 6,</p> <p>11 and 3 miles.</p> <p>12 THE CHAIRMAN: That's nautical miles?</p> <p>13 A. (In English) Nautical miles, yes.</p> <p>14 THE CHAIRMAN: Thank you.</p> <p>15 MR BERESFORD: We can see the radar operating guide in</p> <p>16 bundle O, page 4415, I believe. Either page 4415 or</p> <p>17 page 4611.</p> <p>18 THE CHAIRMAN: It's appendix 8 of this witness's statement,</p> <p>19 is it not? Page 453.</p> <p>20 MR BERESFORD: Thank you, Mr Chairman. Yes. Page 454.</p> <p>21 You have in fact produced a copy, have you not,</p> <p>22 Mr Tang?</p> <p>23 A. Yes, I did.</p> <p>24 Q. We have the operator's manual at appendix 9, starting at</p> <p>25 page 459. The range scale is dealt with at</p>	<p>1 half-hour from the direction of -- from north of Shek</p> <p>2 Kok Tsui. They come both from Aberdeen and from</p> <p>3 Central, don't they?</p> <p>4 A. Agree.</p> <p>5 Q. So do you agree that it might be a good idea to include</p> <p>6 in your training materials a suggestion that coxswains</p> <p>7 look to see what's coming before they depart from the</p> <p>8 typhoon shelter?</p> <p>9 A. Agree.</p> <p>10 Q. Thank you. You then go on in your statement, in</p> <p>11 paragraph 16, to produce the training records of the</p> <p>12 crew of Lamma IV on the night of the collision: Mr Chow</p> <p>13 Chi-wai, the coxswain; Mr Leung Pui-sang, the engineer;</p> <p>14 Mr Leung Tai-yau, the deckhand. And you've produced</p> <p>15 copies of the relevant attendance records at appendix 6</p> <p>16 to your statement, and Mr Chow's performance assessment</p> <p>17 report at appendix 7.</p> <p>18 A. Correct.</p> <p>19 Q. Appendix 6 commences at page 448, and is a list of</p> <p>20 courses.</p> <p>21 Appendix 7 commences at page 451, English</p> <p>22 translation at page 452, and shows generally a good</p> <p>23 assessment on the part of Mr Chow -- for Mr Chow and</p> <p>24 particularly in relation to the use of radar.</p> <p>25 A. Yes.</p>
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<p>1 paragraph 2.7, at page 490.</p> <p>2 That shows the possibility of considerably longer</p> <p>3 range than 3 miles.</p> <p>4 A. Correct.</p> <p>5 Q. And you also have mentioned this in your radar</p> <p>6 specifications as part of your handout -- the English</p> <p>7 translation is at page 428 -- in which you indicate:</p> <p>8 "1. Distance probing: From 0.25 to 96 nautical</p> <p>9 miles, divided into 10 levels."</p> <p>10 A. Yes.</p> <p>11 Q. So there's really no reason, is there, why a coxswain in</p> <p>12 the typhoon shelter at Lamma Power Station shouldn't use</p> <p>13 this to scan before departing?</p> <p>14 A. Because when using the radar, it depends on the weather</p> <p>15 and also how many ships are within that area, and the</p> <p>16 actual situation, before considering whether to use the</p> <p>17 radar or not.</p> <p>18 Q. But you won't know if you don't look, will you, Mr Tang?</p> <p>19 A. If we can observe by our own eyes, it's much quicker and</p> <p>20 clearer than using the radar.</p> <p>21 Q. But, Mr Tang, you can't use your own eyes to see what</p> <p>22 vessels are coming from Green Island while you're still</p> <p>23 in the power station typhoon shelter, can you?</p> <p>24 A. Agree.</p> <p>25 Q. And you know that there are ferries coming every</p>	<p>1 Q. You then tell us about the radar that was installed on</p> <p>2 the Lamma IV, and you explain that in November 2009, it</p> <p>3 was replaced with a new radar?</p> <p>4 A. Correct.</p> <p>5 Q. And you produce a copy of the operator's guide, which we</p> <p>6 just saw, at appendix 8; and of the detailed operating</p> <p>7 manual at appendix 9.</p> <p>8 A. Correct.</p> <p>9 Q. You then go on to tell us about --</p> <p>10 THE CHAIRMAN: Before you move on.</p> <p>11 This new radar, new in 2009, had GPS function with</p> <p>12 electronic chart overlay; is that right?</p> <p>13 A. Correct.</p> <p>14 THE CHAIRMAN: So it could be used as a chart plotter?</p> <p>15 A. It can see directly the location of the vessels.</p> <p>16 THE CHAIRMAN: And that's produced by a ship-like figure</p> <p>17 that's put onto the screen?</p> <p>18 A. When the radar screen does not produce it as a ship-like</p> <p>19 figure.</p> <p>20 THE CHAIRMAN: You can tell where you are?</p> <p>21 A. Yes.</p> <p>22 THE CHAIRMAN: How is that done?</p> <p>23 A. Usually we ourselves are in the centre of the range.</p> <p>24 THE CHAIRMAN: And you can put onto the chart the radar</p> <p>25 images, overlay it; is that right?</p>

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<p>1 A. Yes, correct.</p> <p>2 THE CHAIRMAN: So you can see the coastline, but also you</p> <p>3 can see ships that are moving from the radar images?</p> <p>4 A. Correct.</p> <p>5 THE CHAIRMAN: Thank you.</p> <p>6 MR BERESFORD: Mr Tang, if you can see another ship, does it</p> <p>7 distinguish between moving ships and stationary ships?</p> <p>8 A. Yes.</p> <p>9 Q. How does it distinguish between moving ships and</p> <p>10 stationary ships?</p> <p>11 A. We determine it by the related movement.</p> <p>12 A. (In English) Relative motion.</p> <p>13 Q. But what I mean is, does the radar display differentiate</p> <p>14 by showing a different image?</p> <p>15 A. If you are familiar with reading the radar, then you</p> <p>16 will know whether the target is moving or not.</p> <p>17 Q. Does it show you a vector? Does it show you which</p> <p>18 direction the target is moving in?</p> <p>19 A. Approximately, we will know.</p> <p>20 Q. Yes. Moving on, then, with the Chairman's permission,</p> <p>21 to the next part of your statement, Mr Tang, headed</p> <p>22 "Emergency Response".</p> <p>23 You refer to the operations manual, which we've</p> <p>24 seen. You say:</p> <p>25 "Once a week they practise an emergency situation</p>	<p>1 A. I agree.</p> <p>2 Q. Then you deal with accident reporting and other matters</p> <p>3 dealt with in the operations manual, which we have seen.</p> <p>4 A. Correct.</p> <p>5 Q. You produce operational guidelines relating to the</p> <p>6 Lamma IV at appendix 11. This is a document in similar</p> <p>7 form to the operational guidelines that we've seen.</p> <p>8 A. Correct.</p> <p>9 Q. You then turn to the issue of crew health and you</p> <p>10 produce a copy of the company's drug and alcohol policy</p> <p>11 at appendix 12. This is another document that is placed</p> <p>12 in the pier office, is it not?</p> <p>13 A. Correct.</p> <p>14 Q. You tell us:</p> <p>15 "HKEC provides complimentary health screenings for</p> <p>16 all of its employees aged 45 years or above every 2</p> <p>17 years. All 3 crew members on board Lamma IV on the</p> <p>18 night of 1 October 2012 had undergone eyesight and</p> <p>19 health checks ... [in] the previous 6 months ..."</p> <p>20 A. Correct.</p> <p>21 Q. "No significant abnormalities were recorded."</p> <p>22 A. Correct.</p> <p>23 Q. You then tell us about special-purpose trips for which</p> <p>24 Lamma II and Lamma IV had been used. You provide a list</p> <p>25 at appendix 13 --</p>
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<p>1 for each of the passenger cabins and this is usually</p> <p>2 done every Saturday."</p> <p>3 A. Correct.</p> <p>4 Q. You produce records of the drills and checks at</p> <p>5 appendix 10, commencing at page 693.</p> <p>6 A. Correct.</p> <p>7 Q. These appear to be Lamma II checks, is that right, not</p> <p>8 Lamma IV?</p> <p>9 A. Correct.</p> <p>10 Q. Any particular reason why you haven't produced</p> <p>11 Lamma IV's checklists?</p> <p>12 A. I can provide a copy for the Lamma IV checklist.</p> <p>13 THE CHAIRMAN: Yes, please do so.</p> <p>14 MR BERESFORD: And you say:</p> <p>15 "... the crew members [also] conduct a demonstration</p> <p>16 of donning of life jackets to passengers on board once</p> <p>17 a month."</p> <p>18 A. Correct.</p> <p>19 Q. You explain that you considered monthly demonstrations</p> <p>20 to be sufficient for usual purposes because most</p> <p>21 passengers are Hongkong Electric employees who travel on</p> <p>22 the vessels every day for work.</p> <p>23 A. Correct.</p> <p>24 Q. But that wouldn't be sufficient for special-purpose</p> <p>25 trips, would it, Mr Tang?</p>	<p>1 A. Correct.</p> <p>2 Q. -- and that's a list of events over the last two years</p> <p>3 which have been arranged by public affairs, and human</p> <p>4 resources and administration.</p> <p>5 A. Correct.</p> <p>6 Q. It starts at page 770, and you've helpfully given us</p> <p>7 a column telling us the age of the participants. We can</p> <p>8 see that a number of those special-purpose trips</p> <p>9 included participants who were minors.</p> <p>10 A. (In English) Correct.</p> <p>11 Q. Turning, then, to your supplemental witness statement.</p> <p>12 In this you deal with three matters: the construction of</p> <p>13 Lamma IV, the minimum manning requirements of Lamma IV,</p> <p>14 and the Marine Department Notice No. 131 of 2012.</p> <p>15 A. Yes.</p> <p>16 Q. For the record, this supplemental witness statement</p> <p>17 begins at page 774-3.</p> <p>18 You produce the relevant tender documents relating</p> <p>19 to the construction of Lamma IV in about the second half</p> <p>20 of 1994, at page 774-11 to page 774-76.</p> <p>21 A. Correct.</p> <p>22 Q. We have seen another copy of those before, Mr Tang, so</p> <p>23 I won't go through those in detail now. But although</p> <p>24 you were working as the marine supervisor in the marine</p> <p>25 section at that time, you were not involved in the</p>

