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<p>1 Thursday, 21 February 2013 2 (10.00 am) 3 THE CHAIRMAN: Mr Cheung, may I ask you to take the 4 interpreter's oath. You'll be provided with the words 5 that are appropriate. 6 MR CHEUNG CHI-KONG (affirmed as interpreter) 7 THE CHAIRMAN: Thank you. 8 Mr Grossman? 9 MR GROSSMAN: Mr Chairman, the next witness is Mr PS Leung 10 who is the engineer on Lamma IV. 11 MR LEUNG PUI-SANG (affirmed in Punti) 12 (All answers via interpreter unless otherwise indicated) 13 THE CHAIRMAN: Mr Cheung, may I ask you that when you are 14 interpreting, speaking in Cantonese, to Mr Leung, would 15 you do so into the microphone. It's not a conversation 16 that's private between the two of you. Everyone in the 17 room must be able to hear what it is that's being said 18 in Cantonese. 19 THE INTERPRETER: Okay, I understand. 20 THE CHAIRMAN: Thank you. 21 Yes, Mr Grossman. 22 Examination by MR GROSSMAN 23 MR GROSSMAN: Good morning, Mr Leung. I want to ask you 24 a few questions concerning the statements that you've 25 made. These questions relate to your duties on board</p>	<p>1 A. Yes, I was told of that. 2 THE CHAIRMAN: And were the words of caution administered to 3 you by the police officer? 4 A. Yes. 5 THE CHAIRMAN: You were told in particular that you weren't 6 obliged to say anything unless you wished to do so, but 7 that what you did say would be taken down in writing and 8 given in evidence? 9 A. Yes. 10 THE CHAIRMAN: Yes, Mr Grossman. 11 MR GROSSMAN: The next item I'd like you to look at, please, 12 is a transcript of a video interview record taken by the 13 police. It's at bundle M, item 4c, page 3333-12. 14 A. Yes, I'm looking at it. 15 MR GROSSMAN: Mr Chairman, can I just pause here. I've just 16 noticed, and I should have noticed it before, that no 17 translation has yet been provided, apparently. I've 18 seen one somewhere, but according to the list here, 19 there is no translation. But I undertake, if it's not 20 there, we'll certainly provide it. 21 THE CHAIRMAN: I'm surprised that that's the state of play. 22 Mr Shieh, can you confirm that that's the case? 23 MR SHIEH: Yes. It isn't in the bundle. 24 THE CHAIRMAN: But is there a translation? 25 MR SHIEH: Not that I have seen. It may well be that</p>
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<p>1 the Lamma IV and the tragic incident that happened on 2 1 October last year. 3 You've made a number of statements, so I'd like you 4 to have a look at each one, please. 5 The first one is in police bundle M, item 4, 6 page 3329. The translation is at page 3333-1. 7 Did you make that statement? 8 A. Yes. 9 Q. And is that your signature at the end of it? 10 A. Yes. 11 Q. Is there any amendment you'd like to make to that 12 statement? 13 THE INTERPRETER: Sorry, can you repeat the question? 14 MR GROSSMAN: Is there any amendment you'd like to make to 15 that statement? 16 A. There shouldn't be any problem. 17 Q. Thank you. Next -- 18 THE CHAIRMAN: Before you go on, in that statement were you 19 told by the police officer that he was enquiring into 20 a case of endangering the safety of others at sea? 21 Did you hear what I said? 22 THE INTERPRETER: Not really. Can you repeat? I'm sorry. 23 THE CHAIRMAN: In that case, were you told by the police 24 officer that he was enquiring into a case involving the 25 endangering of the safety of others at sea?</p>	<p>1 a loose copy might have been floating within 2 Mr Grossman's team, but certainly not -- 3 THE CHAIRMAN: I'm trying to locate the Chinese version at 4 the moment. 5 MR GROSSMAN: It's page 3333-12. 6 THE CHAIRMAN: Thank you. How many minutes does this 7 interview take? This is a video interview? 8 MR GROSSMAN: It's a video interview. It's on 25 October. 9 THE CHAIRMAN: Thank you. And how long does it last? 10 MR GROSSMAN: Perhaps I can ask Mr Shieh to assist. 11 THE CHAIRMAN: Is it not on the record? 11.30 ... 12 MR SHIEH: It's from 3.12 in the afternoon, 15:12, to 11.30; 13 that is, 23:30. That's 25 October 2012. 14 THE CHAIRMAN: And it encompasses 208 questions and answers? 15 No, perhaps it doesn't. 16 MR GROSSMAN: It's 16 pages. 17 THE CHAIRMAN: 183. 18 MR GROSSMAN: Yes. 19 THE CHAIRMAN: Eight hours for 183 questions and answers? 20 Very well. Then we must have a translation made. 21 MR GROSSMAN: Yes. I undertake to have that done as soon as 22 possible. I'm sure there is one -- at least, when I say 23 "I'm sure", I think there is one. I'm sure I've 24 seen it. 25 Mr Leung, have you had an opportunity to go through</p>

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<p>1 this transcript?</p> <p>2 A. Yes, I have looked at it now, just now.</p> <p>3 Q. And are you satisfied it accurately records what you</p> <p>4 said?</p> <p>5 A. Yes, I am.</p> <p>6 Q. Can we scroll back to the beginning of it.</p> <p>7 Page 3333-12.</p> <p>8 Can you just confirm, did it start at 3.12 and</p> <p>9 finish at 11.30, or did it start at 11.30 and finish at</p> <p>10 3.12?</p> <p>11 A. It should start at 11.30.</p> <p>12 Q. Was that in the morning?</p> <p>13 A. Yes, in the morning.</p> <p>14 Q. And finished in the afternoon?</p> <p>15 A. Yes.</p> <p>16 Q. Thank you. The next document I'd like you to look at,</p> <p>17 please, is in marine bundle 1, page 35. The translation</p> <p>18 starts at page 39-1. This was an interview that took</p> <p>19 place by the Marine Department, by members of the Marine</p> <p>20 Department?</p> <p>21 A. Yes.</p> <p>22 Q. And have you had an opportunity to look at it?</p> <p>23 A. Yes, I have looked at it.</p> <p>24 Q. Are you satisfied that it's accurate?</p> <p>25 A. Yes, I am.</p>	<p>1 interview, please. Looking at page 39-2 in the English,</p> <p>2 and page 36 in the Chinese. If you look at the last</p> <p>3 paragraph in the English on page 39-2, I understood that</p> <p>4 you wanted to say something about the number of people</p> <p>5 on the lower deck. If you see the English, it says:</p> <p>6 "There were about 40 people on the lower deck, 20 in</p> <p>7 the front and 20 in the back. There were around</p> <p>8 60 people inside the passenger cabin on the upper deck</p> <p>9 and over 20 on the open-air upper deck."</p> <p>10 I understand you wanted to make some amendment to</p> <p>11 that.</p> <p>12 A. Yes.</p> <p>13 Q. What would you like to say?</p> <p>14 A. Actually there were about 20 to 30 people in the front,</p> <p>15 and there were also 20 and 30 people at the back.</p> <p>16 Q. So you want to change the word "20" to "20 to 30"?</p> <p>17 A. Yes.</p> <p>18 Q. Thank you.</p> <p>19 Can we go back now to the statement that was</p> <p>20 prepared with the assistance of your solicitors.</p> <p>21 Page 1591. Page 1600 in the Chinese.</p> <p>22 Again, have you had an opportunity to read this</p> <p>23 through?</p> <p>24 A. Yes, I have.</p> <p>25 Q. Is there anything you want to add to it or take away</p>
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<p>1 THE CHAIRMAN: Was this interview conducted on 1 November of</p> <p>2 last year?</p> <p>3 A. Yes.</p> <p>4 MR GROSSMAN: I'd like you to look next, please, at the RSRB</p> <p>5 bundle 3, item 51, starting at page 1585. The</p> <p>6 translation is at page 1591. This is a statement</p> <p>7 prepared with the assistance of your solicitors.</p> <p>8 I understand that you wanted to say something about</p> <p>9 paragraph 39.</p> <p>10 THE CHAIRMAN: 39?</p> <p>11 MR GROSSMAN: No, I'm wrong.</p> <p>12 THE CHAIRMAN: Before we get to that, is the statement dated</p> <p>13 6 February 2013?</p> <p>14 A. Yes.</p> <p>15 THE CHAIRMAN: And did you sign it?</p> <p>16 A. Yes, I did.</p> <p>17 THE CHAIRMAN: Did you do so underneath a statement as to</p> <p>18 truth?</p> <p>19 A. Yes.</p> <p>20 THE CHAIRMAN: Did that assert that you confirm that the</p> <p>21 contents of the statement are true to the best of your</p> <p>22 knowledge and belief?</p> <p>23 A. Yes.</p> <p>24 THE CHAIRMAN: Yes, Mr Grossman?</p> <p>25 MR GROSSMAN: I'm sorry. Can I just go back to the Mardep</p>	<p>1 from it?</p> <p>2 A. No.</p> <p>3 Q. With the amendment that you've made, are the statements</p> <p>4 that you gave to the police, the Marine Department, and</p> <p>5 in this hearing, are they correct? Are they true?</p> <p>6 A. Yes, they are.</p> <p>7 Q. What I propose to do is to read from the English</p> <p>8 translation of your statement, which starts at</p> <p>9 page 1591, and you can follow it from page 1601, and</p> <p>10 I will indicate the paragraph that I'm reading.</p> <p>11 You confirm that you're a marine engineer and you</p> <p>12 were on Lamma IV on duty the night of the tragedy on</p> <p>13 1 October 2012?</p> <p>14 A. Yes.</p> <p>15 Q. In paragraph 2 you say that you began your employment</p> <p>16 with Hongkong Electric on 7 September 1982 as</p> <p>17 a tradesman.</p> <p>18 A. Yes.</p> <p>19 THE CHAIRMAN: What was your trade?</p> <p>20 A. I was employed as a technician then.</p> <p>21 THE CHAIRMAN: Thank you.</p> <p>22 MR GROSSMAN: After about 10 years, you were transferred to</p> <p>23 the company's marine department as a deckhand?</p> <p>24 A. Yes.</p> <p>25 Q. And you say that you were promoted to marine engineer on</p>

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<p>1 1 January 2005, and you've been serving Hongkong 2 Electric for more than 30 years. 3 A. Yes, that's correct. 4 Q. You have a certificate of competency as a marine 5 engineer which was issued by the Marine Department on 6 10 June 1994. 7 A. Correct. 8 Q. If we could look at marine bundle 1, item 100, you will 9 see it. 10 Is that the certificate of which you are speaking? 11 A. Yes, correct. 12 Q. And this entitles you to take charge of a powered motor 13 vessel of more than 150 bhp? 14 A. Yes. 15 Q. Perhaps for my benefit, what is "bhp"? 16 THE CHAIRMAN: Brake horsepower. Is that it? 17 A. Yes, "hp" means "horsepower" and "b" for "brake", yes. 18 MR GROSSMAN: And it's valid until 2018? 19 A. Yes. 20 THE CHAIRMAN: Doesn't it say 2023? I'm looking at the 21 screen, Mr Grossman. 22 A. Yes. 23 MR GROSSMAN: The original, I think, was -- yes, the 24 original was lost in the accident, but you've been given 25 a new one, a new certificate of competency.</p>	<p>1 THE CHAIRMAN: Subsequently? 2 A. Yes. 3 THE CHAIRMAN: Thank you. 4 MR GROSSMAN: Thank you. 5 You hold certificates for fire-fighting proficiency 6 and sea survival, and you were sent on training courses 7 by Hongkong Electric about 15 years ago. 8 A. Yes. 9 Q. And you say: 10 "I have also been shown records kept by ... Hongkong 11 Electric of my attendance of various internal training 12 courses including 'radar observer course for marine 13 crew', and 'marine routine maintenance & boarding 14 safety', in 1997 and 2000 ..." 15 A. I don't have much recollection of that. 16 Q. Very well. Now, you go on in paragraph 4 to say: 17 "I am physically fit and completed my last company 18 medical check on 2 April last year. Company medical 19 checks are done every 2 years." 20 A. Yes. 21 Q. You go on to say in paragraph 5: 22 "No vessel on which I have previously worked has 23 been involved in a serious marine accident such as 24 a collision or grounding." 25 A. Yes.</p>
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<p>1 A. Yes, it has been lost. 2 Yes, I've been given a new one. 3 Q. And you have a certificate of competency as master of 4 a powered vessel up to 60 tonnes, also issued by the 5 Marine Department, but this was also lost in the 6 accident? 7 A. Yes. 8 Q. I think you also hold certificates for -- 9 THE CHAIRMAN: Is there a Marine Department version of that 10 certificate? 11 MR GROSSMAN: I have a reference, if you will give me 12 a moment. 13 No, I don't. I don't have that. 14 THE CHAIRMAN: Ms Lok? 15 MS LOK: We will look into that. 16 THE CHAIRMAN: Thank you. Do we have a date as to when this 17 certificate was obtained? 18 MR GROSSMAN: Other than recently, I can't give you a date. 19 THE CHAIRMAN: Let's ask the witness. 20 When did you obtain this certificate as a master of 21 a powered vessel up to 60 tonnes? 22 A. Approximately actually a few years ago. 23 THE CHAIRMAN: Was it the same time as you got the 24 engineer's ticket? 25 A. No.</p>	<p>1 Q. You say: 2 "[I have] never previously been warned, cautioned or 3 prosecuted by the Marine Department, or any other 4 statutory authority, for infringement of any Ordinance 5 or Regulations." 6 A. Yes. 7 Q. And you say: 8 "[I have] never been the subject of any disciplinary 9 action by your employer. I have no criminal record." 10 A. Yes. 11 Q. Then you go on to deal with your duties. You say that 12 there's a roster which is produced monthly. 13 A. Yes. 14 Q. And you average about 42 hours a week, though sometimes 15 it will be more, sometimes less? 16 A. Yes. 17 Q. Then you say: 18 "As marine engineer I work a daily shift on any of 19 Hongkong Electric's three vessels, Lamma II, Lamma IV 20 and Lamma V." 21 A. Yes. 22 Q. You say: 23 "My duties include checking and running the main and 24 auxiliary machinery on board, carrying out minor repairs 25 (such as fixing door handles and toilet pumps, and</p>

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<p>1 tightening the screws securing the seats if they are 2 found loosened) when necessary." 3 A. Yes. 4 Q. Then you say: 5 "As regards the seats, we would check them every 6 time before we set sail if they had become loosened." 7 A. Yes. 8 Q. By this do you mean to see if they had become loosened? 9 A. I would shake the chairs to ascertain that they are not 10 loosened. 11 Q. Yes. Then you go on to say: 12 "Sometimes the passengers would tell us if the seats 13 were loosed. I would normally tighten up the screws 14 with a screwdriver." 15 A. Yes. 16 Q. Pausing there for the moment. Can you give us any kind 17 of rough estimate of how many times a week or a month 18 you might have to tighten the seats? 19 A. Very few. About one or two times a year. 20 MR SHIEH: Mr Chairman, in relation to the question that was 21 just raised, in relation to the certificate of 22 competency for vessels up to 60 tonnes, even though the 23 actual certificate might need to be dug up, there is 24 some kind of a computerised record containing an entry 25 which actually sets out that qualification. Could</p>	<p>1 MR GROSSMAN: The Chinese name is in the top right-hand 2 corner. 3 A. Yes, I can see my Chinese name on it. 4 THE CHAIRMAN: Helpfully, any other detail that might 5 actually confirm that it is this gentleman has been 6 redacted, no doubt consistent with Government policy on 7 information of this nature. 8 MR GROSSMAN: They do redact IDs. I read that in the 9 newspaper. Anyway, he confirms that's his, yes. 10 Continuing now with paragraph 7. You've just told 11 us how you tightened the seats. Then you say: 12 "Besides I would be generally assisting the coxswain 13 such as during tying up and untying mooring lines when 14 entering and leaving port." 15 A. Yes. 16 Q. You say: 17 "Whenever damage or faults to equipment items on 18 board or machinery (such as hose leakage or the screws 19 to the seats cannot be tightened up or are still loose) 20 are found I raise a work order, which is handed to the 21 marine supervisor." 22 A. Yes. 23 Q. You say: 24 "Repairs are generally carried out by colleagues 25 from the MHD (materials handling department) if they are</p>
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<p>1 I simply give the reference. It is marine bundle 1, 2 page 99. If we can actually have that called up. 3 I raise it at this juncture because memory is still 4 fresh and it may well be that we can put that on the 5 record. 6 THE CHAIRMAN: I'm sure Mr Grossman doesn't mind you 7 interrupting. 8 MR GROSSMAN: I'm very grateful. 9 MR SHIEH: Marine bundle 1, if we actually take a look, it 10 pertains to this witness. We can see "Localold" and 11 2 September 1997. It would be "Local old master 12 60 tonnes and under"; there is a similar entry further 13 down, 20 October 1998, expiring 2 September 2023, "Local 14 old master 60 tonnes and under." 15 THE CHAIRMAN: Thank you. That's helpful. 16 MR SHIEH: It might just be the one entry reflecting that 17 qualification but obviously, digging up the actual 18 certificate may help later. 19 THE CHAIRMAN: Thank you. 20 MR GROSSMAN: I'm very grateful to my learned friend. 21 You see the licence on the screen, do you? This 22 does relate to you, does it? 23 THE CHAIRMAN: Well, it's all in English. That might be 24 a difficulty for the witness. Perhaps the name is in 25 Chinese.</p>	<p>1 minor." 2 A. Yes. 3 Q. "The vessel would be sent to a shipyard for major 4 repairs or annual survey." 5 A. Yes. 6 Q. "A monthly checklist of all machinery items is run 7 through, which I will carry out if on duty when the 8 check is scheduled." 9 A. Yes. 10 Q. Then you go on to deal with the engines and the 11 mechanical side of the Lamma IV. Soon I'll show you 12 some photographs and ask you to describe some of the 13 matters that you talk about. 14 You say: 15 "Lamma IV is fitted with two Caterpillar type 3412 16 marine diesel engines with design power of 746 kW 17 each ..." 18 THE CHAIRMAN: I don't think, Mr Grossman, we really need 19 this kind of detail. Paragraph 10 is perhaps relevant 20 to us. 21 MR GROSSMAN: Yes. The only reason I've made a note to ask 22 about this is simply because he is the engineer and he 23 might be asked questions. But I take your point, 24 Mr Chairman. 25 THE CHAIRMAN: Paragraph 10 deals with the batteries and how</p>

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<p>1 they supply in particular the emergency lighting and 2 navigation and radar and so on. 3 MR GROSSMAN: Indeed. I'll go straight to that. 4 I want to now read to you from paragraph 10. You 5 say: 6 "4 seats of 24-volt batteries are housed in 7 fibreglass reinforced plastic cases with fibreglass 8 reinforced plastic covers on the engine room bottom 9 plate." 10 A. Yes. 11 Q. "One set on the port side of the engine room is 12 connected to the port engine." 13 A. Yes. 14 Q. "Another set located in the aft end of the engine room 15 is connected to the generator of the auxiliary engine." 16 A. Yes. 17 Q. "There are two other sets on the starboard side of the 18 engine room, one supplying to the starboard engine, and 19 the other for powering emergency lighting ..." 20 A. Yes. 21 Q. "... and for providing power to the radar, navigation 22 lights and PA system." 23 A. Yes. 24 Q. "This set of batteries is charged by the two generators 25 of the two main engines as well as that of the auxiliary</p>	<p>1 the vessel left the pier, could they have been 2 extinguished before the collision? 3 A. After the collision, I fell on the ground and then I got 4 up, and then when I passed it, I saw that the lights 5 were on. 6 THE CHAIRMAN: Perhaps we could deal with that straightaway. 7 What lights did you see that were on? 8 A. The lights that I saw were on were the light on the 9 masthead, and then the red light, the green light, and 10 then the light at the stern. 11 THE CHAIRMAN: And where were you when you saw these various 12 lights on? 13 A. I was on the port side and I was about to walk out and 14 into the engine room. 15 THE CHAIRMAN: Are you describing the place where you fell 16 down? 17 A. On the port side, on the side of the cabin window. 18 That's where I fell down. 19 THE CHAIRMAN: Having fallen down, are you saying that you 20 then went to the port side of the vessel and were about 21 to enter the engine room? 22 A. No. I was on the left side, in the wheel cabin. 23 MR GROSSMAN: I think there may be confusion here, 24 Mr Chairman. 25 When you say you saw the lights, the navigation</p>
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<p>1 engine." 2 A. Yes. 3 Q. And you say: 4 "When the 'genset' (ie the generator of the 5 auxiliary engine) is turned on it can charge up, 6 directly or through the charger, the four sets of 7 batteries on board the vessel. As far as I am aware 8 Lamma IV was delivered from the shipbuilder with this 9 battery system already installed." 10 A. Yes. 11 Q. I'd like you to look, please, at a photograph in marine 12 bundle 1 at page 146. 13 Before we come to that, let me ask you this. It's 14 been suggested that on the night of the collision, of 15 the tragedy, the navigation lights of the Lamma IV were 16 not switched on. 17 THE CHAIRMAN: At the time of the collision? 18 MR GROSSMAN: Yes. 19 THE CHAIRMAN: Perhaps approaching it from that way. Well, 20 that is an issue in respect of which we'd like your 21 assistance. 22 A. After the collision, I fell on the ground. But when 23 I got up and I passed it, I saw that a few navigation 24 lights were on. 25 MR GROSSMAN: Yes. Assuming that the lights were on when</p>	<p>1 lights, are you talking about physically the lights, or 2 are you talking about the control panel? 3 A. Yes, the indicator lights on the panel. I saw that they 4 were on. 5 Q. Thank you. Let me just ask you a hypothetical question. 6 Assuming the vessel left the pier with all the lights 7 on, was it mechanically possible for all those lights to 8 disappear, go off, after you'd sailed, unless it was 9 done deliberately? 10 A. Before we set sail, I checked with the captain to make 11 sure that all the lights were on. Now, should any one 12 of them be off, then there will be warning sound. 13 Q. All right. Let me ask you now then to look at page 146, 14 photograph 13. Could we zoom in on it, please. 15 We've heard an explanation of the panel that you see 16 at the bottom right-hand corner, "1", "0", "2", and 17 perhaps as engineer you can explain to us what this 18 panel is for. 19 A. "1" stands for transformer. "2" stands for battery. 20 Q. And as a general rule, would you be on transformer or 21 battery? 22 A. We have been using battery for some time. 23 Q. Why is that? 24 A. Back a few years ago, the genset had been in problem, 25 causing malfunction of the navigation light. And</p>

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<p>1 therefore all the engineers knew that we should use 2 battery. Then about a year ago, this problem has been 3 fixed. So actually using transformer would have been 4 okay. 5 Q. In what circumstance would you use -- 6 MR SHIEH: I think the witness went on to say "but the 7 engineers decided that they would continue to use 8 battery". 9 THE INTERPRETER: Yes, that's right. 10 A. But we are still using battery anyway. 11 THE CHAIRMAN: So about a year before the collision, the 12 problem was fixed but you carried on using battery? 13 A. Correct. 14 MR GROSSMAN: Yes. And in what circumstances would you use 15 the transformer? 16 A. Because battery has been more relatively stable, so we 17 have been using -- we have not been using transformer. 18 Q. Very well. Could you look, please, at police bundle, 19 page 2085. 20 THE CHAIRMAN: What are we looking at? 21 MR GROSSMAN: This is another picture of the machinery. 22 Page 2085. 23 MR SHIEH: Do you mean marine bundle? 24 MR GROSSMAN: It must be the marine bundle, yes, I'm sorry. 25 That's a close-up of what we've been looking at.</p>	<p>1 THE CHAIRMAN: The two circuit breakers displaying white as 2 we look at it, are they tripped circuit breakers; is 3 that what you're saying? 4 A. Yes. 5 MR GROSSMAN: And then there's another one, the second one 6 from the left, also appears to be a tripped circuit 7 breaker. Is that right? 8 A. Yes, it is. 9 Q. Are you able to say from your knowledge whether these 10 circuit breakers tripped before or after the vessel was 11 submerged? 12 A. It should be tripped after sinking. After the ship had 13 sunk. 14 Q. Why do you say that? 15 A. Because the tripping system was normal. 16 Q. If those three or any of those three had tripped before 17 the collision, would you have known about it? 18 A. Yes, I would have noticed them because the indicator on 19 the panel would have gone off. 20 Q. Thank you. I want to go to the events of 1 October, but 21 before I do that, just one final question about your 22 duties on board. Did you have anything to do with the 23 storage or the looking after or repair of life jackets? 24 A. I don't really understand your question. 25 Q. All right. Let me put it directly. Do you know whether</p>
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<p>1 MR SHIEH: I think that would be the selection of 2 photographs that came in two days ago, with the 3 close-up, at the tail end of marine bundle 12. 4 Page 4900. 5 MR GROSSMAN: I'm grateful. Thank you. 6 MR SHIEH: It actually starts at page 4899. That's the 7 series of photographs. 8 THE CHAIRMAN: Is that the one you want, Mr Grossman? 9 MR GROSSMAN: Yes, it is. Can we just scroll down, please. 10 Page 4901, thank you. If we could just zoom in at 11 the bottom there, please. 12 We see that -- it looks like three switches -- 13 THE CHAIRMAN: Before we get to that, what we're looking at 14 is something described as "24 V DC main switchboard". 15 Is that correct, Mr Leung? 16 A. Yes. 17 THE CHAIRMAN: And this is in the wheelhouse of Lamma IV? 18 A. Yes. 19 THE CHAIRMAN: Yes, Mr Grossman. 20 MR GROSSMAN: Thank you. 21 We see that under the emergency light, there appear 22 to be two white or red -- it looks like flashes on here. 23 What is that? The switches have tripped, I think -- 24 sorry, the circuit breakers have tripped. 25 A. Yes, they are circuit breakers.</p>	<p>1 or not there were any children's life jackets on board? 2 A. I have always known that there is only one kind of life 3 jacket on board only. 4 Q. And that's for adults? 5 A. We have been using that only one kind all the time, and 6 it should have been for adults. 7 Q. All right. Now, I want to deal with the -- 8 THE CHAIRMAN: Before we move away from -- could we have 9 that photograph back, page 4901, please. 10 Can you help us as to the two tripped circuit 11 breakers on the right-hand side. Under which system do 12 they fall? We see the systems named at the top. 13 A. It falls under the emergency lighting system. 14 THE CHAIRMAN: Thank you. And now the one on the left as we 15 look at the photograph, what does that fall under? 16 A. It falls under the navigational lighting system. 17 THE CHAIRMAN: Thank you. 18 MR GROSSMAN: I want to deal now with the events of 19 1 October. I'll go straight to paragraph 14 of your 20 statement. You say that once you were on board: 21 "I went into the engine room to prepare the engine 22 for departure. This involved a general check looking 23 for leaks and the like and checking the bilges. 24 I checked the engine oil and opened the cooling water 25 valves for the main engines."</p>