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<p>1 tender and construction of the new launch; is that 2 right? 3 A. Correct. 4 Q. But you were marine officer when the vessel was 5 delivered? 6 A. Correct. 7 Q. You have discussed in your supplemental witness 8 statement -- 9 THE CHAIRMAN: Before you move on, Mr Beresford. 10 Dealing with that issue, I see at page 774-59 there 11 is a provision that calls for the production of 12 as-fitted drawings. Now, Mr Grossman indicated this 13 morning that he doesn't propose seeking to call the 14 evidence of Mr Wallaston, the expert, but we would like 15 to receive the as-fitted drawing which is in his 16 material, and this could be done through this witness, 17 since he has just told us that he was in his office when 18 he took delivery. 19 MR BERESFORD: Yes. Can we just have a look at page 774-59, 20 please. You see there, Mr Tang: 21 "Upon completion of the vessel, two copies each of 22 the necessary 'As Fitted' drawings to be provided as 23 follows ..." 24 And then it names a number of drawings, including 25 the General Arrangement and other drawings. Do you see</p>	<p>1 engine room, store room, and aft peak/steering flat." 2 A. Correct. 3 Q. In relation to that, you've told us four things. 4 Firstly, you've told us that as far as your 5 understanding is concerned, Hongkong Electric did not 6 require any specific number of watertight compartments. 7 A. Correct. 8 Q. Secondly, you've told us that you would have expected 9 that Cheoy Lee would build a vessel to the 10 specification. 11 A. Correct. 12 Q. Thirdly, you've told us that you have been unable to 13 find any communication from Cheoy Lee seeking Hongkong 14 Electric's approval to vary the agreed tender or 15 informing you of any change in the watertight numbers, 16 for example from six to five. 17 A. I cannot find any information on this point. 18 Q. Thank you. And fourthly, you've told us that even if 19 they had applied for your consent to a change, you doubt 20 that it would have been approved because you're not 21 aware of any reason for such a change. 22 A. Correct. 23 Q. You then say that when Lamma IV was delivered, you 24 inspected the vessel but it was from an operator's point 25 of view.</p>
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<p>1 that? 2 A. Yes. 3 Q. Would you be able to produce Hongkong Electric's copies 4 of those drawings for the Commission, please? 5 A. I will try my best to find these documents, because it 6 was more than 10 years ago. 7 Q. Yes. Thank you, Mr Tang. 8 THE CHAIRMAN: Well, we have the document. 9 MR BERESFORD: Mr Chairman, Mr Grossman has told me that 10 they will be here after lunch. 11 THE CHAIRMAN: Yes. Thank you. 12 MR BERESFORD: You've told us that Hongkong Electric is not 13 a shipping, ferry or shipbuilding company. 14 A. Correct. 15 Q. And that neither you nor any of your colleagues involved 16 in the purchase of Lamma IV had any ship design or 17 shipbuilding training or experience. 18 A. Correct. 19 Q. Nevertheless, you've noted or you've had drawn to your 20 attention the specification and particularly at item 17 21 on page 774-62, and that states: 22 "The hull to be robustly built and of hard chine 23 hull form with transom stern. To be subdivided by five 24 watertight bulkheads into six compartments comprising 25 fore peak/chain locker, void space, crew accommodation,</p>	<p>1 A. Correct. 2 Q. You didn't engage a specialist naval architect or 3 surveyor -- 4 A. Correct. 5 Q. -- to assist in checking her integrity and conformance 6 to the plans? 7 A. When Cheoy Lee can build the vessel and the Hong Kong 8 Marine Department had approved it, and we trust their 9 specialty in this knowledge. 10 Q. You then turn to deal with the minimum manning 11 requirements of Lamma IV. You tell us: 12 "Prior to 2007 their operating licences did not 13 provide for any ... minimum number of crew." 14 A. Correct. 15 Q. And: 16 "Since around mid-2007 a minimum crew number 17 requirement of 2 was introduced for both launches." 18 A. Correct. 19 Q. But nevertheless, you always worked with a crew team of 20 three members for each vessel -- that is, a coxswain, 21 a marine engineer and a deckhand -- as you've already 22 explained. 23 A. Correct. 24 Q. Then: 25 "Following the annual survey in 2008, the Marine</p>

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<p>1 Department doubled the minimum crew number requirement 2 for Lamma IV from 2 to 4." 3 A. Correct. 4 Q. And you were not present during the survey? 5 A. At that time, I was not present at the location. 6 Q. No. Do you know if anyone else apart from the crew was 7 present? 8 A. Usually there should be someone from the shipbuilder. 9 Q. What about from Hongkong Electric? 10 A. Well, there should be someone from our maintenance. 11 Q. But you don't know? Or do you know, in this case? 12 A. Because each time when they have a survey, our 13 maintenance colleague will be there to help. 14 THE CHAIRMAN: And who is that? 15 A. There should be someone from the electric department, 16 because the marine department, when they do the survey, 17 they will check the electronic mica. 18 MR BERESFORD: Do you know the identity of the person who 19 would have been present? 20 A. This person will only participate when checking the 21 electronic appliance, but nothing else. 22 THE CHAIRMAN: And who was it? 23 A. So this should be some staff from our electronic 24 department. 25 THE CHAIRMAN: Do you know the identity of the person or</p>	<p>1 Department officer involved in the survey had given no 2 indication that the number of crew or the persons 3 performing the duties were inadequate? 4 A. No. 5 MR BERESFORD: Did he know why the number of crew, minimum 6 number of crew, had been increased from two to four? 7 A. I'm not sure. 8 Q. So you called the Licensing Section of the Marine 9 Department to ask for an explanation; is that right? 10 A. Correct. 11 Q. And on the first call, you didn't get any answer; is 12 that right? 13 A. Correct. 14 THE CHAIRMAN: Who did you speak to on that occasion? 15 A. I called the local Licensing Section. 16 MR BERESFORD: Do you remember the name of the individual? 17 A. I cannot remember. 18 THE CHAIRMAN: Do you remember the rank? 19 A. No, I do not. I only remember it's the voice of 20 a gentleman. 21 THE CHAIRMAN: What information did you provide in order to 22 pursue your enquiry? 23 A. I asked them the reason for why the minimum crew for 24 Lamma IV increased from two persons to four persons. 25 THE CHAIRMAN: Thank you.</p>
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<p>1 not? 2 A. I only remember his nickname was -- we called him 3 "Bor Gat". 4 MR BERESFORD: Can you find out who that was? 5 A. Yes. 6 THE CHAIRMAN: And the coxswain who was present at the 7 survey, who was that? 8 A. We only reserved the record for two years, so it was too 9 long ago. I cannot find the record. 10 MR BERESFORD: But you say that you contacted the coxswain 11 present to find out what happened. 12 A. Because when something happened, I will contact the 13 coxswain immediately to find out what actually happened. 14 Q. And do you remember who you contacted? 15 A. Most probably it is one of the coxswains whose name is 16 Cheng Wing-kit. 17 Q. You tell us that he told you that the Marine Department 18 officers did not have any adverse comment? 19 A. Correct. 20 Q. And that they had given no indication that the number or 21 the performance of the crew was in any way inadequate. 22 A. According to that time, the certificate of survey, it 23 was stated as two crew members so I do not think it is 24 not enough. 25 THE CHAIRMAN: But did the coxswain tell you that the Marine</p>	<p>1 MR BERESFORD: And you say that a few days later, an officer 2 called you back, an officer whose name you can no longer 3 recall? 4 A. Correct. 5 Q. And what was the gist of what he said to you? 6 A. Well, he said the Lamma IV has an upper deck and lower 7 deck at the same time, and the Hongkong Electric Company 8 have the resources; that is, there won't be any problem 9 for us to hire one more crew member. 10 Q. And did he tell you what the extra crew member should 11 do? 12 A. No, nothing at all. 13 Q. So you discussed this with your superiors and at your 14 suggestion, you decided not to take it any further with 15 the Marine Department; is that right? 16 A. Correct, because we don't want to make our relationship 17 too bad. 18 THE CHAIRMAN: Whose view was that? 19 A. I discussed it with my superior. This is the conclusion 20 from all of us. 21 THE CHAIRMAN: What was your own position? 22 A. My position is I also agree. 23 THE CHAIRMAN: When you were told by this unidentified 24 officer who called you back that this was a two-check 25 vessel and Hongkong Electric had got enough resources to</p>

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<p>1 hire an extra crew, what was your reaction to the 2 explanation you were given? 3 A. A little bit odd, or surprised. 4 THE CHAIRMAN: What was odd about it? 5 A. Because we have another vessel which is very similar, 6 which is the Lamma II, and it carries more passengers, 7 and it says two crew members is enough. 8 THE CHAIRMAN: Did you ever point that out to anyone at the 9 Marine Department? 10 A. No. 11 THE CHAIRMAN: Why not? 12 A. Because I was concerned that they might also increase 13 another crew member for Lamma II as well. 14 THE CHAIRMAN: Yes, Mr Beresford. 15 MR BERESFORD: You attended the next annual survey in 2009 16 did you not? 17 A. Correct. 18 Q. And when the survey was completed, you approached the 19 responsible officer and asked if the minimum manning 20 requirement could be reduced to the normal level of two? 21 A. I only asked to reduce. 22 Q. Do you remember the name of that officer? 23 A. It should be Mr Law. 24 Q. And you say that your enquiry was not answered? 25 A. Correct.</p>	<p>1 THE CHAIRMAN: Yes. 2 MR BERESFORD: I'll ask the witness whether he can produce 3 those too. I don't know how essential you regard those, 4 Mr Chairman, but perhaps if you can give an indication, 5 then Hongkong Electric would know whether they're 6 required to produce those other plans as well. 7 THE CHAIRMAN: Well, anything of those other drawings that 8 bears on the original design plans. 9 MR BERESFORD: It might be best to have them all then. If 10 that could be done. 11 THE CHAIRMAN: Thank you for the assistance of Hongkong 12 Electric in securing those documents. 13 MR GROSSMAN: I'll pass that on. Thank you, Mr Chairman. 14 MR BERESFORD: Mr Tang, we were dealing before lunch with 15 the issue of the minimum manning requirement of 16 Lamma IV, and you had just told us that you had spoken 17 to Mr Law at the Marine Department, but your enquiry 18 about whether the minimum requirement could be reduced 19 was not answered. 20 A. Correct. 21 Q. You then go on to tell us what you did about it, and you 22 say that you discussed this issue at one of your regular 23 morning meetings and considered one option, which was to 24 reduce the crew on board Lamma II from three to two, and 25 increase that on board Lamma IV from three to four, but</p>
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<p>1 MR BERESFORD: I note the time, Mr Chairman. 2 THE CHAIRMAN: Yes. 3 Mr Tang, we'll take our lunch break now and we'll 4 resume with your evidence this afternoon at 2.30. 5 Please be back so that you can resume testimony at that 6 time. Thank you. 7 (1.03 pm) 8 (The luncheon adjournment) 9 (2.30 pm) 10 THE CHAIRMAN: Mr Tang, may I remind you that you continue 11 to testify according to your original affirmation. 12 A. Yes, I understand. 13 THE CHAIRMAN: Mr Beresford. 14 MR BERESFORD: Mr Chairman, just before I restart my 15 questioning, I've been told by my learned friend 16 Mr Grossman and those behind him that they have found 17 the original General Arrangement drawing, as fitted, and 18 they have brought it along here, together with a copy. 19 They would like the original back. 20 THE CHAIRMAN: Yes. 21 MR BERESFORD: That was in response to your original request 22 which arose out of the report of Mr Wallaston, which 23 exhibited only the General Arrangement. Of course, the 24 specification refers to a number of other drawings as 25 well.</p>	<p>1 you ruled it out out of concern that that would disrupt 2 the normal and safe operation of the crew teams. 3 A. Correct. 4 Q. And then you deal with a suggestion that was made by one 5 Mr Victor Chow, who was then senior materials handling 6 engineer. 7 A. Correct. 8 Q. Can we just have a quick look at page 271, please. Was 9 he the person occupying the position now occupied by Lee 10 Kit, Bernie? 11 A. Correct. 12 Q. He reported that he had looked up the legislation and 13 found that there was no special qualification, training 14 or experience requirements for this additional crew 15 member; is that right? 16 A. Correct. 17 Q. So on that basis, you decided that an extra person would 18 go on board Lamma IV? 19 A. Correct. 20 THE CHAIRMAN: Did Mr Chow show you this legislation, this 21 way of dealing with the issue? 22 A. Yes, he did. 23 THE CHAIRMAN: Where is it? 24 A. I cannot really remember which legislation and which 25 paragraph it was, but I can remember the definition of</p>