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<p>1 A. Yes.</p> <p>2 Q. "I started the genset (auxiliary engine and its 3 generator) and checked that the two main engines were 4 normal before I reported to the coxswain who then 5 started the two main engines."</p> <p>6 A. Yes.</p> <p>7 Q. May we take it from that that you were satisfied that 8 there were no faults in the engines before you started?</p> <p>9 A. Yes.</p> <p>10 Q. And then you say: 11 "I heard a horn sound before we departed, which 12 should have been the coxswain testing the horn."</p> <p>13 A. Yes.</p> <p>14 Q. I'll go now to paragraph 16 and start with the third 15 line: 16 "While the passengers were ashore the 3 of us [that 17 is, you've mentioned the coxswain and the deckhand] 18 remained on board or around the pier and rested. The 19 genset was left running. After about 6 pm, I was around 20 the crew" --</p> <p>21 THE INTERPRETER: Can you hold on?</p> <p>22 MR GROSSMAN: I'm sorry.</p> <p>23 A. Yes.</p> <p>24 Q. Then you say: 25 "After about 6 pm, I was around the crew room at the</p>	<p>1 THE CHAIRMAN: Thank you.</p> <p>2 MR GROSSMAN: Was that from the view that you had, you could 3 only see the green light?</p> <p>4 A. Yes.</p> <p>5 Q. So you could physically see the green light? Not 6 looking at it on the panel; you're looking at the green 7 light itself?</p> <p>8 A. I was on the pier and I could see the green light was 9 on.</p> <p>10 Q. Yes. 11 Then paragraph 18: 12 "After assisting the passengers on board I went to 13 the aft deck to untie the mooring ropes. It was dark 14 but both the main and upper deck lights were on."</p> <p>15 A. Yes.</p> <p>16 Q. "As the Coxswain manoeuvred Lamma IV off the pier 17 I stood at the aft end of the sun deck to check that 18 there was nothing in the sea that might foul our 19 propellers."</p> <p>20 A. Yes.</p> <p>21 Q. "There were about 20 people there at the sun deck, all 22 seated."</p> <p>23 A. One or two were standing.</p> <p>24 Q. I see. 25 "I was there for about 1 to 2 minutes. Once we had</p>
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<p>1 pier and I saw the coxswain went on board to turn on the 2 navigation lights and the cabin lights of Lamma IV."</p> <p>3 A. Yes, the navigational light was turned on.</p> <p>4 Q. Thank you. Then go to paragraph 18: 5 "After assisting the passengers on board I went to 6 the aft deck to untie the mooring ropes."</p> <p>7 A. Yes.</p> <p>8 Q. "It was dark but both the main and upper deck lights 9 were on."</p> <p>10 A. Yes.</p> <p>11 THE CHAIRMAN: Before we move on to that, when you say that 12 you saw the coxswain turning on the navigation lights, 13 in your statement you went on to say that from where you 14 were, which I understand to be the crew room, you could 15 see the green navigation light. Is that your evidence?</p> <p>16 MR GROSSMAN: I think he did say that, actually. I didn't 17 read it, but he added it onto -- when I asked him about 18 the previous question. But --</p> <p>19 THE CHAIRMAN: You have a note of it, but I don't see it in 20 the transcript. Let's just check it. 21 Are you saying that what you saw was the green light 22 only?</p> <p>23 A. Yes.</p> <p>24 THE CHAIRMAN: Only that one of the four lights? 25 A. Yes, only the green light.</p>	<p>1 turned and had began moving ahead towards the typhoon 2 shelter exit I went back to the engine room to check 3 that everything was in order."</p> <p>4 A. Yes.</p> <p>5 Q. "Both main deck engine room doors were closed."</p> <p>6 A. Yes.</p> <p>7 Q. "I went in through the starboard door, walked around the 8 engine room, noticed that the engines were turning at 9 1,200 rpm and then returned to the main deck through the 10 starboard door, which I then closed. 11 I made my way to the wheelhouse via the main deck, 12 through the main deck passenger saloon and main 13 staircase."</p> <p>14 A. Yes.</p> <p>15 Q. "I walked pass Lai Ho-yin. He was inside the wheelhouse 16 coming out. We greeted each other."</p> <p>17 A. Yes.</p> <p>18 Q. "The wheelhouse door was open and I went through and 19 checked the engine panel in front of the coxswain who 20 sat in the chair. I then stood on the port side of the 21 wheelhouse to help as a look-out. I was next to the 22 navigation light panel, which was lit and I could see on 23 the other side of the wheelhouse that the radar was 24 switched on." 25 A. Yes.</p>

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<p>1 Q. "No sooner had I stood there I noticed through the port 2 side window a fast-moving vessel sailing towards us at 3 a speed at least above 20 knots." 4 A. I estimated the speed only. 5 Q. Yes. Just pausing there, very roughly, if you can, can 6 you tell us how long you were in the wheelhouse before 7 you noticed this other vessel? 8 A. When I was just starting the look-out. 9 Q. And how long had you been in the wheelhouse? It may be 10 difficult now to recall, but just roughly. 11 A. Not long. Not long. 12 Q. You're talking seconds or minutes? 13 A. Less than one minute. 14 Q. Carrying on with paragraph 21: 15 "I yelled to the coxswain, 'A ship is coming at us!' 16 I did not particularly notice her navigation lights or 17 whether either vessel was turning at the time." 18 A. I couldn't have noticed then. 19 Q. "All I recall is that only a matter of seconds later we 20 were hit by the other vessel on our port side near the 21 stern. I was knocked down onto the deck and hurt my 22 right hand, but I did not pay attention to it." 23 A. Yes. 24 Q. "I immediately got up and told the coxswain that I would 25 go down to the engine room to check. He told me not to</p>	<p>1 "I ran back up the way I had come and as I looked 2 out I could see a Hong Kong & Kowloon Ferry near our 3 starboard side but was not sure if this had been the 4 vessel that had collided with us." 5 A. Yes. 6 Q. "It was stopped about 2 to 3 ship lengths away from us. 7 I waved my hands and yelled out for help because I knew 8 that Lamma IV was sinking but there was no response." 9 A. Yes. No response at all. None whatsoever. 10 THE CHAIRMAN: Where were you when you first saw this other 11 vessel at this stage? 12 A. On the corridor, on the starboard side. On the deck. 13 THE CHAIRMAN: That's outside the main deck cabin? 14 A. Yes. 15 THE CHAIRMAN: On the open-air passageway or corridor that 16 runs parallel to the cabin? 17 A. Yes. 18 THE CHAIRMAN: Thank you. 19 MR GROSSMAN: "Then I went back inside the main deck 20 passenger cabins. The cabin lights were still on. 21 I went up a couple of stairs leading to the upper deck 22 and yelled to the coxswain that our ship was sinking and 23 asked him to tell people to wear life jackets and also 24 make a phone call for help." 25 A. Yes.</p>
Page 30	Page 32
<p>1 go as it might be dangerous." 2 A. Yes. 3 Q. "But I said I needed to take a look, so I ran down to 4 the main deck via the upper deck passenger saloon, 5 through the starboard door and onto the main deck to 6 enter the engine room." 7 A. Yes. 8 Q. "I immediately saw that the engine room was flooding and 9 was already about a foot deep in water. Water was 10 gushing in." 11 A. Yes. 12 Q. "I ran back up the way I had come and as I looked out 13 I could see a Hong Kong & Kowloon Ferry ..." 14 THE CHAIRMAN: I'm sorry, could we just check that 15 translation as to how deep the water was. Was it up to 16 the foot, or was it 1-foot deep, a measurement? Which 17 one? 18 A. When I was at the stair, entering the engine room, it 19 was about at the ankle level. But as I was going in, it 20 became higher and higher. 21 THE CHAIRMAN: And how high did it come, as long as you were 22 there? 23 A. Above my ankle. Past my ankle. 24 THE CHAIRMAN: Right. Thank you. 25 MR GROSSMAN: Thank you, Mr Chairman.</p>	<p>1 Q. "I then went back down to the main deck and told the 2 passengers to get life jackets from underneath the seats 3 and wear them." 4 A. Yes. 5 Q. "The passengers in the forward cabin immediately started 6 to retrieve life jackets. I also helped to get life 7 jackets from underneath the seats in the first few rows 8 of the back cabin. I recalled I managed to get about 9 7 to 8 life jackets out." 10 A. Yes. 11 Q. "There were about 3 people sitting still at the seats at 12 the back on the port side near the air-conditioner unit. 13 I yelled at them, 'The ship is about to sink, run 14 quickly!' but they had no response." 15 A. Yes. 16 Q. Just pausing there for the moment. Thinking back now, 17 can you give any explanation why there was no response? 18 A. Because it was very -- it was an emergency situation 19 there, and there were a lot of objects, debris, blocking 20 my way. I couldn't get near them. I couldn't approach 21 them. And therefore I could only shout at them. 22 Q. Yes, I understand that. Believe me, I'm not blaming 23 you. 24 Have you any idea perhaps why they didn't get up and 25 run?</p>