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<p>1 the crew is the personnel that we, the company, assigned 2 to go on board and have a duty on board, which is a crew 3 member. 4 THE CHAIRMAN: In your consideration of what the Marine 5 Department had required the Lamma IV to carry as minimum 6 safe manning, namely four crew, did you consider hiring 7 another crew member for each of the ships, so you'd have 8 four crew? 9 A. No, I did not, because for Lamma IV it is only two sails 10 per day. So we did not consider this issue. 11 THE CHAIRMAN: Why not? 12 A. Because it's only one sail in the morning and one sail 13 in the evening, and we can manage someone to be the 14 fourth crew member. So we decided not to. 15 THE CHAIRMAN: Was that because of money consideration? 16 A. Definitely not, because if we transferred one crew 17 member from Lamma II to Lamma IV, there's no 18 consideration of money. 19 THE CHAIRMAN: I'm not asking you that. I'm asking you 20 about hiring an additional crew member. 21 A. Because I find the issue is already solved, so I don't 22 think it is necessary. 23 THE CHAIRMAN: You never considered it; is that what you're 24 saying? 25 A. Yes.</p>	<p>1 employed by the company; is that the position? 2 A. Yes. 3 THE CHAIRMAN: Where were you when you did this? 4 A. Because when I travel on the sails, I usually travel in 5 the control room, so I can communicate with them. 6 A. (In English) Wheelhouse. 7 THE INTERPRETER: "The wheelhouse". 8 THE CHAIRMAN: Yes, Mr Beresford. 9 MR BERESFORD: If it was some other supervisor-grade person 10 such as an engineer or foreman from the materials 11 handling operations section, would you communicate to 12 them that they were employed as crew? 13 A. They all knew this. 14 Q. Who communicated it to them? 15 A. I usually sit with them within meetings. 16 Q. And how many people were involved? 17 A. Normally four persons in charge, and because I don't 18 have to work on shift. 19 Q. If there was more than one of you, of the four 20 supervisor-grade persons plus you and the marine 21 supervisor, which one would be crew? 22 A. For the one who signs and gets on board, then he will be 23 the crew. 24 Q. So somebody signed every day? 25 A. It should be maybe once in a while somebody might not</p>
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<p>1 THE CHAIRMAN: Thank you. 2 MR BERESFORD: You then tell us what you did on normal ferry 3 shuttle services, and what you did for special events. 4 For normal ferry shuttle services, you say that the 5 extra person would be someone travelling to or from 6 work; is that right? 7 A. So we managed to have a supervisor-grade person to be 8 the fourth crew member. So maybe myself or the 9 supervisor. 10 THE CHAIRMAN: Was this plan communicated to the coxswain, 11 so that he knew who his fourth crew member was? 12 A. For these two sails, the coxswain did know. 13 THE CHAIRMAN: So who told him? 14 A. Because the person in charge on the pier, there is 15 a book for them to sign. And when myself or the marine 16 department supervisor there, we do not need to sign this 17 book as a record. But we kind of have a mutual 18 understanding. 19 THE CHAIRMAN: So did you tell the coxswain what the 20 arrangement was, or not? 21 A. Yes, I did. 22 THE CHAIRMAN: When? 23 A. It should be a long time ago, and I did ask the coxswain 24 and they said they understand. 25 THE CHAIRMAN: So you told all the coxswains that were</p>	<p>1 remember to sign, but usually they should sign. 2 Q. So can you produce those records, Mr Tang? 3 A. Yes. 4 Q. And then you also told us that when Lamma IV is used for 5 special events, a slightly different arrangement would 6 be in place. 7 A. Correct. 8 Q. And you say: 9 "... the extra persons will be the working parties 10 for such events who are tasked with the responsibility 11 of maintaining order and safety of the participant 12 passengers ..." 13 A. Correct. 14 Q. Did they know that they were employed as crew? 15 A. They should understand. 16 Q. Well, who told them? 17 A. Because they were employees from the company and they 18 were appointed to work on the vessel. So they are one 19 of the members of the crew. Upon this point, then 20 I think it fulfilled the legislation as well as the 21 licence enquiry. 22 THE CHAIRMAN: Let us be the judge of that. You just tell 23 us how they knew they'd been appointed as crew of the 24 vessel. 25 A. Yes, they did.</p>

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<p>1 THE CHAIRMAN: How did they know that?</p> <p>2 A. Because once they get on board, then they will</p> <p>3 immediately communicate with the coxswain and then they</p> <p>4 will be understood that they are one of the crew members</p> <p>5 who would be working on board.</p> <p>6 MR BERESFORD: How did the coxswain know which one was crew?</p> <p>7 A. The person will go to contact the coxswain proactively.</p> <p>8 THE CHAIRMAN: Did they tell the coxswain, "I'm the fourth</p> <p>9 member of crew today"? Is that the system?</p> <p>10 A. For this point, I'm not sure whether he said it or not.</p> <p>11 MR BERESFORD: You didn't tell the coxswain to tell them?</p> <p>12 A. Correct.</p> <p>13 Q. You also make the point that, despite the fact that</p> <p>14 Lamma II is still only required to have a minimum of two</p> <p>15 crew members, you continue to keep three crew members on</p> <p>16 board to maintain safety.</p> <p>17 A. Correct.</p> <p>18 Q. You also say that you have attended each annual</p> <p>19 inspection for the renewal of the Lamma IV's operating</p> <p>20 licence since 2008; is that right?</p> <p>21 A. Correct.</p> <p>22 Q. And the inspections always included an assessment of</p> <p>23 life-saving and fire-fighting drills carried out by crew</p> <p>24 members?</p> <p>25 A. Correct.</p>	<p>1 Moving on, then, to the next issue, the Marine</p> <p>2 Department Notice No. 131 of 2012. The Chinese version</p> <p>3 of this notice is at miscellaneous bundle page 63-1, and</p> <p>4 the English version is at miscellaneous bundle, page 53.</p> <p>5 Mr Tang, you say you were aware that the Marine</p> <p>6 Department from time to time issued notices containing</p> <p>7 guidelines and recommendations.</p> <p>8 A. Yes.</p> <p>9 Q. And as the person in charge of the marine section, you</p> <p>10 were responsible to receive and handle these notices?</p> <p>11 A. Yes.</p> <p>12 Q. And you subscribe to an email notification service for</p> <p>13 these notices?</p> <p>14 A. Yes.</p> <p>15 Q. And you say that there were more than 100 notices</p> <p>16 a year, most of which were irrelevant to the operation</p> <p>17 of the marine section; is that right?</p> <p>18 A. Correct.</p> <p>19 Q. You would review these notices and identify those which</p> <p>20 may be relevant to your marine operations?</p> <p>21 A. Correct.</p> <p>22 Q. You say that prior to 1 October 2012, you didn't</p> <p>23 consider it necessary to forward these to your</p> <p>24 superiors.</p> <p>25 A. Correct.</p>
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<p>1 Q. And the drills are always performed by three crew</p> <p>2 members; is that right?</p> <p>3 A. Correct.</p> <p>4 Q. And the Marine Department has never raised any "question</p> <p>5 about the fourth crew member in the renewal of</p> <p>6 Lamma IV's operating licence", it says.</p> <p>7 A. Correct.</p> <p>8 THE CHAIRMAN: Did you ever communicate to the Marine</p> <p>9 Department, either on one of these occasions with the</p> <p>10 survey or when you raised the issue of why the crew</p> <p>11 level had been lifted from two to four, how it was that</p> <p>12 you were actually addressing the matter of providing for</p> <p>13 this fourth crew member?</p> <p>14 A. Besides once I called the licence department and the</p> <p>15 other time was I communicated with Mr Law, and that's</p> <p>16 the only two times that I asked this question.</p> <p>17 THE CHAIRMAN: Did you ever tell them how you were</p> <p>18 complying, as you think, with the provision of a fourth</p> <p>19 member of the crew? Did you tell the Marine Department?</p> <p>20 A. No, I did not.</p> <p>21 THE CHAIRMAN: Why not?</p> <p>22 A. Because I thought I already fulfilled their</p> <p>23 requirements, so I did not do any follow-up.</p> <p>24 THE CHAIRMAN: Yes, Mr Beresford.</p> <p>25 MR BERESFORD: All right. Thank you, Mr Tang.</p>	<p>1 Q. But you would arrange for the marine supervisor to place</p> <p>2 them at the crew room at the pier of Lamma Power</p> <p>3 Station, as well as on board the wheelhouse of each of</p> <p>4 Lamma II and Lamma IV?</p> <p>5 A. Correct.</p> <p>6 THE CHAIRMAN: Is this in respect of notices that were</p> <p>7 concerned with fireworks occasions?</p> <p>8 A. Actually it's the whole notice, including the sketch at</p> <p>9 the very back.</p> <p>10 THE CHAIRMAN: Yes, but dealing with fireworks, not</p> <p>11 submarine cables in Lantau?</p> <p>12 A. Well, anything that is regarding the navigation and</p> <p>13 within the sails, and everything will be posted there.</p> <p>14 THE CHAIRMAN: How many, then, in 2012 did you require to be</p> <p>15 posted in this crew office on the pier? How many</p> <p>16 occasions?</p> <p>17 A. I cannot remember, but anything about the fireworks, and</p> <p>18 also about the sewage, and also any construction work</p> <p>19 related to Yung Shue Wan, then I will have the Chinese</p> <p>20 version posted in the office.</p> <p>21 THE CHAIRMAN: Are we to understand, then, in the process of</p> <p>22 doing this sifting out of what to have posted, you read</p> <p>23 all these notices?</p> <p>24 A. Yes, I did read.</p> <p>25 THE CHAIRMAN: Yes, Mr Beresford.</p>

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<p>1 MR BERESFORD: So as regards the 1 October notice that we 2 saw on the screen, you say that you arranged for that to 3 be dealt with in the same manner and you placed it in 4 the crew room and in the wheelhouse of both Lamma IV and 5 Lamma II. 6 THE CHAIRMAN: Well, I'd like to deal with that 7 specifically, as to whether or not he placed it or 8 whether or not he ordered it to be placed. 9 MR BERESFORD: Yes. 10 You say you arranged for it to be dealt with in the 11 same manner. Does that mean you asked the marine 12 supervisor to put it in those places? 13 A. I asked the marine supervisor to help me to do it. 14 Q. That was Mr Chan, was it, Chan Chun-shing? 15 A. Correct. 16 THE CHAIRMAN: When was that in relation to the 1 October 17 event? 18 A. I cannot remember the actual date, but it should be 19 somewhere one week before 1 October. 20 THE CHAIRMAN: Did you provide him with multiple copies to 21 do this task? 22 A. Yes, I did provide him a couple of copies. 23 MR BERESFORD: You say that the Lamma II was to be operated 24 by a contracted crew on 1 October? 25 A. Correct.</p>	<p>1 notice, but in relation to the safety matters contained 2 in the annex to the notice under the title "Traffic 3 Control Measures", you make two points. Firstly, you 4 say: 5 "... Lamma IV had safety measures in compliance 6 with, or even exceeding, the basic licence requirements 7 of the Marine Department." 8 A. Correct. 9 Q. And secondly, you say: 10 "... in my experience, these matters are not 11 strictly enforced by the Marine Department ..." 12 A. Correct. 13 THE CHAIRMAN: Which measures do you have in mind there? 14 THE INTERPRETER: The translator would like the witness to 15 repeat his answer, please. 16 THE CHAIRMAN: Please ask the witness to say it again. 17 A. Because upon my knowledge, most of the operators who 18 operate these sea vessels, they do more or less the same 19 thing; they won't do anything additional. 20 THE CHAIRMAN: You say in your witness statement that 21 certain measures are not strictly enforced by the Marine 22 Department. The question you are being asked is, which 23 measures? 24 A. The restriction that we highly enforce by ourselves is 25 the restricted areas, especially during the fireworks.</p>
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<p>1 Q. They are employees of Hong Kong &amp; Kowloon Ferry, and 2 regularly sail on routes to and from Lamma Island? 3 A. Correct. 4 Q. You say that they would have had ample opportunity to 5 see the notice placed in the wheelhouse of Lamma II 6 because they had operated her for the preceding two 7 nights, and you've produced the deck logs. 8 A. Correct. 9 Q. And that's appendix 2 to your supplemental statement, at 10 page 774-77. Perhaps there's no need for us to go 11 through that in detail. 12 You also say that you would have expected Hong Kong 13 &amp; Kowloon Ferry to brief them on the relevant Marine 14 notices. 15 A. I think they should have the notice. 16 Q. You draw our attention to an email dated 19 September 17 2012, at page 774-81, which you wrote to April Lam of 18 Hong Kong &amp; Kowloon Ferry -- 19 A. Correct. 20 Q. -- informing her that the crew would be assigned to the 21 fireworks cruise? 22 A. Correct. 23 Q. And then you say that you understand that the coxswain 24 of Lamma IV would, but for the collision, have complied 25 with the warnings and navigation requirements in the</p>	<p>1 The only restriction that we did not comply is we did 2 not provide any life vest for minors or children. 3 THE CHAIRMAN: You were aware that it was contained as 4 a matter that the Marine Department advised be a step 5 taken for this event? 6 A. Recently, yes. 7 THE CHAIRMAN: At the time you read the notice, prior to 8 1 October 2012, were you aware of that? 9 A. No, I did not. 10 THE CHAIRMAN: When did you learn that there was 11 a requirement, or rather an advice, that life jackets be 12 worn by minors? When did you learn that information? 13 A. When this information? 14 THE CHAIRMAN: Yes. When did this shaft of light come into 15 your mind that the Marine Department had advised that 16 children don life jackets? 17 A. Well, it's a long time -- it should be a long period of 18 time when I received the notice from the Marine 19 Department. 20 THE CHAIRMAN: Mr Beresford, may I invite you to take 21 Mr Tang to the notice and to these provisions in 22 particular. 23 MR BERESFORD: Yes. Could we turn to page 63-4, please, 24 which contains the Chinese text of paragraph 6 of the 25 annex to the Marine Department Notice. The English text</p>



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<p>1 is at pages 55 to 56.</p> <p>2 You say in your statement that the English text was</p> <p>3 issued on 14 September, and the Chinese on 19 September;</p> <p>4 and that you arranged for it to be placed in the crew</p> <p>5 room and wheelhouse at least one week before 1 October.</p> <p>6 So, by then, Mr Tang, it would appear that you had read</p> <p>7 it and determined that it was relevant to the operations</p> <p>8 of Lamma IV and Lamma II.</p> <p>9 A. Correct.</p> <p>10 Q. Paragraph 6 says:</p> <p>11 "Masters, coxswains, owners and operators of all</p> <p>12 vessels are advised to take the following steps before</p> <p>13 the start of the voyage:</p> <p>14 (a) all persons on board are made aware of the</p> <p>15 location of all life-saving appliances and instructed on</p> <p>16 the proper way to don a life jacket;</p> <p>17 (b) all children on board are required to don a life</p> <p>18 jacket at all times;</p> <p>19 (c) a passenger list containing the names of</p> <p>20 passengers and crew on board is kept by the</p> <p>21 master/coxswain for emergency purposes; and</p> <p>22 (d) the carrying capacity specified in the operating</p> <p>23 licence of the vessel is adhered to."</p> <p>24 You didn't follow any of that advice, did you,</p> <p>25 Mr Tang?</p>	<p>1 2012, and there were a sizeable number of trips that</p> <p>2 were carrying minors. Did it ever occur to you that</p> <p>3 life jackets should be provided specifically for those</p> <p>4 trips?</p> <p>5 THE CHAIRMAN: For children.</p> <p>6 A. This is what I have already mentioned, that this is</p> <p>7 something I did not do perfectly, and this is somewhere</p> <p>8 I need to improve.</p> <p>9 COMMISSIONER TANG: Thank you. Also on item (d), I would</p> <p>10 just like to follow up too. Are you aware on Lamma IV,</p> <p>11 the open deck, the number of passengers carried on that</p> <p>12 trip was more than was actually allowed by the licence?</p> <p>13 That is, the open deck on Lamma IV.</p> <p>14 A. According to the certificate of survey, the open deck of</p> <p>15 Lamma IV can carry 77 persons.</p> <p>16 A. (In English) Upper deck.</p> <p>17 A. It's the upper deck.</p> <p>18 THE CHAIRMAN: No, we're talking about the open deck, and</p> <p>19 that's 14, isn't it?</p> <p>20 MR BERESFORD: Mr Chairman, can I just get the documents up</p> <p>21 on screen, because there are two certificates of survey.</p> <p>22 The last one is at page 822 of marine bundle 4, and just</p> <p>23 gives the number 77 for the upper deck. That doesn't</p> <p>24 differentiate between the cabin and the open deck. The</p> <p>25 original one is at page 384 of marine bundle 2, which</p>
<p>Page 66</p> <p>1 A. For point 4, to ensure the carrying capacity at that</p> <p>2 point, on this event I was noticed that the passengers</p> <p>3 number should be 180, but it came out as 190. So</p> <p>4 I already arranged two vessels in order to divide the</p> <p>5 passengers in a very even manner, in order to comply</p> <p>6 with the carrying capacity.</p> <p>7 THE CHAIRMAN: Did you comply with items (a), (b) or (c) of</p> <p>8 the notice, of paragraph 6?</p> <p>9 MR GROSSMAN: Mr Chairman, with respect, the question put to</p> <p>10 him was, "You didn't comply with any of these", and he's</p> <p>11 dealing with (d).</p> <p>12 THE CHAIRMAN: I appreciate that, and he's given us his</p> <p>13 answer. Now I'm asking him to deal with (a), (b) and</p> <p>14 (c). Thank you, Mr Grossman.</p> <p>15 A. For item (c), I knew that our recreation department have</p> <p>16 already one copy of the list of the passengers. So</p> <p>17 I expect that we already complied with item (c).</p> <p>18 THE CHAIRMAN: Item (b)?</p> <p>19 A. As I understood that, we do not have any life vests or</p> <p>20 life jackets for minors or children. So this is</p> <p>21 something that we did not do perfectly. This is</p> <p>22 somewhere we need to improve.</p> <p>23 COMMISSIONER TANG: On this subject, if I may ask, this</p> <p>24 morning we were shown a list of the trips made by</p> <p>25 Lamma II and Lamma IV between October 2010 and September</p>	<p>Page 68</p> <p>1 specifies 63 for the upper deck cabin, and 14 for the</p> <p>2 open deck. The bottom left.</p> <p>3 Do you see those, Mr Tang?</p> <p>4 A. Yes, I can see it and I can see also the date was</p> <p>5 between 1996 to 1997.</p> <p>6 THE CHAIRMAN: So it is your understanding that 77 people</p> <p>7 could stand or sit on the open upper deck of Lamma IV;</p> <p>8 is that what you're telling us?</p> <p>9 A. I understood that the version of 1997 and the latest</p> <p>10 version for 2012, they are a little bit different. So</p> <p>11 I might have a different understanding.</p> <p>12 THE CHAIRMAN: No, I'm asking you specifically: are you</p> <p>13 saying, as you understood it, that 77 people could all</p> <p>14 gather together on the open upper deck of Lamma IV?</p> <p>15 A. I cannot confirm it here.</p> <p>16 MR BERESFORD: Could we have a look at a photograph in</p> <p>17 police bundle III, page 167, please. Can we focus on</p> <p>18 the sign, "This deck accommodates 14P".</p> <p>19 A. Yes, I can see it.</p> <p>20 Q. I think you said you travelled on this vessel on</p> <p>21 a regular basis, didn't you, Mr Tang?</p> <p>22 A. Yes.</p> <p>23 Q. Sometimes as crew?</p> <p>24 A. Correct, in the wheelroom.</p> <p>25 Q. So are you telling us you weren't aware that the upper</p>