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<p>1 A. They had no response. I tried to remove the garbage and 2 approach them, but I couldn't. 3 Q. Did they appear to be alive? 4 A. They remained seated and there was no response from 5 them. I don't know whether they were alive or not. 6 THE CHAIRMAN: No movement from them, as well as no 7 response; is that what you mean? 8 A. No movement. 9 THE CHAIRMAN: Thank you. 10 MR GROSSMAN: "On the starboard side ..." 11 MR SHIEH: Mr Chairman, Mr Commissioner, there is one point 12 here about the Chinese and English statement which 13 Mr Grossman is about to read out where I think there 14 might have been some mistransposing in the exercise of 15 cutting and pasting. 16 Could I just point it out? 17 THE CHAIRMAN: Yes, please do. 18 MR SHIEH: In the English translation, which I think 19 Mr Chairman is perhaps looking at, and the 20 English-speaking counsel members are looking at, there 21 is a sentence which says "On the starboard side there 22 were a mother and a young girl holding onto each other 23 sitting still. I yelled at them "The ship is sinking! 24 Run!", but they had no response." 25 This sentence is missing in paragraph 26 of the</p>	<p>1 and the lights switched to back-up lights." 2 A. Yes. 3 THE CHAIRMAN: What happened for you to conclude that those 4 two things had happened, the failure of the genset and 5 the back-up lights coming on? 6 A. Because when the lights of 220 watts, when they failed, 7 the system will switch automatically to the back-up 8 system. 9 THE CHAIRMAN: I follow that. But what happened physically 10 that you observed that led you to conclude that was 11 happening? Was it something you saw or heard? 12 A. Because when the fluorescent lights turn off, there was 13 a blackout for just a split second, and then the back-up 14 system switched on and then the intensity of the light 15 was not that strong. 16 THE CHAIRMAN: But the same light bulbs? 17 A. The back-up lighting, they are all light bulbs. But for 18 the normal lighting, they are all fluorescent lights. 19 THE CHAIRMAN: Yes, and did the fluorescent lights stay out 20 if the genset failed, and the other light bulbs came on? 21 A. Yes. 22 THE CHAIRMAN: Thank you. 23 MR GROSSMAN: You carry on in paragraph 27: 24 "The ship kept sinking." 25 A. Yes.</p>
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<p>1 Chinese statement. But this sentence, the equivalent in 2 Chinese should be reinstated in the English version at 3 paragraph 27 -- sorry, the Chinese version of this 4 sentence is actually at paragraph 27 -- 5 THE CHAIRMAN: Yes. 6 MR SHIEH: -- after the sentence "who ran out from the two 7 side cabin doors". 8 THE CHAIRMAN: Yes. 9 In English it's missing, but it's there in Chinese? 10 MR SHIEH: It's there in Chinese. 11 THE CHAIRMAN: Thank you. 12 MR SHIEH: So there is a mistransposing. The sentence "On 13 the starboard side", in paragraph 26 in the English -- 14 THE CHAIRMAN: I've got it. Thank you. 15 MR SHIEH: -- should be taken out. It actually appears in 16 the Chinese version in paragraph 27, after the bit about 17 running out from the two side cabin doors. 18 THE CHAIRMAN: Thank you very much. 19 MR GROSSMAN: I'm very grateful. 20 THE CHAIRMAN: No doubt, Mr Grossman, you can proceed on 21 that basis. 22 MR GROSSMAN: I will indeed. 23 "I tried to go through the corridor down the middle 24 but it was blocked by fallen objects. I tried to remove 25 them but failed. At that juncture the genset stopped</p>	<p>1 Q. "I yelled to the people at the front that the ship was 2 sinking and told them to just hold on to the life 3 jackets and jump into the sea. There were a lot of 4 people who ran out from the two side cabin doors." 5 A. Yes. 6 Q. "On the starboard side there were a mother and a young 7 girl holding onto each other sitting still. I yelled at 8 them, "The ship is sinking! Run!", but they had no 9 response." 10 A. Yes. 11 Q. "As there was less debris near the starboard side I went 12 there and held the young girl in my arms. I yelled at 13 the woman to run. She did not know what to do and sat 14 there. I then turned around and started to hurdle over 15 the seats to escape. The woman followed me. When we 16 were at the middle of the ship, the water was rising 17 behind us and at that time the ship had tilted upwards 18 more than 45 degrees. Only a few seconds later Lamma IV 19 started tilting down towards the stern. Because the 20 sliding doors to the main deck opened from aft to 21 forward we were unable to open them and were trapped 22 inside the main deck saloon. I lost hold of the girl. 23 I could not stand still and then found myself in water. 24 There was a life jacket floating near me ..." 25 A. Sorry. Not in the sea, but in the water inside the</p>

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<p>1 cabin.</p> <p>2 Q. Yes. Thank you.</p> <p>3 "There was a life jacket floating near me so</p> <p>4 I grabbed it. A lot of people were floating around in</p> <p>5 the cabin. I did not know where the girl and the woman</p> <p>6 were. There was still some light inside the cabin at</p> <p>7 that time. Someone was then floating near me and was</p> <p>8 hurt. I supported that person to float above the water.</p> <p>9 There were no hammers available to break the glass</p> <p>10 windows but then someone broke one of the windows from</p> <p>11 outside and we were rescued. I was the last one to</p> <p>12 leave the cabin. I climbed through the broken window.</p> <p>13 I lost the life jacket I held.</p> <p>14 When I got out of the ship, I saw a man taking care</p> <p>15 of a boy without a life jacket. There was a girl with</p> <p>16 a life jacket in her hand and another young man holding</p> <p>17 onto the ship railing. I then saw a few life rafts</p> <p>18 about 100 feet away. I then took the girl and swam to</p> <p>19 one of the life rafts. When we got there, there were</p> <p>20 two young men without life jackets on one of the life</p> <p>21 rafts. They said they were hurt but they still helped</p> <p>22 me to pull the girl into the life raft. I tried to</p> <p>23 climb up myself but I could not. A lot of people were</p> <p>24 around the life rafts and just holding onto the sides.</p> <p>25 I helped some of them to get on as well. Finally, I was</p>	<p>1 THE CHAIRMAN: Yes.</p> <p>2 MS LOK: Enquiries have been made, and the brief answer is</p> <p>3 that the Marine Department gave the actual certificate</p> <p>4 issued to Mr Leung and did not keep a copy. Instead,</p> <p>5 the Marine Department kept a log, which we have seen at</p> <p>6 marine bundle 1, page 99.</p> <p>7 THE CHAIRMAN: Thank you. So we've seen all the available</p> <p>8 material?</p> <p>9 MS LOK: From the Marine Department, that's correct.</p> <p>10 THE CHAIRMAN: Thank you.</p> <p>11 Mr Leung, we're going to take a break now for</p> <p>12 20 minutes. May I ask you to be back, ready to continue</p> <p>13 your evidence, in 20 minutes' time.</p> <p>14 A. Yes.</p> <p>15 (11.33 am)</p> <p>16 (A short break)</p> <p>17 (11.55 am)</p> <p>18 THE CHAIRMAN: Mr Leung, may I remind you that you continue</p> <p>19 to testify according to your affirmation.</p> <p>20 MR GROSSMAN: Mr Chairman, I have no more questions. Thank</p> <p>21 you.</p> <p>22 THE CHAIRMAN: Mr Sussex, do you have an application?</p> <p>23 MR SUSSEX: I do. Mr Chairman, with your permission, I'd</p> <p>24 like to ask this witness about a number of areas. The</p> <p>25 first, obviously, is going to relate to the navigation</p>
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<p>1 rescued and then transferred ashore."</p> <p>2 A. Yes.</p> <p>3 Q. You mention that you hurt your hand. Did you have any</p> <p>4 other injuries?</p> <p>5 A. I was hurt on my waist and there were some cuts there.</p> <p>6 Q. Were you in hospital?</p> <p>7 A. Yes.</p> <p>8 Q. How long?</p> <p>9 A. I was not hospitalised, but I was X-rayed at Queen Mary</p> <p>10 Hospital.</p> <p>11 MR GROSSMAN: Mr Chairman, I think that's all. It may be</p> <p>12 I have another one or two questions, but would it be</p> <p>13 convenient to take the adjournment now?</p> <p>14 THE CHAIRMAN: Yes, very well.</p> <p>15 Just one matter before we have our morning</p> <p>16 adjournment.</p> <p>17 The window through which you escaped from the</p> <p>18 Lamma IV, was that a broken window on the main deck?</p> <p>19 A. Yes.</p> <p>20 THE CHAIRMAN: And was it port or starboard side through</p> <p>21 which you escaped?</p> <p>22 A. It should be on the starboard side.</p> <p>23 THE CHAIRMAN: Thank you.</p> <p>24 MS LOK: May I update the Commission on the enquiries that</p> <p>25 have just been made on Mr Leung's certificate?</p>	<p>1 lights. Secondly I want to ask him questions about his</p> <p>2 observations leading up to the collision. And the third</p> <p>3 area I want to investigate is the power which remained</p> <p>4 on the vessel following the sinking.</p> <p>5 THE CHAIRMAN: Yes. Please proceed with your questions.</p> <p>6 Examination by MR SUSSEX</p> <p>7 MR SUSSEX: Mr Leung, may I take it that you're very</p> <p>8 familiar with the vessel Lamma IV?</p> <p>9 A. Yes, quite.</p> <p>10 Q. But am I right that normally when you sail on the</p> <p>11 Lamma IV, you have sailed with coxswains other than</p> <p>12 Coxswain Chow?</p> <p>13 A. I worked with another coxswain too.</p> <p>14 Q. Sorry?</p> <p>15 THE CHAIRMAN: "I worked with another coxswain too", or "as</p> <p>16 well", I suppose.</p> <p>17 MR SUSSEX: I see.</p> <p>18 Had you sailed frequently with Coxswain Chow?</p> <p>19 A. I have known him for around 20 years. I know him well.</p> <p>20 Q. That's not quite the answer to the question.</p> <p>21 MR SHIEH: There's just one small point that perhaps we can</p> <p>22 clarify once and for all. Sometimes the crew would</p> <p>23 refer a master or a coxswain as "shuen jyu", which</p> <p>24 sometimes may lead to confusion, because "jyu" sometimes</p> <p>25 can be meant as an owner. But I think in this context,</p>

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<p>1 reading from various statements, the relevant term 2 "shuen jyu" would mean "the coxswain". Perhaps we can 3 clarify this once and for all as to facilitate 4 uniformity in interpretation. 5 THE CHAIRMAN: Yes. Thank you very much. 6 Would you interpret that. 7 A. Yes. 8 THE CHAIRMAN: So for our purposes, although you too have 9 a coxswain's certificate, we regard you as the engineer 10 and Mr Chow as the coxswain, and TY Leung as the 11 deckhand? 12 A. Yes. 13 THE CHAIRMAN: Thank you. 14 Mr Sussex. 15 MR SUSSEX: My question was actually, before 1 October of 16 last year, had you sailed frequently with Coxswain Chow? 17 A. Yes, I had. 18 Q. And have you been in the wheelhouse with him on many 19 occasions? 20 A. I don't really understand your question. 21 Q. Well, you say you had sailed with Coxswain Chow 22 frequently. My question is, have you been in the 23 wheelhouse of Lamma IV with him on many occasions? 24 THE CHAIRMAN: As the vessel was underway? 25 MR SUSSEX: As the vessel was underway, yes, sir.</p>	<p>1 A. Oil panel? When you say oil panel -- 2 Q. Sorry, the engine panel. 3 A. Yes, that would be the panel with all the indicator 4 lights on, right? 5 Q. Right. You would do that? 6 THE CHAIRMAN: I think a photograph might help, if I could 7 intervene. 8 Would you have a look at page 141, photograph 3, 9 marine bundle 1. 10 MR SUSSEX: Yes. Could I ask you to go to marine bundle 1 11 at page 141. 12 THE CHAIRMAN: Is that panel of instruments one that you 13 check to monitor the performance of the engines? 14 A. I would usually take note of the panel responsible for 15 the engine. So, yes, that's right. This panel -- I can 16 also observe things on this panel. 17 MR SUSSEX: Right. If we go to page 139 in that bundle, we 18 see, do we not, that this panel is situated immediately 19 in front of the chair that the coxswain will be 20 occupying when steering? 21 THE CHAIRMAN: Do you agree? 22 A. Can you show me the exact location? How do you mean by 23 "immediately in front"? 24 MR SUSSEX: Let's go to page 139. We have a plan of the 25 wheelhouse which very helpfully shows us where the</p>
Page 42	Page 44
<p>1 A. For some period of time after the ship set sail, yes. 2 Q. And have you noticed how he steers the vessel? 3 A. When the ship was setting sail, I would not be in the 4 wheelhouse. 5 Q. All right. But when you go into the wheelhouse and 6 Coxswain Chow is steering the vessel, do you see him 7 with his hands on the wheel? 8 A. I don't really understand your question. Can you repeat 9 it again? 10 Q. Yes. Let's take as an example an occasion when you're 11 sailing with Coxswain Chow. 12 Could you translate that. We'll take it slowly, if 13 we may, just go bit by bit. 14 And after the vessel has sailed, you perform your 15 duties and you go to the wheelhouse. Now, when you get 16 to the wheelhouse, do you remember noticing whether 17 Coxswain Chow steers using the wheel? 18 A. No. I wouldn't notice. 19 Q. You wouldn't notice? So when you see -- Coxswain Chow 20 presumably is sitting there in the wheelhouse, is he 21 not? 22 A. Yes, he would be seated. 23 Q. And when you go into the wheelhouse, you have occasion, 24 do you not, to check the oil panel in front of the 25 coxswain?</p>	<p>1 various instruments and distribution boards are located 2 around the wheelhouse. Page 139 of marine bundle 1. 3 It's on the screen at the moment. 4 A. Yes. 5 Q. We see, for example, on the wall on the after end of the 6 wheelhouse, the sliding door that you use to go into the 7 wheelhouse? 8 A. Yes. 9 Q. Then in front of that, there is a chair? 10 A. Yes. 11 Q. That, am I not right, is the conning chair in which the 12 coxswain would be sitting? 13 A. It should be. 14 Q. In front of that is the wheel, a photograph of which we 15 see at page 143, photo 7. 16 A. Yes. 17 Q. And if we look at page 143, photo 7, we see from the 18 side, do we not, the main control console, which is 19 photographed at page 141, photo 3? 20 A. Yes. 21 Q. It's your responsibility to check that main control 22 console from time to time for indicators relating to the 23 main engine, for example; is that not right? 24 A. The coxswain will do that too. If necessary, from time 25 to time he will take a look too.</p>

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<p>1 Q. Yes, but you do it as well, don't you? You look at that 2 console? 3 A. Yes. 4 Q. What I'm asking you is when you do this, and the 5 coxswain is in his chair, do you notice whether or not 6 he is steering using the wheel? 7 A. I didn't notice. 8 Q. Do you notice how the master steers this vessel? 9 A. I only know that masters usually use joystick. 10 Q. Right. Do they use the joystick under all 11 circumstances, or only when they have to make an extreme 12 change of course? 13 A. Under all circumstances. 14 Q. While we're in the wheelhouse, you were shown at 15 page 146 the navigation light distribution board. This 16 is photograph 13. Do you remember that? 17 A. Yes. 18 Q. That navigation light distribution board is situated on 19 the after wall of the wheelhouse, to the port side of 20 the sliding door, is it not? 21 A. Yes. 22 Q. And it's appended to the wall immediately above the 23 24-volt DC main switchboard, isn't it? 24 A. Yes. 25 Q. And immediately to the right of those two boards, there</p>	<p>1 A. Yes. 2 Q. We have seven switches which in this picture we see four 3 switched "on" and three switched "off". 4 A. Yes. 5 Q. We've heard evidence that it's the practice to leave the 6 four main navigation lights -- the masthead light, the 7 two sidelights and the stern light -- permanently 8 switched on, and controlled from what's being called the 9 main switch, which is the black dial with the figures 10 "1", "0" and "2". 11 A. Yes. 12 Q. Does that accord with your recollection of the practice 13 on board the Lamma IV? 14 A. Yes. 15 Q. If you could just help us with some of the functions on 16 this distribution board. There are seven what I assume 17 would be white lights appearing above the light 18 switches. Do you see what I mean? 19 A. Yes. 20 THE CHAIRMAN: Are they white lights? 21 MR SUSSEX: Are they white lights? What colour do they show 22 if they're illuminated? 23 A. White and yellow. White and also yellow. 24 THE CHAIRMAN: Are some of them yellow, some of them white? 25 A. No. They are all in white, but with a tinge of yellow.</p>
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<p>1 is the 220-volt alternating current distribution board, 2 is there not? 3 A. Yes. 4 Q. We see a photograph of that on page 146, photo 14. 5 A. Yes. 6 Q. Just to give us all the mood, if we go to police photo 7 bundle III at page 154, I think we see a side view of 8 these three boards appended on the wall at the rear of 9 the wheelhouse. Do you agree that's what we're looking 10 at there, at the back of the wheelhouse on the wall? 11 A. Yes. 12 Q. Right. Now, for these purposes I'd ask you to look at 13 a rather better photograph of the navigation light 14 distribution board, which is at marine bundle 12 at 15 page 4900. 16 A. Yes, I can see it. 17 Q. It's right, is it not, that that distribution board is 18 solely concerned with matters relating to the navigation 19 lights? 20 A. Yes. 21 Q. For example, we have seven lights, counting from left to 22 right. We have the masthead light, the red port light, 23 the green starboard light, the white stern light, and 24 then an anchor light and two "not under command" lights. 25 Do you agree with that?</p>	<p>1 MR SUSSEX: So it's only one colour, but it's 2 a yellowish-white? 3 A. Yes. 4 Q. Right. As I understand it, if one of the lights were to 5 fail when in the "on" position, one of those lights 6 would go off; is that right? So when a light is on, the 7 indicator light is also on. If a light happens to go 8 off for some reason, the indicator light goes off; is 9 that right? 10 THE CHAIRMAN: A navigation light goes off. 11 MR SUSSEX: Sorry, yes. 12 A. Yes. 13 Q. Now, there are other functions on this distribution 14 board I'd like you to explain. 15 If we look to the right of the indicator lights, 16 there's something which is marked "buzzer". 17 A. This is not the indicating light. This should be for 18 the alarm. 19 Q. Yes, yes. But I said to the right of the indicator 20 lights, there's something marked "buzzer". 21 A. Yes. 22 Q. Is that the location of the alarm which sounds if one of 23 the navigation lights happens to go off for some reason? 24 A. That's right. When the navigation light is off, then 25 the buzzer will sound.</p>

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<p>1 Q. Right. And the buzzer sounds from that location? 2 A. Yes. 3 Q. Is that black thing we see there on the right-hand side 4 a control knob of some description, or is it just the 5 source of the sound? 6 A. It's only a cover. There is no volume control. There 7 is only one degree of volume. 8 Q. So that's not a volume control; that's just where the 9 sound comes from? 10 A. Yes, and the alarm would be very loud. 11 THE CHAIRMAN: From that round black place only? 12 A. Yes. 13 THE CHAIRMAN: Thank you. 14 MR SUSSEX: Below that there's something which is marked 15 "dimmer sw", which is an abbreviation for "switch". 16 A. Yes. 17 Q. May I take it that by operating that switch, it is 18 possible to dim the indicator lights, of which we saw 19 a row of seven earlier, just to the left of the buzzer? 20 A. Yes. 21 THE CHAIRMAN: Does it dim anything else, or just those 22 seven lights? 23 A. No. No other function. 24 THE CHAIRMAN: Thank you. 25 MR SUSSEX: And is it possible to turn that dimmer to such</p>	<p>1 Q. And to the far right at the bottom row, we see something 2 which is called "alarm mute". 3 A. Yes, I can see it. 4 Q. Right. Now, that, I take it, is intended to turn off 5 the sound of the alarm if the alarm has started? 6 A. Yes. 7 Q. Assume that a navigation light has failed and the alarm 8 goes off. Do you mute that alarm by pushing that button 9 up or down? 10 A. Our usual practice is that when the indicator light is 11 off, we will turn the light under it off, and then the 12 alarm will not sound and then we will exchange the 13 light. 14 Q. Sorry, can you just explain that to me again? 15 THE CHAIRMAN: "The usual practice is when the indicator 16 light goes off, we turn off the switch for the failed 17 light bulb"; is that the position? "That causes the 18 audio alarm to go out." 19 A. When the navigation light is off, then the indicator 20 light will be off too. 21 MR SUSSEX: Yes. 22 A. That will trigger the buzzer to sound. 23 Q. Yes. 24 A. When that happens, we will break it using the circuit 25 breaker, and then we'll change the light bulb.</p>
Page 50	Page 52
<p>1 an extent that you can extinguish the indicator lights? 2 THE CHAIRMAN: The visibility of them. 3 MR SUSSEX: Yes. 4 A. No, it won't. 5 Q. It will just lower the brightness, but you would still 6 see them as illuminated; is that right? 7 A. We will adjust the lightness or the dimness to such 8 a degree that it would be suitable for our navigation. 9 Q. Yes. While we're on the subject of lights, there's 10 an orange button marked "lamp" between the circuit 11 breakers which we see on the left-hand side at the 12 bottom of that distribution board, and the black dial 13 which has the figures "1", "0" and "2" on it. It looks 14 orange in my photograph. 15 A. Yes. 16 Q. What does that do? 17 A. To test whether the lights are on or not. 18 THE CHAIRMAN: Which lights? 19 MR SUSSEX: Do you mean the outside navigation lights, or 20 the indicator lights which we see on that panel? 21 A. The indicator lights on the panel. 22 Q. Right. To the left of that button, the "lamp" button, 23 we see circuit breakers for each of the seven lights 24 that appear above, do we not? 25 A. Yes.</p>	<p>1 Q. I see. Let's assume a navigation light fails. The 2 light goes off, the alarm sounds, and you prevent that 3 from happening or stop the alarm by turning off the 4 circuit breaker relating to the particular light that 5 has failed; is that right? 6 THE CHAIRMAN: Mr McGowan? 7 MR MCGOWAN: I'm told -- pardon me speaking from the second 8 row -- that the word the witness used was "switch" 9 rather than "circuit breaker". 10 THE CHAIRMAN: Very well. Thank you. But for all intents 11 and purposes, we're talking about the same thing. 12 I think this is fairly well-established now, 13 Mr Sussex, as to what he says happened. 14 MR SUSSEX: Yes, I follow that. 15 THE CHAIRMAN: He's called it "our usual practice". 16 MR SUSSEX: Yes. 17 THE CHAIRMAN: But he still hasn't answered your question, 18 which was, what is the position in which you put the 19 switch underneath the "alarm mute" legend? What 20 position do you put it to in order to turn it off, stop 21 it sounding? 22 A. We wouldn't touch that switch. 23 THE CHAIRMAN: Don't worry what the motive is. If you wish 24 to mute it using this device, is mute with the switch up 25 or have you turned the mute -- have you made the mute</p>

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<p>1 effective when you've put it to the "off" position? 2 Which one stops sound coming out? 3 A. When the navigation light is off, the indicator light 4 will off too. Whichever indicator light is off, then we 5 will switch off the switch underneath it -- 6 THE CHAIRMAN: We've got that, Mr Leung. We understand 7 that. That's crystal-clear; at least it is to me. 8 A. -- and then the alarm will stop. 9 THE CHAIRMAN: Just deal with this question. If I wish to 10 stop the alarm sounding and I wish to use the switch on 11 the right-hand side that says "alarm mute", what 12 position do I put it in to stop the sound? 13 MR SHIEH: Can I assist? The witness seems to be thinking 14 of what he usually does. Obviously the question is -- 15 leave all that to one side. I think possibly the 16 question could direct him by saying you have no option 17 but to use the mute button. 18 THE CHAIRMAN: That's why I used the term "me", not "you", 19 Mr Leung. I want to turn it off and I want to use that 20 button only. 21 MR SHIEH: I wish to assist the learned interpreter in 22 focusing -- that really is the point. He's forced to 23 use that button and not the other buttons. 24 THE CHAIRMAN: Thank you for your help, Mr Shieh. 25 A. Usually when it's burned, when the light is off, the</p>	<p>1 What about Cheoy Lee? Have we had one from them? 2 MR SHIEH: I remember seeing an email advising the answer 3 I have just given. 4 THE CHAIRMAN: Yes. That's Hongkong Electric -- 5 MR SHIEH: That's Hongkong Electric. Let me just check. 6 THE CHAIRMAN: -- as I recall. 7 Mr Grossman, can you confirm that? 8 MR GROSSMAN: Yes. In fact, that's what the letter says. 9 We didn't have a manual. 10 THE CHAIRMAN: Thank you. But the question remains, do the 11 people who built this vessel have a manual for the 12 equipment they installed on it? 13 MR SHIEH: We can cause enquiries to be made. 14 THE CHAIRMAN: Thank you. 15 MR SHIEH: I am told that the recollection that I had was 16 correct: the answer was actually a Cheoy Lee answer. 17 Cheoy Lee actually had an email confirming that the 18 equipment came with the vessel but they had no manual. 19 We can actually take it up -- 20 THE CHAIRMAN: Thank you for correcting me. Have we made 21 the same enquiry of Hongkong Electric? 22 MR GROSSMAN: We had no manual. 23 THE CHAIRMAN: So we have equipment on a vessel that 24 nobody's got a manual for? Is that the position? 25 MR GROSSMAN: It's only up or down.</p>
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<p>1 switches we touch are those on the second row, not 2 like -- 3 THE CHAIRMAN: This is becoming like a United Nations 4 debate. Let's try something else, shall we. 5 MR SUSSEX: Yes. 6 I want you to look solely at the "alarm mute" button 7 which appears on the lower right side of that navigation 8 light distribution board. 9 A. Okay. 10 Q. Imagine that the alarm goes off, and I want to turn it 11 off using solely that button. No other button; just 12 that one. In order to turn the alarm off, do I switch 13 that button up or down? 14 A. If we switch off the power, then nothing will sound. 15 THE CHAIRMAN: So you put it in the "off" position and the 16 loud, painful sound stops; is that it? 17 A. Usually we'll just turn off the switch responsible for 18 the light. 19 THE CHAIRMAN: We made some enquiries, Mr Shieh, about 20 whether or not Cheoy Lee had installed this equipment 21 and whether or not there was a manual. Did we ever get 22 any response to that? 23 MR SHIEH: The response was that it did come with the 24 vessel, but there were no manuals. 25 THE CHAIRMAN: That was the Hongkong Electric response.</p>	<p>1 THE CHAIRMAN: Is that the position? There's no manual for 2 equipment on a vessel that carries 232 people? 3 MR GROSSMAN: Are we talking specifically about this "alarm 4 mute"? 5 THE CHAIRMAN: No, about this electrical equipment. 6 MR GROSSMAN: That, I'll find out. 7 THE CHAIRMAN: Find out, please. Thank you. 8 MR SUSSEX: Can I just make sure I understand. If I'm using 9 the button on the right-hand side, the "alarm mute" 10 button, and I want to turn off the painful sound that is 11 coming from the alarm, do I switch that button up or 12 down? 13 A. I will press it down. It should be like that. 14 Q. On that distribution board, there are a number of things 15 that we've identified that require an electrical source. 16 First of all, there are the external navigation lights 17 themselves. 18 A. Yes. 19 Q. Next, there are the indicator lights that we see in 20 a row above the light switches. 21 A. Yes. 22 Q. Next, there is the alarm, the sound. That needs 23 an electrical source as well, does it not? 24 A. Yes. 25 Q. Now, this distribution board is in respect of a 24-volt</p>