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<p>1 deck, the open deck, accommodated only 14 people?</p> <p>2 A. As I understand, there are 14 seats on the open deck.</p> <p>3 MR BERESFORD: Perhaps that's a convenient moment to turn to</p> <p>4 the issue of seats.</p> <p>5 THE CHAIRMAN: Before we do that, Mr Tang, there were no</p> <p>6 fewer than 32 children travelling on Lamma IV on the</p> <p>7 voyage from the Yung Shue Wan Lamma Power Station that</p> <p>8 night, were there not?</p> <p>9 A. I knew there were children. It should be correct.</p> <p>10 THE CHAIRMAN: And you knew that in advance of the trip,</p> <p>11 that there would be children travelling on the vessel?</p> <p>12 A. Correct.</p> <p>13 THE CHAIRMAN: And you knew that it didn't carry life</p> <p>14 jackets for children.</p> <p>15 A. Correct.</p> <p>16 THE CHAIRMAN: Did that not concern you in any way?</p> <p>17 A. Upon my consideration, upon my concern is we have life</p> <p>18 jacket under every seat of the vessel, and we also have</p> <p>19 the life boat, the rescue boat, and the number of life</p> <p>20 jackets on board is much higher than the requirement of</p> <p>21 the licence. That's why I think we have enough facility</p> <p>22 for safety.</p> <p>23 THE CHAIRMAN: So are we to take it that you're answering</p> <p>24 the question in the negative: it didn't concern you,</p> <p>25 because of the matters to which you've referred?</p>	<p>1 evaluate the risk of using the company vessel for</p> <p>2 a family cruise where children would be on board.</p> <p>3 A. Correct.</p> <p>4 MR BERESFORD: The reference for the transcript, for the</p> <p>5 Commission's note, is Day 14, page 73.</p> <p>6 Do you agree that it was your responsibility,</p> <p>7 Mr Tang?</p> <p>8 A. Agree.</p> <p>9 Q. And did you evaluate the risk?</p> <p>10 A. At that time, how I evaluate the risk is I divided the</p> <p>11 passenger number into two, even though one vessel could</p> <p>12 carry all the passengers. By doing this, I already</p> <p>13 lowered the ratio between passengers and crew members.</p> <p>14 And also, I think that we have enough life-saving</p> <p>15 facility, including life jackets --</p> <p>16 THE INTERPRETER: How do you say, those loops.</p> <p>17 A. -- as well as the life boat, and I already think</p> <p>18 I already complied with all the requirement for the</p> <p>19 licence.</p> <p>20 THE CHAIRMAN: That was your risk assessment, was it?</p> <p>21 A. Yes.</p> <p>22 MR BERESFORD: Very well, Mr Tang.</p> <p>23 Moving on, then, to my last topic, which is the</p> <p>24 repair and maintenance of seats.</p> <p>25 You have informed us, I believe, that the seats on</p>
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<p>1 A. As I have said before, this is something I did not do</p> <p>2 perfectly.</p> <p>3 THE CHAIRMAN: Did you consider informing your colleagues in</p> <p>4 the wellness section about the fact that there were no</p> <p>5 life jackets for children on this trip where it was to</p> <p>6 be expected that children would be passengers?</p> <p>7 A. I did not inform my colleagues of the wellness section</p> <p>8 that there were no life jackets for the children.</p> <p>9 THE CHAIRMAN: That's as may be, but did you consider the</p> <p>10 issue?</p> <p>11 A. Well, when I -- when after -- right now, it was a little</p> <p>12 bit late. But now, for all our new vessels we already</p> <p>13 have life vests for minors.</p> <p>14 THE CHAIRMAN: The question is, did you consider this issue</p> <p>15 in your mind, knowing that there were no life jackets</p> <p>16 for children, there were going to be children on board,</p> <p>17 did you consider informing your wellness section</p> <p>18 colleagues?</p> <p>19 A. At that time, I did not inform my colleagues in the</p> <p>20 wellness section, and I did not consider this issue at</p> <p>21 all.</p> <p>22 THE CHAIRMAN: Yes, Mr Beresford.</p> <p>23 MR BERESFORD: Mr Tang, one further question on this.</p> <p>24 Mr Francis Cheng, when he gave evidence before this</p> <p>25 Commission, said that it was your responsibility to</p>	<p>1 Lamma IV were subjected to regular checks by the crew.</p> <p>2 THE CHAIRMAN: Where do we find that, Mr Beresford?</p> <p>3 MR BERESFORD: This is supplemental information,</p> <p>4 Mr Chairman; it's not in the statement.</p> <p>5 Is that right, Mr Tang?</p> <p>6 A. Correct.</p> <p>7 Q. And they would tighten up screws whenever they were</p> <p>8 found loose or when reported as being loose by</p> <p>9 a passenger; is that right?</p> <p>10 A. Correct.</p> <p>11 Q. And if more tightening of the screws was needed to</p> <p>12 resecure the seats, the matter would be brought to the</p> <p>13 attention of Mr Chan, Johnson Chan, and he would refer</p> <p>14 the matter to the company's maintenance team?</p> <p>15 A. Correct.</p> <p>16 Q. And they would decide whether they could repair the</p> <p>17 seats in-house or secure them, or whether the work</p> <p>18 should be sent for external repair; is that right?</p> <p>19 A. Normally, when our repair team cannot repair, then we</p> <p>20 will send it to the ship manufacturer externally.</p> <p>21 Q. Yes. So have you ever sent these seats to the shipyard</p> <p>22 for repair?</p> <p>23 A. According to the records, a long time ago, yes.</p> <p>24 Q. Can you produce that record?</p> <p>25 A. Yes, I can.</p>

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<p>1 THE CHAIRMAN: When was this?</p> <p>2 A. The first time, it should be in 1997, when the vessel</p> <p>3 was still under warranty. And the second time, it</p> <p>4 should be in 1998.</p> <p>5 THE CHAIRMAN: When the maintenance section repaired loose</p> <p>6 seats, were records made of the work done?</p> <p>7 A. If there is work card issued, then there should be</p> <p>8 records.</p> <p>9 THE CHAIRMAN: Would you have a copy of this in your marine</p> <p>10 section?</p> <p>11 A. Upon my memory, I do not have a copy. But most of the</p> <p>12 time, if the crew member, they find some loosened seats,</p> <p>13 they will contact the maintenance section directly. So</p> <p>14 most of the time, there will not be any record.</p> <p>15 THE CHAIRMAN: Presumably a record in the maintenance</p> <p>16 section?</p> <p>17 A. I believe no, because once they finish one task and it</p> <p>18 is completed.</p> <p>19 THE CHAIRMAN: So, no records anywhere of what work was done</p> <p>20 to repair loose seating on Lamma IV?</p> <p>21 A. What I meant is only the minor issue or the minor</p> <p>22 repairing needing to be performed by the maintenance</p> <p>23 section, there might not be any record. But for major</p> <p>24 repairing issue, there should be records.</p> <p>25 THE CHAIRMAN: Can you make enquiries for us as to any work</p>	<p>1 THE CHAIRMAN: Yes.</p> <p>2 MR GROSSMAN: The second one is on the qualifications</p> <p>3 necessary for the coxswain and engineer.</p> <p>4 THE CHAIRMAN: Yes.</p> <p>5 MR GROSSMAN: Thirdly, I want to deal with the issue of the</p> <p>6 fourth person, and who he was, and what he did.</p> <p>7 THE CHAIRMAN: Yes.</p> <p>8 MR GROSSMAN: And then I want to deal with the Mardep</p> <p>9 Notice.</p> <p>10 THE CHAIRMAN: Of 1 October, or for the 1 October event?</p> <p>11 MR GROSSMAN: Thank you, Mr Chairman. That's the one.</p> <p>12 And finally, a question about the seats.</p> <p>13 THE CHAIRMAN: Thank you. Yes, please proceed.</p> <p>14 Examination by MR GROSSMAN</p> <p>15 MR GROSSMAN: Mr Tang, you were asked some questions about</p> <p>16 the VHF. Do you remember that?</p> <p>17 A. Yes, I remember.</p> <p>18 Q. First of all, from your knowledge, was it required on</p> <p>19 a vessel such as the Lamma IV or the Lamma II?</p> <p>20 A. According to the certificate of survey, Lamma IV or</p> <p>21 Lamma II, both of them do not require VHF.</p> <p>22 Q. Are you aware if VHF is going to be fitted into the one</p> <p>23 or both of the new vessels that will be on-stream this</p> <p>24 year?</p> <p>25 A. Yes, I know both new vessels already are fitted with</p>
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<p>1 record of repairs done to seating? For example,</p> <p>2 relocating the seats because the existing holes had</p> <p>3 pulled through; providing a plate and riveting the seat</p> <p>4 attachment to the plate. Make enquiries, if you would,</p> <p>5 from your maintenance section about that kind of work.</p> <p>6 A. Yes, I can go and ask.</p> <p>7 THE CHAIRMAN: Thank you.</p> <p>8 Mr Beresford?</p> <p>9 MR BERESFORD: Thank you, Mr Tang. Please wait there.</p> <p>10 THE CHAIRMAN: Mr Beresford, whilst we were in session this</p> <p>11 afternoon some material under the cover of a letter from</p> <p>12 Reed Smith Richards Butler has reached us, addressing</p> <p>13 the issue of copies of records of drills and checks done</p> <p>14 for Lamma IV in the first nine months of 2012. Have</p> <p>15 they reached you?</p> <p>16 MR BERESFORD: No, Mr Chairman.</p> <p>17 THE CHAIRMAN: Perhaps we can deal with it later.</p> <p>18 MR GROSSMAN: They came to me. I passed them on to my</p> <p>19 learned friend Mr Shieh, who I think passed them on to</p> <p>20 Lo &amp; Lo.</p> <p>21 THE CHAIRMAN: Very well.</p> <p>22 MR GROSSMAN: I do have an application, and again</p> <p>23 I emphasise the questions will be short, although it's</p> <p>24 on a number of areas. The first one is on the</p> <p>25 non-provision of the VHF.</p>	<p>1 VHF.</p> <p>2 Q. Thank you. I want to ask you a little bit about how one</p> <p>3 becomes an engineer or a coxswain. First of all I think</p> <p>4 they require to have a licence as such from the Marine</p> <p>5 Department. How do they obtain this licence?</p> <p>6 A. Upon my understanding, they need to apply to the Marine</p> <p>7 Department and also they need to go through a test and</p> <p>8 also they have to have enough sea time. Once they</p> <p>9 fulfil the sea time requirement, then they can apply for</p> <p>10 licence from the Marine Department.</p> <p>11 Q. Are they tested?</p> <p>12 A. Yes.</p> <p>13 Q. And do you know the type of things they're tested on?</p> <p>14 A. Upon my understanding, for the coxswains there will be</p> <p>15 a written test and an oral test. For the engineers, it</p> <p>16 was only an oral test. But now they changed into</p> <p>17 a computer test, which is something very different.</p> <p>18 Q. Would the matters upon which they're tested include the</p> <p>19 type of thing you include in your operation manual?</p> <p>20 A. I believe it should be included.</p> <p>21 Q. Thank you. I want to ask you about the question of the</p> <p>22 fourth person who you were told you had to have as crew.</p> <p>23 In all your discussions with the Marine Department, did</p> <p>24 anybody ever indicate to you what the function of this</p> <p>25 fourth person was?</p>