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<p>1 system, is it not? 2 A. Yes. 3 Q. And you've already told us that by use of the dial which 4 has the figures "1", "0" and "2", you can select the 5 electrical source between transformer and battery. 6 A. Yes. 7 Q. If we choose to turn the dial to the figure marked "1", 8 power comes from the main engine generator, does it not? 9 A. Yes, the main engine generator will supply power to the 10 transformer. 11 Q. To the transformer, which then converts to a 24-volt 12 system? 13 A. Yes. 14 Q. So in that case, all of the things that we see in that 15 distribution board -- the external lights, the indicator 16 lights, and the alarm -- all run from the main 17 generator; is that right? 18 THE INTERPRETER: Sorry, from the transformer, right? 19 MR SUSSEX: Yes, from the main engine generator which then 20 through the transformer transforms the electricity into 21 24 volts. 22 A. Apart from that, the 24-volt battery also can supply 23 power. 24 Q. I follow that. But you do that by turning this dial to 25 the figure "2", do you not?</p>	<p>1 A. Direct current. Is it direct current control panel? 2 Q. Yes. Would I be right to assume that that control panel 3 is linked to the battery, the 24-volt battery, that's 4 supplying the distribution board when it's turned to the 5 figure "2"? 6 A. Correct. 7 Q. Now, am I right that when the circuit breaker which 8 appears second left at the bottom of that panel, that 9 switchboard, trips, it cuts the source of electricity to 10 the navigation light distribution board? 11 A. Yes. 12 Q. So if that circuit breaker trips, there will -- 13 MR SHIEH: I believe that the question is whether or not it 14 will cut off the electricity supply not to the 15 navigation light but to the distribution board that we 16 have just seen. 17 MR SUSSEX: That's right. Is that not what's been 18 translated? 19 MR SHIEH: "(Chinese spoken)" is what he just said. The 20 question is not "(Chinese spoken)". 21 (Question retranslated) 22 A. That's right. The control panel controlling the -- 23 indicating the navigation lights will be cut off all 24 power. 25 MR SUSSEX: And that means there will be no indicator</p>
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<p>1 A. Yes. 2 Q. And if we turn the dial to the figure "2", the 3 electrical source for the external navigation lights, 4 the indicator lights, and the buzzers, becomes the 5 auxiliary battery; is that not right? 6 A. Yes. 7 Q. There is no independent electrical source for the alarm, 8 is there? 9 A. (Chinese spoken). 10 THE CHAIRMAN: The audio alarm. 11 MR SUSSEX: The audio alarm, yes. 12 A. Supplied by the 24-volt -- 13 Q. Battery. 14 A. -- battery, yes. 15 Q. And there is no independent source of power for the 16 indicator lights; is that right? 17 A. That's right. Also from the same battery power source. 18 Q. Right. Now, if I want to turn off the navigation 19 lights, with the consequence that the indicator lights 20 go off as well, I turn that dial to the figure "0"; is 21 that not right? 22 A. Yes. 23 Q. Could I ask you to go to page 4901 in marine bundle 12. 24 At page 4901 we see the 24-volt direct current main 25 switchboard.</p>	<p>1 lights; is that right? 2 A. Yes. 3 Q. But no buzzer? 4 A. Yes, you are right because there's no power. 5 Q. And if such a circuit breaker trip were to happen, the 6 only way you would notice it is by observing that the 7 indicator lights had all gone off; is that right? 8 A. Yes. 9 Q. Right. Now, the auxiliary battery, which is the source 10 of power when you turn the dial to the figure "2", is 11 located in the engine room, is it not? 12 THE INTERPRETER: It's in the engine room, right? 13 MR SUSSEX: Yes, in the engine room. 14 A. What do you mean? Which one is in the engine room? 15 Q. Well, the battery which is the source of power when you 16 turn to dial on the navigation light distribution board 17 to the figure "2". 18 A. That's right. The battery is in the engine room. 19 THE CHAIRMAN: You've dealt with this, Mr Leung, in 20 paragraph 10 of your statement, haven't you? 21 Page 1593 in the English. 22 Please find the Chinese. Thank you. 23 A. Yes, I can see it. 24 MR SUSSEX: It's one of the four sets of batteries you've 25 referred to in paragraph 10 of your statement?</p>

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<p>1 A. That's right. One of the four sets. 2 Q. Right. And the auxiliary battery for the navigation 3 lights, among other things, is housed in a fibreglass 4 plastic case? 5 A. That's right, in a fibreglass box, inside a fibreglass 6 box. 7 Q. And that box is screwed to the engine room bottom plate, 8 is it not? 9 A. Yes. 10 Q. And there's a lid to that box, is there not? 11 A. Yes. 12 Q. Now, how is the lid affixed to that box? 13 A. The lid is just there, covering the box. 14 Q. Right. But does it have a rubber seal, for example? 15 A. There is some rubber seal on top of the cover. 16 Q. But does it just sit on top by gravity, or is there some 17 form of clasp that closes the lid on the box? 18 A. Just sits there. Sits on top of it. 19 Q. It just sits on top. My understanding is that the lids 20 are not on top at the moment, if one visits the vessel 21 at the moment. Can you tell us whether the lids to the 22 batteries were in place on top of the boxes at the time 23 of this voyage on 1 October of last year? 24 A. Yes, the lid was on top of the box. 25 Q. So the lid to the auxiliary battery, as well as the</p>	<p>1 which seems to indicate that -- I mean, do you agree 2 that that is a plan of the Hongkong Electric typhoon 3 shelter? 4 A. Yes. 5 Q. You'll see there is a vessel in outline, starboard side 6 to the breakwater, and that is designated "berth 2". 7 A. Yes, I can see it. 8 Q. And where is the other berth in relation to that? 9 A. You can see it in front of berth 2. You can see the 10 words "berth 1". 11 Q. Yes. 12 A. That's the position. 13 Q. Right. And on 1 October, before the voyage that is the 14 subject of this Inquiry, where was the Lamma IV? 15 A. At berth 2. 16 Q. Would I be right that the Lamma II was ahead of her? 17 A. Yes. 18 Q. And where were you when you observed the green starboard 19 light of the Lamma IV? 20 A. On the pier. I was on the pier. 21 Q. Are you able to ... 22 THE INTERPRETER: If I can show you -- the witness pointed 23 his finger ... (indicates). 24 THE CHAIRMAN: Yes? 25 THE INTERPRETER: The witness pointed his finger at this</p>
Page 62	Page 64
<p>1 other three batteries, was on top of the box? 2 A. Yes. 3 Q. Now, the auxiliary battery that you've described serves 4 not only the navigation lights when you use the dial 5 here in position "2", but it also supplies power, does 6 it not, to the radar and to the emergency lighting 7 system? 8 A. Yes. 9 Q. Now, if I could just move on to the events of 1 October. 10 In paragraph 16 of your statement, you give evidence of 11 seeing the master go on board to turn on the navigation 12 lights. 13 A. Yes. 14 Q. At the Hongkong Electric typhoon shelter, there are, 15 I think, two designated berths, are there not? 16 A. Yes. 17 Q. There's berth 1 and 2. Berth 1 being to the south, 18 berth 2 to the north? 19 A. One in front, one at the back. 20 Q. Yes, but which is in front and which is back, 1 or 2? 21 A. Berth 1 on the south. 22 Q. Right. And 2 to the north? 23 A. Berth 2 would be slightly in the front. 24 Q. Slightly in the front? Could I just ask you to go to 25 police bundle O, page 4654-2. We have there a plan</p>	<p>1 spot (indicates). 2 THE CHAIRMAN: Do you want to just mark it for us. Put 3 a cross where you were. 4 A. Around the cross. 5 THE CHAIRMAN: Thank you. Please show counsel. 6 (Handed). 7 MR SUSSEX: Thank you very much. 8 And you're on the level of -- 9 THE CHAIRMAN: Just give us a moment so we can look at it as 10 well, Mr Sussex. 11 MR SUSSEX: Sorry. Yes, of course. 12 THE CHAIRMAN: Thank you. So for the record, let me 13 describe where you've marked the cross. You've marked 14 the cross on page 4654-2, on the pier, at about the 15 level of the forward part of the bow of the ship that is 16 drawn at "berth 2". 17 MR SHIEH: On the starboard side. 18 THE CHAIRMAN: On the starboard side, because the other side 19 is in the water. 20 We'll have copies made, but perhaps you can carry 21 on. 22 MR SUSSEX: Thank you very much. 23 Just to help me out, was the main deck level of the 24 Lamma IV pretty well on the same sort of level as the 25 surface of the pier?</p>

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<p>1 A. I don't have a recollection of that. 2 THE CHAIRMAN: Perhaps you could approach it in this way. 3 When you boarded the vessel, do you remember if you 4 walked straight onto the vessel, onto the main deck, or 5 did you walk up in order to do it? 6 A. I can't remember, really. 7 THE CHAIRMAN: Thank you. 8 MR SUSSEX: Now, you've given evidence that -- I'm sorry, 9 I'm moving on to another topic and that might be 10 a convenient moment. 11 THE CHAIRMAN: Yes, very well. 12 Mr Leung, we're going to adjourn now for lunch and 13 we'll resume this afternoon at 2.30. May I ask you to 14 be back to continue your testimony at that time. 15 Thank you. 2.30. 16 (1.00 pm) 17 (The luncheon adjournment) 18 (2.30 pm) 19 THE CHAIRMAN: Yes, Mr Grossman? 20 MR GROSSMAN: Mr Chairman, we have searched for any manual 21 regarding the electrical issues, and we have not been 22 able to find one. 23 THE CHAIRMAN: Thank you. 24 MR SHIEH: And the email that we had in mind was from Cheoy 25 Lee. It's actually in the correspondence bundle.</p>	<p>1 through the main deck passenger saloon and main 2 staircase." 3 A. Yes. 4 Q. You say: 5 "I walked past Lai Ho-yin. He was inside the 6 wheelhouse coming out." 7 A. Yes, I saw him coming out. 8 Q. You say: 9 "The wheelhouse door was open and I went through and 10 checked the engine panel in front of the coxswain who 11 sat in the chair." 12 A. Yes. 13 Q. In that moment when you walked into the wheelhouse, did 14 you get the impression that the coxswain was in the 15 throes of an emergency? Was dealing with an emergency? 16 A. I didn't notice it. 17 Q. And in order to look at the engine panel in front of the 18 coxswain, would I be right that you had to peer over his 19 shoulder or peer around him? 20 A. I was looking at the panel from beside him. 21 Q. Right. You say: 22 "I then stood on the port side at the wheelhouse to 23 help as a look-out." 24 A. When I was looking at the panel, I was beside the radar. 25 Q. Right. So was it then that you saw that the radar was</p>
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<p>1 I understand that's been -- 2 THE CHAIRMAN: Yes. Thank you for correcting me. 3 Is it known who manufactured this machine, this 4 equipment, Mr Grossman? 5 MR GROSSMAN: I don't know. We get it from the shipyard. 6 We may know, but -- 7 THE CHAIRMAN: It's on your vessel. Do you know what it is? 8 MR GROSSMAN: I know it's on our vessel. We got it from the 9 experts, that's what happened. I can try and find out, 10 but I don't know. 11 THE CHAIRMAN: No, I won't trouble you. 12 MR GROSSMAN: Thank you. 13 THE CHAIRMAN: Mr Leung, may I remind you that you continue 14 to testify according to your original affirmation. 15 Mr Sussex. 16 MR SUSSEX: Mr Leung, from paragraph 19 onwards in your 17 Richards Butler statement, you give evidence of what 18 happened on the voyage, which is the subject of this 19 investigation. 20 A. Yes. 21 Q. You give evidence of having performed some duties after 22 the vessel sailed from the typhoon shelter. 23 A. Yes. 24 Q. And then at paragraph 20, you say: 25 "I made my way to the wheelhouse via the main deck,</p>	<p>1 switched on? 2 A. That's right. It was on. 3 Q. But you then give evidence of standing on the port side 4 of the wheelhouse to help as a look-out. 5 A. Yes. 6 Q. So if we go to bundle 1, page 139, would I be right that 7 you are standing with your back to the wall of the 8 wheelhouse, the after wall of the wheelhouse? 9 A. After I looked at the panel, I walked around the 10 coxswain to check on the navigational light. 11 Q. Let me understand that. You say you walked around the 12 coxswain. So did you look at the console from his left 13 side or from his right side? 14 THE CHAIRMAN: I think he said he was standing next to the 15 radar when he did that, which I think gives you the 16 answer. 17 MR SUSSEX: I see. 18 Were you standing on the starboard side, then, the 19 starboard side of the master when you looked at the 20 console? 21 A. Yes, when I was walking up to the console, I was on his 22 right side. 23 Q. On his right side. And then you walked around him and 24 you walked to the port side of the wheelhouse? 25 A. That's right.</p>