<p style="text-align: right;">Page 77</p> <p>1 A. No.</p> <p>2 Q. When you had your annual fire-fighting demonstration,</p> <p>3 did anybody Mardep say to you, "Hold on; where's the</p> <p>4 fourth member of the crew"?</p> <p>5 A. With all the demonstrations that I worked there or</p> <p>6 I presented, no-one asked me this question.</p> <p>7 Q. You were asked a number of questions about how you</p> <p>8 communicated to other persons that they would be the</p> <p>9 fourth member. Do you remember that?</p> <p>10 A. Yes, I do.</p> <p>11 Q. I want to remind you of something that you said in your</p> <p>12 supplementary statement that wasn't read to you. Would</p> <p>13 you have a look, please, at paragraph 15 on page 774-6.</p> <p>14 It reads thus -- I think the first part was read to you,</p> <p>15 but I'll read it to you again:</p> <p>16 "During the normal ferry shuttle services, the extra</p> <p>17 person would be an engineer or foreman from the</p> <p>18 materials handling operations section, or other</p> <p>19 personnel from the marine section, including myself or</p> <p>20 the marine supervisor travelling to/from work."</p> <p>21 Then the part that wasn't read to you is this:</p> <p>22 "This arrangement was discussed at the meetings held</p> <p>23 with all crew members once or twice a year."</p> <p>24 Is the second part of that correct?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 79</p> <p>1 MR MOK: I think the question was whether the coxswain told</p> <p>2 him.</p> <p>3 (Question retranslated)</p> <p>4 MR GROSSMAN: Yes, did the coxswain tell you that the Marine</p> <p>5 Department said the number of people was inadequate.</p> <p>6 A. The coxswain did not tell me.</p> <p>7 Q. Right. I want to ask you just a question quickly about</p> <p>8 the seats. We've heard from Mardep officials that they</p> <p>9 tested the seats on the inspection. Were there ever any</p> <p>10 complaints to you about the inadequacy of the seating</p> <p>11 and the way it was fixed?</p> <p>12 THE CHAIRMAN: By Marine officers?</p> <p>13 MR GROSSMAN: Yes, by Marine officers, yes.</p> <p>14 A. Upon all the final survey, the officers from the Marine</p> <p>15 Department, they never complained to us about any</p> <p>16 inadequacy of the seatings.</p> <p>17 Q. Thank you. Lastly, I want to ask you about the Marine</p> <p>18 Department Notice concerning the 1 October fireworks.</p> <p>19 As you know, in that notice there are matters that are</p> <p>20 mandatory, matters you have to obey and matters you are</p> <p>21 advised to follow.</p> <p>22 A Marine Department witness has told this Inquiry</p> <p>23 that as far as the advisory matters were concerned,</p> <p>24 whether to conform with them was left to the discretion</p> <p>25 of the coxswain. Did you exercise that discretion?</p>
<p style="text-align: right;">Page 78</p> <p>1 Q. Thank you. I want to go back to a question, if I may,</p> <p>2 that the Chairman asked you. I'm not sure whether you</p> <p>3 understood it properly.</p> <p>4 Could you go back to page 46 of today's transcript.</p> <p>5 I understand we can't have it on the screen, so if</p> <p>6 you'll give me a moment, Mr Chairman, I'll just scroll</p> <p>7 back.</p> <p>8 THE CHAIRMAN: Yes.</p> <p>9 MR GROSSMAN: Do you have it, Mr Chairman and</p> <p>10 Mr Commissioner?</p> <p>11 THE CHAIRMAN: Yes.</p> <p>12 MR GROSSMAN: Thank you. Could we start at line 25. This</p> <p>13 is a question asked by the Chairman. I'm not sure if</p> <p>14 you have it on the screen.</p> <p>15 The Chairman asked you:</p> <p>16 "But did the coxswain tell you that the Marine</p> <p>17 Department officer involved in the survey had given no</p> <p>18 indication that the number of crew or the persons</p> <p>19 performing the duties were inadequate?</p> <p>20 Answer: No."</p> <p>21 This was in the context of the decision suddenly to</p> <p>22 raise from two to four.</p> <p>23 Can I perhaps put the question another way. Did the</p> <p>24 coxswain ever say to you that the Marine Department</p> <p>25 officer said the number of people was inadequate?</p>	<p style="text-align: right;">Page 80</p> <p>1 A. We did exercise the restriction on some of the piers</p> <p>2 that we can board or disembark, and also in some areas</p> <p>3 that -- for safety, to separate the ships, that is</p> <p>4 something we did exercise.</p> <p>5 Q. As far as the children's life jackets were concerned,</p> <p>6 this was a discretionary matter and you made a decision</p> <p>7 on that; is that right?</p> <p>8 A. (Chinese spoken).</p> <p>9 MR GROSSMAN: I'm sorry, I'm told there may have been</p> <p>10 a translation issue.</p> <p>11 THE CHAIRMAN: Let's have the translation first of all.</p> <p>12 A. Because at that time, the number of safety or</p> <p>13 life-saving facility, I expected it should be enough.</p> <p>14 And there is no clear mention or requirement written for</p> <p>15 the licence issues.</p> <p>16 THE CHAIRMAN: By that you mean that children's life jackets</p> <p>17 was not required in the licence; is that what it comes</p> <p>18 to?</p> <p>19 A. Upon all the surveys, the survey officer did not mention</p> <p>20 anything about life jackets for minors. And all the</p> <p>21 time he renewed the licence for us.</p> <p>22 MR GROSSMAN: I'm talking about 1 October. Do I understand</p> <p>23 you to say that you made an assessment of whether or not</p> <p>24 the vessel was safely equipped, and you took</p> <p>25 a discretionary decision that it wasn't necessary to</p>

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<p>1 have children's life jackets? 2 A. As I mentioned before -- did not have any children's 3 life jacket is something that I did imperfectly. 4 Q. Mr Tang, I personally am not criticising you; I'm just 5 asking you what happened. I'm just saying to you, 6 that's what happened: you made an assessment, the vessel 7 was perfectly safe, and you took a decision "not 8 necessary to have life jackets"? 9 A. Correct. 10 MR GROSSMAN: Thank you, Mr Chairman. 11 THE CHAIRMAN: Mr Zimmern? 12 MR ZIMMERN: Thank you, Mr Chairman. Might I be permitted 13 to ask a very few -- 14 MR SHIEH: Mr Chairman, before Mr Zimmern proceeds, Dr Cheng 15 Yuk-ki, the Government -- 16 THE CHAIRMAN: Yes, I see him in the public gallery. 17 MR SHIEH: He has been waiting. 18 Can I just make an enquiry as to how long the 19 combined length of my learned friends' examination of 20 this witness might be, because if they are likely to 21 straddle today and tomorrow anyway, then I would not 22 wish to unduly inconvenience Dr Cheng. Dr Cheng can't 23 come tomorrow. If he is not reached today, he can only 24 come on Wednesday. 25 THE CHAIRMAN: Thank you for that.</p>	<p>1 Q. I've just got a few questions to ask you about the fog 2 light at the end of the breakwater to the entrance of 3 the Hongkong Electric pier. Would it be fair to say 4 that this is a very bright light? 5 A. From different distance, from different angle, they 6 might have a different feeling. 7 Q. Okay. Would it be fair to say that this light points in 8 a northerly direction? It points due north? 9 A. Well, this light is usually pointed to north. 10 Q. So would you agree that if you're looking, then, from 11 the north towards the light, then the light would appear 12 very bright? 13 A. As I have mentioned before, it really depends on the 14 distance and the angle. 15 Q. I've given you the angle now. 16 A. What is the distance? 17 Q. At what point would you say the light became bright, 18 coming in a southerly direction from the north? 19 A. Well, normally it's the closer, the brighter it is. 20 Q. Okay. Mr Tang, what is the purpose of this light? 21 A. The purpose of this light is when the vision is poor, 22 then they will give the crew direction how to sail in to 23 the pier. 24 Q. Am I not correct that -- 25 A. In poor --</p>
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<p>1 MR SHIEH: So I raise the point of enquiry as to how long my 2 friends might take. 3 MR ZIMMERN: I only have a few very questions, so minutes. 4 MR PAO: Not more than about 20 minutes. 5 THE CHAIRMAN: That takes us over to tomorrow -- 6 MR SHIEH: We will straddle today and tomorrow anyway -- 7 THE CHAIRMAN: -- before we even reach Mr Mok. 8 MR MOK: And speaking for myself, I would welcome the 9 opportunity of seeing the email that just came in about 10 the drilling. 11 MR SHIEH: The letter with enclosures? 12 MR MOK: Yes -- before asking my questions. 13 THE CHAIRMAN: In which case, Dr Cheng, thank you very much 14 for coming. We're sorry we've wasted your time, but we 15 can't reach you today. We'll reach you when it's 16 convenient for you. 17 Yes. The areas you wish to explore, Mr Zimmern? 18 MR ZIMMERN: I'm grateful. Thank you, Mr Chairman. 19 The only area is in regard to the fog lights. 20 THE CHAIRMAN: Very well. Please ask the questions. 21 MR ZIMMERN: If the secretariat could be so kind as to turn 22 up police photo bundle page 641. 23 Examination by MR ZIMMERN 24 MR ZIMMERN: Good afternoon, Mr Tang. 25 A. Good afternoon.</p>	<p>1 A. (In English) Poor visibility. 2 THE INTERPRETER: "In poor visibility". 3 MR ZIMMERN: Am I not correct that this light is on nightly? 4 It's on daily, in fact? 5 A. Yes. 6 THE CHAIRMAN: It's on day and night? 7 A. Correct. 8 THE CHAIRMAN: That must be an advantage of making the 9 electricity at the power station yourself. 10 MR ZIMMERN: Now, as the officer in charge of the marine 11 section, I just wanted to ask you, do you know why the 12 entrance or the breakwaters to the entrance of the pier 13 are not marked like every other shelter entrance in 14 Hong Kong, with a green and a red light? 15 A. In our entrance, we also have a red beacon light which 16 also complies to the Hong Kong Government requirement. 17 Q. Is this something that was required by the Marine 18 Department? 19 A. As I know, our construction department did ask the 20 Marine Department, so they should comply with the 21 requirement. 22 Q. Am I correct in saying that the light was built in in 23 around 1983-1984? 24 A. I'm not sure the exact date, but it should be around 25 then.</p>