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<p>1 Q. How much time do you think elapsed between your going 2 into the wheelhouse and your standing to act as 3 an additional look-out? 4 A. A couple of seconds. 5 Q. You then say in paragraph 21: 6 "No sooner had I stood there I noticed through the 7 port side window a fast-moving vessel sailing towards us 8 at a speed at least above 20 knots." 9 A. Yes, after I had checked the navigational light, I was 10 standing on the port side of the wheelhouse. 11 Q. Right. But we know that that's a few seconds, and then 12 you start acting as a look-out? 13 A. When I was standing there, I didn't see it. But then 14 I turned around. Then I saw it coming at us. 15 Q. Right. Okay. So for how long were you standing there 16 before you saw it? 17 A. Very short time. 18 Q. A matter of a few seconds? 19 A. Yes, about a few seconds. 20 Q. Okay. You turned around, you say, and you saw the 21 vessel. Can you indicate by reference to the plan on 22 page 139, first of all, through which window of the 23 wheelhouse you saw this vessel? Do you remember that? 24 THE INTERPRETER: Can you use the cursor -- 25 MR SUSSEX: If we move the cursor from the port side to</p>	<p>1 Q. Right. Now, it's right, isn't it, that you estimate 2 that the distance between your vessel and the other 3 vessel when you first saw it to be about two 4 boat-lengths? Is that right? 5 A. About 100 metres far. About two to three boat-lengths. 6 Q. Could I just remind you of your statement to the Marine 7 Department, which is marine bundle 1 at page 39-3 in the 8 English, and it's probably somewhere around 38 in the 9 Chinese. 10 There's a paragraph which starts -- 11 A. Yes. 12 Q. You say: 13 "During the look-out, I saw a catamaran which was in 14 the distance of two vessels' length." 15 Do you see that? 16 I'm afraid I can't help you with the exact page in 17 the Chinese and neither can my learned junior, but it 18 must be somewhere on page 37. 19 MR SHIEH: Page 37. The penultimate line. Page 37, the 20 penultimate line. "(Chinese spoken)". 21 A. Yes, I'm looking at the sentence now. 22 MR SUSSEX: So is it right that this was two -- you've said 23 possibly three -- to three boat-lengths? 24 A. I'm not sure. 25 Q. But something of that order?</p>
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<p>1 amidships, perhaps -- that one, or there's one here as 2 well, of course. Can we move back -- no, you're going 3 to starboard. 4 If we move to port gradually from amidships. Move 5 up. Move up. And then move to the side of the vessel, 6 the port side of the vessel where there's another 7 window. 8 Which one was it? 9 THE INTERPRETER: The witness was pointing at the port side 10 window. 11 MR SUSSEX: The one that the cursor is now pointing to? 12 A. No, a little to the right. 13 Q. This one? 14 THE CHAIRMAN: Perhaps you can -- 15 MR SUSSEX: If we go to photo 2 on page 140 and we count 16 from the left of photo 2, window 4 being the one 17 immediately in front of the coxswain -- 18 THE INTERPRETER: The witness was pointing at this window 19 (indicates). 20 MR SUSSEX: So it's number 2 in my counting? 21 THE INTERPRETER: From the left. Number 2 from the left. 22 MR SUSSEX: Number 2 from the left. 23 And you say you yelled to the captain, "A ship is 24 coming at us!"? 25 A. Yes, I made one loud shout.</p>	<p>1 A. I can't say, really. 2 THE CHAIRMAN: Well, the other estimate you gave in oral 3 testimony was 100 metres. Was it about that? 4 A. I can't be sure of that either. 5 MR SUSSEX: But nevertheless, the collision occurred within 6 a matter of seconds? 7 A. Yes. 8 Q. And you give the angle of the other vessel to your 9 vessel as 30 degrees, that's 30 degrees counting back 10 from forward of your boat? 11 THE CHAIRMAN: Where does he give this? 12 MR SUSSEX: Page 39-3. It's in the Chinese on page 37, the 13 last line. 14 THE CHAIRMAN: Thank you. 15 MR SUSSEX: "I saw there was a catamaran 30 degrees to the 16 left in front of me ..." 17 THE CHAIRMAN: Do you agree that's what you said there, in 18 the record of interview by the Marine Department 19 officer? 20 A. 30 degrees was estimation of the officer himself or 21 herself. I was not sure of the angle. 22 MR SUSSEX: But given that we know that you saw it through 23 the window that you've identified, it must be something 24 of that order, must it not? 25 A. That's what he said. He said 30 degrees. Okay, then we</p>

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<p>1 put down 30 degrees.</p> <p>2 THE CHAIRMAN: Well, was that because you'd given some sort</p> <p>3 of demonstration and he came up with the figure from</p> <p>4 your demonstration?</p> <p>5 A. Yes, you're right.</p> <p>6 THE CHAIRMAN: How did you demonstrate, what with?</p> <p>7 A. I was looking out from the port side window, and I was</p> <p>8 able to see the bow of the ship.</p> <p>9 THE CHAIRMAN: Did you use your hands to demonstrate how the</p> <p>10 two approached each other, perhaps highlighters,</p> <p>11 something like that?</p> <p>12 A. No, I didn't do that.</p> <p>13 THE CHAIRMAN: You gave him no physical demonstration; he</p> <p>14 just came up with 30 degrees?</p> <p>15 A. He asked me if, looking out from the port side window at</p> <p>16 the coming ship, would it be around 30 degrees, more or</p> <p>17 less.</p> <p>18 THE CHAIRMAN: Did you agree?</p> <p>19 A. Yes, I did.</p> <p>20 THE CHAIRMAN: Thank you.</p> <p>21 Yes, Mr Sussex.</p> <p>22 MR SUSSEX: Could we go to page 139 and could you identify</p> <p>23 where you say you were standing? By reference to</p> <p>24 page 139 in marine bundle 1.</p> <p>25 A. Yes, I'm looking at it.</p>	<p>1 side.</p> <p>2 Q. Can you tell us now, indicate to us by reference to the</p> <p>3 plan at page 139, at what angle the vessel was coming,</p> <p>4 as far as you recall?</p> <p>5 THE INTERPRETER: The witness is pointing at the cursor,</p> <p>6 right at the cursor. Slightly a little to the right of</p> <p>7 the cursor.</p> <p>8 THE CHAIRMAN: You're just being asked for an angle. In</p> <p>9 your interview with the Marine Department, you said</p> <p>10 30 degrees. Do you change your mind as to that or not?</p> <p>11 A. No. Initially I was standing there, same position, but</p> <p>12 I was looking on the right-hand side towards the bow of</p> <p>13 the ship to check if there was any garbage. I turned,</p> <p>14 looking through the port side window, and then I saw the</p> <p>15 ship.</p> <p>16 MR SUSSEX: Now, there is a line that is drawn in this plan</p> <p>17 through amidships. You'll see it goes through the</p> <p>18 coxswain's chair and right down the centreline of the</p> <p>19 vessel.</p> <p>20 A. Yes, I can see it.</p> <p>21 Q. And there are various arrows that are pointing inwards.</p> <p>22 Are you able to identify by reference to one of those</p> <p>23 numbers -- 5, 3, 7, 6, 10 -- what sort of angle the</p> <p>24 vessel came in at, the other vessel came in at?</p> <p>25 THE CHAIRMAN: If none of those help you, say so.</p>
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<p>1 Q. Can you identify where in the wheelhouse you were</p> <p>2 standing? I mean, there are some numbers that appear in</p> <p>3 there. Are you able to say, for example, you were</p> <p>4 standing in the position where there's a circle marked</p> <p>5 "1", or in front of the distribution box marked "14"?</p> <p>6 Something to give us an idea of where you were.</p> <p>7 THE CHAIRMAN: Please show counsel.</p> <p>8 (Handed).</p> <p>9 MR SUSSEX: So you were standing right by window 2?</p> <p>10 THE CHAIRMAN: Do us the courtesy of allowing us to see it</p> <p>11 first.</p> <p>12 MR SUSSEX: I'm so sorry.</p> <p>13 THE CHAIRMAN: For the record, you've marked a cross,</p> <p>14 perhaps it is, that appears to be at the forward part on</p> <p>15 the port side of the wheelhouse, perhaps at</p> <p>16 a 90-degree -- or projected forward from the middle of</p> <p>17 the number "1".</p> <p>18 A. Yes, that's right.</p> <p>19 MR SUSSEX: So you were standing in front of the window that</p> <p>20 you've identified as being on page 140 in photo 2,</p> <p>21 window 2, as I called it? Is that right?</p> <p>22 A. Yes.</p> <p>23 Q. But you've given evidence that it wasn't until you</p> <p>24 turned that you saw the other vessel; is that right?</p> <p>25 A. That's right. Initially I was looking at my right-hand</p>	<p>1 A. I was standing at the point which I showed you before,</p> <p>2 and then I was looking through the port side window, and</p> <p>3 I saw the ship coming up at us, and then along the side</p> <p>4 of the ship, and I was turning, looking at it, turning,</p> <p>5 looking at it.</p> <p>6 MR SUSSEX: Are you saying that the ship was heading in your</p> <p>7 direction, or was -- this I don't understand at the</p> <p>8 moment.</p> <p>9 Has he drawn where the vessel was in relation -- at</p> <p>10 what angle the other vessel was in relation to his</p> <p>11 vessel?</p> <p>12 THE CHAIRMAN: Just ask that question of the witness.</p> <p>13 Have you drawn the angle from your position that the</p> <p>14 other vessel was when you saw it?</p> <p>15 A. Yes.</p> <p>16 THE CHAIRMAN: Thank you. May we see it?</p> <p>17 (Handed).</p> <p>18 You've done that with a blue highlighter so that it</p> <p>19 goes from slightly to the right of the place marked with</p> <p>20 an X, through the "e" of the word "house" in the legend</p> <p>21 "Equipment in wheelhouse".</p> <p>22 MR SUSSEX: Can I ask you, are you absolutely certain that</p> <p>23 you were in the wheelhouse at the time of the collision?</p> <p>24 A. Yes.</p> <p>25 Q. Because your colleague, the sailor, Mr Leung Tai-yau,</p>

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<p>1 says he doesn't know where you were. 2 THE CHAIRMAN: Well, that's in an out-of-Commission 3 statement; is that right? 4 MR SUSSEX: I'm sorry? 5 THE CHAIRMAN: I'm trying to ascertain the provenance of the 6 assertion. Leung Tai-yau says this where? 7 MR SUSSEX: It's in his statement, yes. 8 THE CHAIRMAN: Because we've yet to hear from him. 9 MR SUSSEX: We've yet to hear from him, that's right. 10 THE CHAIRMAN: Is this in his statement prepared for these 11 proceedings, or in one of the interviews of him by the 12 authorities? 13 MR SUSSEX: I think it's one of the interviews with the 14 authorities. 15 THE CHAIRMAN: Very well. 16 What you're being asked to consider is that Mr Leung 17 Tai-yau, TY Leung, says in one of the interviews he gave 18 to the authorities that you weren't in the wheelhouse at 19 the time the vessel approached and there was 20 a collision. That's not an invitation for you to fight 21 about it, but do you stick by your evidence that you 22 were? 23 A. Yes. 24 MR SUSSEX: Right. Now, are you absolutely certain that you 25 yelled out to the coxswain, "A ship is coming at us!"?</p>	<p>1 Q. And did you hear TY Leung say anything? 2 A. No. I wasn't aware of it either. 3 Q. Did you see the master react at all when you yelled 4 "A ship is coming at us!"? 5 A. All I did at that time was looking at the ship. 6 Q. Right. You then go on to give evidence of the vessel 7 sinking. At paragraph 26, you give evidence of the 8 genset stopping and the back-up lights starting. 9 A. Yes. 10 Q. Are you able to give us an estimate of how long it was 11 from the collision that the genset stopped operating? 12 A. The genset stopped when I was removing objects away from 13 my way, in order to try to save people. It was at that 14 time that the genset stopped. 15 Q. And how long after the collision was that? A matter of 16 minutes? 17 THE INTERPRETER: I'm sorry, can -- 18 MR SHIEH: "(Chinese spoken)". 19 THE CHAIRMAN: How long in time terms? If you can't give us 20 an estimate, say so. 21 THE INTERPRETER: Can you repeat the question? 22 THE CHAIRMAN: The question is how long in time was it, 23 time, after the collision that the genset stopped 24 working? 25 A. When I was returning from the engine room.</p>
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<p>1 A. When I was giving my shout -- when I was shouting, 2 I wasn't facing him. I wasn't facing the coxswain. 3 Q. Yes, but you shouted loud enough, presumably, for 4 anybody in the wheelhouse to hear? 5 A. I am not sure of that. But at any rate, I gave a loud 6 shout. 7 Q. You gave a loud shout. And as far as you're aware, 8 Coxswain Chow is not hard of hearing? 9 A. No, not that I'm aware of in our usual daily 10 conversation. 11 Q. Right. You see, we have heard from Coxswain Chow, and 12 he gave evidence of hearing the sailor, TY Leung, shout 13 out, but he doesn't give evidence of hearing from you. 14 A. Because I wasn't facing him when I was giving the shout, 15 so probably he couldn't hear it. 16 Q. Probably he couldn't hear it? Or was he mistaken about 17 who was shouting? 18 THE CHAIRMAN: Well, I'm not sure that the witness can tell 19 us what another witness might or might not have thought. 20 What he can tell us is whether or not he shouted out. 21 Did you shout out? 22 A. Yes, I did. 23 MR SUSSEX: In the moments leading up to the collision, did 24 the master say anything, did the coxswain say anything? 25 A. I wasn't aware of it. I didn't hear anything.</p>	<p>1 MR SUSSEX: So was that a minute or -- 2 A. I don't know how long it was, actually. I was trying to 3 throw out all the life jackets. 4 THE CHAIRMAN: You can't help us as to time? 5 A. About a minute or two. This is really roughly, very 6 roughly. Because at that time, I had really no idea how 7 long the time was. It's very hard to give an estimate. 8 MR SUSSEX: And did there come a time when the emergency 9 lighting also stopped? 10 THE INTERPRETER: When you said that, that means what? The 11 collision? 12 MR SUSSEX: No. Did there come a time when the emergency 13 lighting also ceased to operate? 14 THE INTERPRETER: Thank you. I'm sorry. 15 A. Yes. 16 MR SUSSEX: And are you able to give us any idea of how long 17 after the collision that occurred? 18 A. It was when the ship already was sinking tailward, and 19 we were trapped inside. It was at that time that it 20 stopped. 21 MS LOK: He said "vertical". 22 MR SHIEH: It's "vertical". 23 THE INTERPRETER: Yes, it was tilted vertically, sinking 24 tail-end. 25 MR SHIEH: I think also "(Chinese spoken)".</p>