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<p>1 Q. I just wanted to double-check if you knew. Was the 2 Marine Department consulted before the light was built? 3 And to be clear here, I'm talking about the fog light. 4 A. Because during that period, I was only the marine 5 supervisor. So I'm not involved in this issue, so 6 I don't know. 7 Q. In any event, since you've been in the marine section as 8 the marine officer, has the fog light been upgraded or 9 amended in any way? 10 A. As I remember, the light should be in the same location. 11 MR ZIMMERN: Thank you very much, Mr Tang. 12 THE CHAIRMAN: Mr Pao? 13 MR PAO: Yes. May I have leave to ask this witness 14 questions in three particular areas. One is the 15 maintenance or servicing of Lamma IV. The second is on 16 the delivery of Lamma IV, he said he inspected the 17 vessel, and I just want to clarify a few things with 18 this witness. 19 THE CHAIRMAN: Yes. 20 MR PAO: And finally, in the area of his interpretation of 21 the tender document and certain assertions made by this 22 witness, the tender document and the contracts. 23 THE CHAIRMAN: In which areas? 24 MR PAO: In particular the area where he says that he would 25 have expected that the change had to be rejected since</p>	<p>1 I can remember, it should be Hing Kee from Ap Lei Chau, 2 or Cheoy Lee. Any one of them. 3 THE CHAIRMAN: Presumably your marine section have these 4 records going back to that period? 5 MR PAO: Thank you, Mr Chairman. That was my next question. 6 THE CHAIRMAN: Is that right, Mr Tang? 7 A. Yes, there is. 8 THE CHAIRMAN: Would you be kind enough to look in the 9 records and produce the documents that relate to the 10 various shipyards, if there were plural number of 11 shipyards, who did the work, after the vessel was 12 commissioned and before Cheoy Lee took over servicing 13 the vessel. 14 MR GROSSMAN: Mr Chairman, I'm happy to put that in train 15 if, on consideration, you think it's in any way relevant 16 to any of the matters you have to decide. 17 THE CHAIRMAN: That's why we're asking for it. 18 MR GROSSMAN: It's very difficult, I have to say, from my 19 point of view, to see what possible relevance they could 20 be to maintenance before 2003. But if you think there 21 is, then so be it. 22 THE CHAIRMAN: Yes. Please produce them, Mr Tang. 23 MR PAO: Perhaps I can explain to Mr Chairman the relevance 24 of this line of questioning. You remember Dr Armstrong 25 accepted the stripping down of paint and the repainting</p>
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<p>1 no reason could be contemplated. 2 THE CHAIRMAN: Very well. Please ask your questions. 3 Examination by MR PAO 4 MR PAO: Mr Tang, do you know that Cheoy Lee in fact was 5 only awarded the contract to service the fleet of 6 Hongkong Electric vessels in the year 2003? 7 A. I cannot remember the actual time, but recently the 8 maintenance was performed by Cheoy Lee. 9 Q. Before Cheoy Lee took up the servicing of the Hongkong 10 Electric vessels, who was responsible for servicing the 11 vessels? 12 A. As I remember, there's a shipyard called Hing Kee which 13 is in Ap Lei Chau. 14 Q. Was this shipyard responsible for the servicing of 15 Lamma IV after Lamma IV was delivered to Hongkong 16 Electric and before Cheoy Lee got involved in the 17 servicing of Lamma IV? 18 A. I cannot remember exactly the time, because every time 19 it was an open tender. Who got the tender will take the 20 job. 21 Q. So there is a possibility that besides the shipyard in 22 Ap Lei Chau, there were other shipyards who were 23 responsible for the servicing of Lamma IV prior to Cheoy 24 Lee's involvement? 25 A. At that time, because it is not my responsibility, so as</p>	<p>1 of the hull would cause reduction of the thickness of 2 the aluminium alloy by, say, 0.1 mm every time that was 3 done. So these records would be relevant for the 4 Commission to see how many times that process was taken 5 throughout the years. 6 THE CHAIRMAN: Yes. 7 MR PAO: Mr Tang, we would be very grateful if you could 8 produce those records for the Commission. 9 A. Because it was a long time ago, so I cannot make a very 10 confirmed promise that I will have all the records. But 11 I will try my best to prepare as much as I can. 12 THE CHAIRMAN: That's all we're asking you to do, Mr Tang. 13 But since we've reached 4.30, and there are some other 14 matters that I have to deal with, we'll bring your 15 evidence to a close now, Mr Tang. Unless this is 16 inconvenient for you? 17 MR PAO: No, no. It's fine. 18 THE CHAIRMAN: Very well. 19 We'll ask you if you'd be kind enough to return here 20 to continue your evidence tomorrow at 10 o'clock, 21 bringing with you the various documents, insofar as 22 you're able to find them, that will help us. 23 A. (In English) Okay. 24 THE CHAIRMAN: You're free to leave the witness box now. 25 A. (In English) Thank you.</p>

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<p>1 (The witness stood down)</p> <p>2 THE CHAIRMAN: Mr Mok, there's a matter that I'd like to</p> <p>3 raise with you.</p> <p>4 Last week the Commission's solicitors wrote to the</p> <p>5 Department of Justice asking that we be provided with</p> <p>6 a statement to assist us in understanding the various</p> <p>7 regimes that have been set up to regulate training and</p> <p>8 so on. My enquiry is simply to ask -- and it was asked</p> <p>9 that it be provided by noon today -- what the progress</p> <p>10 is in complying with our request.</p> <p>11 MR MOK: Yes, Mr Chairman. I understand that different</p> <p>12 teams have been set up to deal with the different</p> <p>13 aspects of the request, and it is the intention to</p> <p>14 produce to the Commission such materials as they are</p> <p>15 ready at any particular time. So I think part of it can</p> <p>16 be served as soon as possible, for example the life</p> <p>17 jackets and other life-saving appliances.</p> <p>18 THE CHAIRMAN: Yes.</p> <p>19 MR MOK: So the game plan is to do as much as we can as fast</p> <p>20 as we can, and to submit such information and evidence</p> <p>21 as is ready.</p> <p>22 THE CHAIRMAN: When can we expect it, is all I'm asking?</p> <p>23 MR MOK: I think it has to be by stages.</p> <p>24 THE CHAIRMAN: Yes. When can we have the first tranche?</p> <p>25 MR MOK: The first tranche --</p>	<p>1 It's dated 4 February from Reed Smith Richards Butler.</p> <p>2 THE CHAIRMAN: Yes.</p> <p>3 MR MOK: Do you have a copy of this?</p> <p>4 THE CHAIRMAN: Yes, I have one in front of me.</p> <p>5 MR MOK: It's on the second page -- in fact, it's on every</p> <p>6 page of the table. At the very bottom there's</p> <p>7 a reference to "ferry instruction No. 5".</p> <p>8 THE CHAIRMAN: I see that.</p> <p>9 MR MOK: That seems to be quite relevant to this.</p> <p>10 THE CHAIRMAN: Just pausing there.</p> <p>11 Mr Grossman, can you assist with that?</p> <p>12 MR GROSSMAN: I'll certainly make enquiries.</p> <p>13 MR MOK: Another document I have noticed, which may be of</p> <p>14 some relevance, and I'm not sure that the Marine</p> <p>15 Department has received this. This is at bundle 1. The</p> <p>16 English version or the translation, rather, is on</p> <p>17 page 34-5. I believe maybe this is a number of</p> <p>18 documents which have been asked for, but I haven't seen</p> <p>19 it so far myself.</p> <p>20 If, Mr Chairman, you could turn to page 34-5.</p> <p>21 THE CHAIRMAN: Of which bundle?</p> <p>22 MR MOK: Marine bundle 1. It's item 11 on that list.</p> <p>23 I don't know what it is, but it may potentially be</p> <p>24 relevant. It's called "Certificate of life jackets</p> <p>25 [adult and children] on board, numbers of adult and</p>
<p>Page 90</p> <p>1 THE CHAIRMAN: What we're asking the Marine Department in</p> <p>2 particular to address will hardly come as a bolt of</p> <p>3 lightning out of the blue --</p> <p>4 MR MOK: No, but still --</p> <p>5 THE CHAIRMAN: -- because it addresses the second and third</p> <p>6 terms of reference.</p> <p>7 MR MOK: Yes. I believe the first tranche will be ready</p> <p>8 either tomorrow or the latest the day after tomorrow.</p> <p>9 THE CHAIRMAN: Well, do what you can to provide it tomorrow</p> <p>10 That would help us.</p> <p>11 MR MOK: Yes, we'll do what we can.</p> <p>12 Mr Chairman, whilst I'm on my feet, can I ask if we</p> <p>13 could seek certain disclosure of documents, particularly</p> <p>14 from Hongkong Electric.</p> <p>15 THE CHAIRMAN: Yes.</p> <p>16 MR MOK: First of all, we have just received a letter</p> <p>17 together with a number of launch safe checklists, and</p> <p>18 there is a reference to a document called the "ferry</p> <p>19 instruction No. 5". That is likely to be an internal</p> <p>20 document with respect to the inspection of Lamma IV.</p> <p>21 THE CHAIRMAN: Yes.</p> <p>22 MR MOK: So that instruction I believe would be relevant to</p> <p>23 the --</p> <p>24 THE CHAIRMAN: Where do we find this?</p> <p>25 MR MOK: This is a letter which has just been circulated.</p>	<p>Page 92</p> <p>1 children life jackets and their locations". Now,</p> <p>2 I don't know --</p> <p>3 THE CHAIRMAN: And of whom is this a request being made?</p> <p>4 MR MOK: If one looks at page 33 in the original, it seems</p> <p>5 to be addressed to one lawyer, Mr Lee, and I believe it</p> <p>6 is the investigation team of the Marine Department who</p> <p>7 were asking for these documents.</p> <p>8 THE CHAIRMAN: From which of the involved parties?</p> <p>9 MR MOK: I think the -- I believe it must be Hongkong</p> <p>10 Electric or their representative.</p> <p>11 THE CHAIRMAN: Your point is that the request for</p> <p>12 information doesn't appear to have been complied with as</p> <p>13 yet?</p> <p>14 MR MOK: Yes, it doesn't seem to be. I don't know even if</p> <p>15 such a document exists at all, but if it does --</p> <p>16 THE CHAIRMAN: Mr Grossman, can I ask you to put your head</p> <p>17 together with Mr Mok and find out what the position is?</p> <p>18 MR GROSSMAN: Certainly, I will.</p> <p>19 THE CHAIRMAN: Thank you.</p> <p>20 MR MOK: Finally, I believe that during the evidence of</p> <p>21 Mr Francis Cheng, Mr Chairman, you had asked Hongkong</p> <p>22 Electric to disclose the minutes of the meetings where</p> <p>23 they discuss the additional manning requirement, and</p> <p>24 whether or not there were minutes which still exist and</p> <p>25 can be disclosed.</p>

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<p>1 THE CHAIRMAN: Yes. 2 Mr Grossman, what is the answer to that? 3 MR GROSSMAN: The true answer is I don't remember. 4 THE CHAIRMAN: Very well. Perhaps you'll take instructions 5 and come back tomorrow on that. 6 MR GROSSMAN: I will. 7 THE CHAIRMAN: Now, Mr Yeung, your application. 8 Application by MR YEUNG 9 MR YEUNG: Yes, Mr Chairman. We would like to recall 10 Mr Fung of the Marine Department. Actually the basis of 11 our application is set out in two letters, dated 12 28 January and 29 January. 13 THE CHAIRMAN: Yes. 14 MR YEUNG: In short, if I may take Mr Chairman back with the 15 chronology, we received a letter from Messrs Lo &amp; Lo on 16 9 January, setting out some questions. At that time, 17 lay client was very happy to comply with the request of 18 the Commission. At that point in time, it was believed 19 that by serving a witness statement, that would be 20 adequate to adequately satisfy the requests of the 21 Commissioner. 22 It was not until 17 January -- that is, Day 17 of 23 the hearing -- when Mr Fung gave evidence, that there's 24 a new tack to the evidence against my lay client. It 25 was then felt the lay client should become an involved</p>	<p>1 MR YEUNG: Yes, to that of the original statement. 2 THE CHAIRMAN: Mr Fung being a Marine Department officer? 3 MR YEUNG: Yes, he is. 4 THE CHAIRMAN: Mr Mok, do you have any view on this matter? 5 MR MOK: Frankly, Mr Chairman, since Mr Yeung has a witness 6 to produce, I would suggest that we first of all hear 7 the evidence of his witness and if there is any gap, it 8 may be either we can deal with it without recalling the 9 witness, or to recall the witness if it is necessary. 10 So I think it is a little bit premature to state at 11 large that he should be or he should not be produced for 12 re-examination. 13 THE CHAIRMAN: Yes. Thank you for that. 14 Mr Shieh, do you have anything to say on the 15 application? 16 MR SHIEH: On the application by Mr Yeung? 17 THE CHAIRMAN: Yes. 18 MR SHIEH: I don't have any particular observations. 19 THE CHAIRMAN: Thank you. 20 Mr Yeung? 21 MR YEUNG: There are two aspects arising from my learned 22 friend Mr Mok's reply. Firstly, I am in your hands as 23 to whether or not Mr Zhang, the statement-maker, should 24 be called, and if so, by whom. I believe it's in your 25 hands, Mr Chairman.</p>
<p>Page 94</p> <p>1 party. An application -- 2 THE CHAIRMAN: Are you saying that what Mr Fung has said in 3 oral testimony is not to be found in his earlier written 4 statement? 5 MR YEUNG: No. Yes and no. Broadly it was there, but then 6 in his oral testimony it went further than what was in 7 his written witness statement. In any event, it was not 8 until the lay client became an involved party that we 9 were privileged to the set of documents, including -- 10 THE CHAIRMAN: No, that's right. But that was made obvious 11 to you in correspondence. You have to apply to become 12 an involved party, to participate and be legally 13 represented, in order for what are otherwise 14 confidential documents to be provided to you. 15 MR YEUNG: Yes. 16 THE CHAIRMAN: If that application had been made in time, 17 you'd have seen the topics Mr Fung was going to be 18 dealing with in advance of him giving oral testimony. 19 MR YEUNG: But in all fairness -- even if you look at 20 Mr Fung's witness statement today -- 21 THE CHAIRMAN: You're saying that new material is to be 22 found in it; is that the point? 23 MR YEUNG: Yes, and -- 24 THE CHAIRMAN: And that the oral evidence contained new 25 material?</p>	<p>Page 96</p> <p>1 Secondly, in any event -- 2 THE CHAIRMAN: But if we were to either receive his written 3 statement and/or ask him to give oral evidence, all 4 Mr Mok is signalling is that may make the need to 5 question Mr Fung go away. 6 MR YEUNG: Yes. I'll deal with that, if I may, later. But 7 on this point, am I understanding correctly that that is 8 totally a matter of your discretion, as to whether or 9 not Mr Zhang be called? 10 THE CHAIRMAN: Well, we've asked that a witness be provided 11 by China Classification Society. A witness statement -- 12 if it's in the normal terms, it would be someone to 13 provide a statement who may be asked to give evidence. 14 MR YEUNG: But you will be the one who is making the 15 decision -- 16 THE CHAIRMAN: Yes. And on the other hand, it may be that 17 if we were not to avail ourselves of the power to call 18 him, you might invite us to call him. That would be 19 another way in which it would be dealt with. 20 MR YEUNG: Thank you for the direction. 21 Secondly, Mr Zhang's statement is already in and 22 I believe Mr Mok must have a chance to look at it. 23 THE CHAIRMAN: Yes. 24 MR YEUNG: I am of the view that Mr Fung should be recalled 25 so that the position of my lay client can be put to</p>



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<p>1 Mr Fung, so we can see what reply he might have to that 2 stance or the position of Mr Zhang, the statement-maker 3 of my lay client. 4 THE CHAIRMAN: Yes. Which part of Mr Zhang's statement 5 deals with the topic that would be the subject of 6 questions of Mr Fung? 7 MR YEUNG: Basically it is the practice and process of 8 survey adopted during their survey back in 1995. 9 THE CHAIRMAN: Which paragraph? 10 MR YEUNG: Bear with me a moment. I believe it's 8. 11 THE CHAIRMAN: Is it in respect of x-rays? 12 MR YEUNG: X-ray and also the thickness, how the thickness 13 of the plates was dealt with. 14 THE CHAIRMAN: Yes. And which paragraphs deal with the 15 matter in Mr Zhang's statement? 16 MR YEUNG: I somehow cannot lay my hands on the English 17 version of Mr Zhang's -- paragraph 12.5 deals with 18 item 8 of the survey item list. 19 THE CHAIRMAN: Yes. 20 MR YEUNG: And also -- 21 THE CHAIRMAN: Just highlight what it is that's different 22 between the two; Fung on the one hand and Mr Zhang on 23 the other. 24 MR YEUNG: Basically what is deposed to in paragraph 12.5 of 25 Mr Zhang's statement is that as far as x-ray examination</p>	<p>1 THE CHAIRMAN: I follow that. But this is somebody in the 2 Marine Department in Hong Kong who is trying to describe 3 what's happening in Wuzhou, is it not? 4 MR YEUNG: Yes. 5 THE CHAIRMAN: And you're going to produce someone who does 6 this work, and he'll say, "We don't do the actual 7 x-rays; we just look at the results". 8 MR YEUNG: Yes, so I thought we need to clarify -- 9 THE CHAIRMAN: I think Mr Mok's suggestion is the 10 appropriate way to go. If there is a problem resulting 11 at the end of the day, you can raise the matter again. 12 But we'll hear from Mr Zhang first. 13 MR MOK: Mr Chairman, if I may assist. My understanding is 14 the x-ray matter has nothing to do with thickness 15 because it only checks the welding; it's not an issue in 16 this case at all. 17 THE CHAIRMAN: That's what I understood. 18 MR YEUNG: Also, Mr Chairman, there's one other aspect as 19 I mentioned earlier in my application. 20 Also in Mr Fung's evidence, also Day 17, in his 21 testimony he said when CCS did the examination, they 22 included the hull thickness. That is item 6 of the 23 survey report. 24 THE CHAIRMAN: Yes. 25 MR YEUNG: Paragraph 13 of Mr Zhang's statement --</p>
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<p>1 is concerned, the CCS practice was just to examine the 2 film of the x-ray examination, which was actually done 3 by the Wuzhou Shipyard, and they did not conduct the 4 x-ray examination per se. 5 THE CHAIRMAN: They didn't do the work of x-raying it? 6 MR YEUNG: Yes, and that is -- 7 THE CHAIRMAN: And Mr Fung asserts otherwise, does he? 8 MR YEUNG: Yes, Mr Fung -- 9 THE CHAIRMAN: As I remember it, Mr Fung was really being 10 taken through this checklist to identify which work was 11 being done by the Marine Department as opposed to the 12 surveyor. 13 MR YEUNG: Mr Fung's evidence, if I may, at Day 17, 14 page 125, line 23 -- in short he's saying: 15 "... CCS was mainly responsible for the welding and 16 the x-ray examination on the welding; and the 17 examination on the hull structure was done by Marine 18 Department." 19 That's what he said. 20 THE CHAIRMAN: Yes. But the two aren't in conflict, are 21 they? 22 MR YEUNG: Well, because if you read "x-ray examination" as 23 actually x-raying the object, as from -- it's like the 24 x-ray technician of a hospital is different from the 25 doctor who is reading --</p>	<p>1 paragraphs 13 and 14 explain how as far as the thickness 2 or scanning is concerned, what CCS did during the 3 survey. That's clearly contrary to the testimony of 4 Mr Fung. 5 THE CHAIRMAN: We're against you at the moment, Mr Yeung. 6 We're not shutting you out, but we'll proceed as Mr Mok 7 has outlined. And if at the end of the day it's 8 necessary to recall Mr Fung, that's what we'll do. But 9 not at the moment. 10 MR YEUNG: Thank you. 11 MR SHIEH: Mr Chairman, while everyone is in the mood for 12 seeking disclosure, perhaps in anticipation of the next 13 factual witness after Mr Tang Wan-on, I would wish to 14 call for some disclosure from Mr Zimmern's client. The 15 next witness, after Mr Tang Wan-on, is Mr Ng Siu-yuen, 16 who is a witness from Hong Kong &amp; Kowloon Ferry dealing 17 with training matters. There is one particular part of 18 his witness statement, which is in the Holman Fenwick 19 Willan bundle, bundle 1, page 8, paragraph 35. 20 THE CHAIRMAN: Give me a moment. 21 Yes. 22 MR SHIEH: This paragraph talks about meetings from time to 23 time convened by the management and operations staff of 24 the ferry companies to address and follow up concerns 25 arising out of any incidents and/or accidents, which</p>

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<p>1 obviously would be particularly pertinent to the present 2 case. The fifth line says: 3 "A record showing the dates of these meetings 4 together with items of discussion is attached to this 5 witness statement marked 'O'. Safety matters have 6 always been discussed throughout the years ..." 7 When we look at page 119, which is the Chinese 8 version, and page 120, which is the English version, 9 this obviously is not the contemporaneous minutes 10 because it looks like an ex-post-facto-created summary 11 of what the various meetings were about and what has 12 been discussed in a rather crisp bullet-point format. 13 Because we see 2012, 2011, 2010, 2008, going all the way 14 back to 2003. And the list actually mentions something 15 which would be the subject of questioning. For example, 16 there seem to be accidents of Sea Splendid and Sea 17 Splash in the year 2010, as Mr Chairman can see. 18 Also in the subsequent page, 121, at the top: 19 "Coxswains: be aware of the other vessels at sea." 20 So all at least pointing to suggestions that there 21 had been previous incidents or precedents calling for 22 attention. That would be a subject matter of my 23 questioning. And therefore, rather than ask the witness 24 in the box to go back and dig it up and take one day, 25 perhaps I'll ask now.</p>	<p style="text-align: center;">I N D E X</p> <p>2 MR TANG WAN-ON (affirmed in Punti) .....3 3 Examination by MR BERESFORD .....3 4 Examination by MR GROSSMAN .....75 5 Examination by MR ZIMMERN .....82 6 Examination by MR PAO .....86 7 (The witness stood down) .....89 8 Application by MR YEUNG .....93 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
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<p>1 THE CHAIRMAN: Yes, that seems sensible. 2 Mr Zimmern, if you could address that -- 3 MR ZIMMERN: We will certainly follow up on that. 4 THE CHAIRMAN: -- rather than the witness being asked to 5 bring it the following day. If we can anticipate it. 6 MR ZIMMERN: Yes, certainly. 7 THE CHAIRMAN: Thank you very much. 8 Very well. We'll adjourn, then, until 10 o'clock 9 tomorrow. 10 (4.51 pm) 11 (The hearing adjourned until 10 am on the following day) 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	