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<p>1 A. And then there was some time between them. 2 THE CHAIRMAN: So after the ship had sunk vertically and you 3 were trapped in the cabin, that's when the lights went 4 out from the emergency light? 5 A. No. Even after the ship has already tilted vertically, 6 the emergency lighting was still on. 7 MR SHIEH: Mr Chairman, in fairness the witness actually 8 muttered -- probably it was too light to be picked up -- 9 "(Chinese spoken)", "there was a period of time". 10 THE CHAIRMAN: Yes, I got that. I think that was 11 translated. 12 So the events were: sinking vertically, you were 13 trapped, and then after some time, the lights went out? 14 A. That's right. 15 THE CHAIRMAN: Thank you. 16 MR SUSSEX: Can you help me with this. I just want to go 17 back to marine bundle 12, pages 4900 and 4901. But 18 first we'll start at page 4900. 19 THE CHAIRMAN: These are photographs? 20 MR SUSSEX: These are photographs, yes. 21 In the days when you were powering navigation lights 22 via the transformer, you've told us that there were 23 problems occasionally with navigation lights? 24 A. It was about a few years ago. 25 Q. Of course. But, tell me: when a navigation light did</p>	<p>1 A. Yes. 2 Q. Does that not suggest to you that it resulted from 3 a surge of power from the battery, rather than a problem 4 with individual navigation lights? 5 A. I don't really understand. 6 Q. Well, is it something upon which you can help us or not? 7 I'm asking you whether the fact that the entire 8 electricity supply to the navigation light distribution 9 board was tripped at the main switchboard -- does that 10 suggest to you that it was the result of a power surge 11 from the battery rather than a problem with the outside 12 lights? 13 THE CHAIRMAN: I think, frankly, Mr Sussex, this is an area 14 that has to be explored with someone else. 15 I think, Mr Shieh, perhaps this ought to be 16 addressed by the Commission by way of a marine 17 electrical engineer who can give us the significance of 18 the positions of the various -- 19 MR SHIEH: It can be re-put to Dr Armstrong. That's one 20 possibility. Dr Armstrong. 21 MR SUSSEX: He said he's not really ... 22 THE CHAIRMAN: Yes. I'm mindful of what Mr Sussex was 23 saying by way of an aside. Marine electrical engineer 24 I think is the person who ought to be dealing with this. 25 MR SUSSEX: Mr Chairman, I'm very grateful.</p>
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<p>1 fail, did the individual circuit breakers that we see on 2 the navigation light distribution board tend to trip? 3 The individual ones relating to the particular light. 4 A. You see, when the navigational light was not working, 5 then the indicator light would go off too -- 6 Q. Yes, but -- 7 A. -- and at that time, we will change the light bulb. The 8 alarm will sound and we will turn it off, and then we'll 9 change the light bulb. 10 Q. What I want you to help me with is the function of these 11 individual circuit breakers that we see on page 4900. 12 Now, when an individual navigation light failed, did 13 it tend to be followed by a tripping of the relevant 14 circuit breaker? 15 A. When the navigational light went off, I mean went out, 16 then the indicator light would also go out, and then the 17 alarm will sound. 18 Q. Yes. 19 A. The relevant circuit breaker will not trip. 20 Q. Under what circumstances would these circuit breakers 21 trip? What are they there for? 22 A. They never trip, for as long as I have worked there. 23 Q. All right. If we go to page 4901 -- just tell me if you 24 can help me on this. We see that the circuit breaker 25 relating to the navigation lights has tripped.</p>	<p>1 I have no further questions for this witness, but 2 just for your note, the reference to the sailor's 3 evidence where he says that this witness was not in the 4 wheelhouse, or he didn't see him in the wheelhouse, is 5 in his police statement made on the day after the 6 collision, in English at page 3343-6. 7 THE CHAIRMAN: Thank you for that. 8 MR SUSSEX: The question is: 9 "Well, where was the launch mechanic at the time of 10 the vessel collision? 11 Answer: I did not see him at the wheelhouse. I did 12 not know where he was." 13 THE CHAIRMAN: Thank you. 14 MR SUSSEX: I have no further questions. 15 THE CHAIRMAN: Thank you. 16 Ms Lok? 17 MS LOK: I have no questions. 18 THE CHAIRMAN: Thank you. 19 Mr Shieh? 20 MR SHIEH: I have a few very brief areas to explore with 21 this witness. 22 THE CHAIRMAN: Perhaps you could just indicate. 23 MR SHIEH: First of all the various electrical wiring and 24 the functioning of the switches, and the other goes to 25 what happened in the wheelhouse in the period</p>

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<p>1 immediately leading to the collision. 2 THE CHAIRMAN: Yes. 3 MR SHIEH: These are the two areas I wish to explore with 4 this witness. 5 THE CHAIRMAN: Thank you. 6 Examination by MR SHIEH 7 MR SHIEH: Mr Leung, I wish to ask you some questions, first 8 of all, about the batteries and the engines and the 9 generators. 10 Can we have marine bundle 2, page 255. Could we 11 zoom in on the bottom diagram. This is the electrical 12 wiring diagram which we have looked at, Mr Chairman, 13 with Dr Armstrong. 14 THE CHAIRMAN: Yes. 15 MR SHIEH: First of all, Mr Leung, are you familiar with 16 looking at wiring diagrams such as this that we are 17 looking at? 18 A. I'm not really familiar with them. 19 Q. Right. But it doesn't matter, because I think we can 20 conveniently use it to illustrate the location of 21 various batteries and generators and engines in the 22 engine room. 23 A. Okay. 24 Q. Mr Leung, the ship's head is pointing to the right-hand 25 side on this page. Do you see that?</p>	<p>1 A. Yes. 2 Q. And the genset can be found, if we were to look back at 3 page 255, to the bottom left of this diagram -- up, 4 left. The rectangular box is the genset auxiliary 5 generator; correct? The cursor. Yes. 6 THE CHAIRMAN: Well, this version is helpfully rendered 7 almost illegible. But there is a sketch at page 148 8 which shows what you're trying to get from the witness. 9 Marine bundle, page 148. It's the sketch that goes with 10 the photographs. This section deals with the engine 11 room. 12 MR SHIEH: Yes. 13 THE CHAIRMAN: There we have the genset set out, the two 14 engines. It might be simpler for the witness to simply 15 draw where the four sets of batteries are. 16 MR SHIEH: Mr Leung, step by step, the genset is actually 17 marked as "Genset" in this diagram? 18 A. Yes. 19 Q. We now proceed to look at where the four sets of 20 batteries are. Would it be correct that immediately 21 next to the genset engine -- now, on this diagram, 22 a little bit below the genset engine -- there is one set 23 of batteries? 24 A. Yes, more or less. 25 Q. Round about that area, there would be one set of</p>
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<p>1 A. Yes. 2 Q. Starboard side is at the bottom of the page, and port 3 side is at the top. 4 A. Yes, I understand. 5 Q. Right. Look at the box on the left-hand side, the whole 6 of that square. Yes, the whole of this square. That's 7 the engine room. Do you see that? 8 A. Yes, I can see it. 9 Q. The layout of the engine room is broadly in that format; 10 correct? 11 A. Yes. 12 Q. If the cursor points to the two rectangular boxes on the 13 right-hand side, which say "Caterpillar" -- yes, these 14 two. These are the Caterpillar engines; correct? 15 A. Yes. 16 Q. You then describe in your witness statement at 17 paragraph 10 four sets of 24-volt batteries. Correct? 18 A. Yes. 19 Q. I would be asking you to identify on this diagram the 20 location of the four sets. But before that, look at 21 paragraph 9 of your statement. You said: 22 "Auxiliary power is provided by a single Onan type 23 35 MCGCA generator ..." 24 Is that the genset? Is that otherwise called the 25 genset? Genset, is it?</p>	<p>1 batteries. That was basically used to power the genset 2 generator; is that correct? 3 A. That's right. It was responsible to activate the 4 genset. 5 Q. Right. This set of batteries has nothing to do with the 6 emergency lighting or nav lights? 7 A. Yes, it's not related to them. 8 Q. Okay. I think next to each of the main engines -- do 9 you see the main engine, one on the port side, one on 10 the starboard side? 11 Next to each of the engines, there would be one set 12 of batteries on each side? 13 A. Yes. 14 Q. Each set of batteries would be responsible for starting 15 the respective engine? 16 A. Yes. 17 Q. Now, there is one extra set of batteries which would be 18 responsible for providing emergency lighting and also 19 lighting for radar, navigation lights; yes? Never mind 20 where it is. There is that one extra set of batteries. 21 A. Yes. 22 Q. Now, would it be next to the port engine or next to the 23 starboard engine? 24 A. Starboard. Close to the starboard engine. 25 Q. So it would be next to the battery responsible for the</p>

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<p>1 starboard engine; correct? So there are two batteries 2 on the starboard side? 3 A. Yes. 4 Q. But if we were to look at the wiring diagram at 5 page 255, if you look at the bottom -- you know which 6 way is starboard and which way is port. On the 7 starboard side, next to the starboard engine, there is 8 one set of batteries. On the port side, we see two sets 9 of batteries. Do you see that? 10 A. The two battery boxes that you can see on the port side, 11 next to the port side main engine, each of them is 12 12-volt. So together they make 24 volts. Now, the 13 battery that you see on the starboard, that is 24 volts, 14 and it is housed inside the fibreglass box. 15 Q. I understand. So the number of square boxes actually 16 does not relate to the number of batteries? The two 17 boxes on the port side actually denote one set of 18 batteries operating the port side -- 19 A. Two battery boxes housing two batteries. 20 Q. I understand. But combining to operate as one set of 21 24-volt batteries, operating the port side engine? 22 A. That's right. 23 Q. And on the starboard side, although there is one box, 24 you are saying that that one box actually contained two 25 sets of batteries, one for operating the port side</p>	<p>1 Can the cursor point to the very bottom of this 2 photograph. To the left. 3 Do you recognise this as being a box which housed 4 a set of batteries? 5 A. Judging from the side of it, it seems so. 6 Q. On top of it, there seems to be some kind of a cover but 7 it's not the cover that originally covered the box; is 8 that right? 9 Can you tell from the appearance whether that was 10 the cover originally covering the battery box? 11 A. It should not be so. It probably should not be like -- 12 because the original cover was something that can 13 enclose the top of the box. 14 Q. I know. Because we have actually heard evidence that 15 that rectangular cover actually fell from that white box 16 on top. Does that make sense to you? 17 A. Yes, I think so. 18 Q. But then, in this photograph, we can see that the 19 original lid or the original cover enclosing that 20 battery box has fallen off or is not there. In this 21 photograph. 22 A. (Chinese spoken). 23 Q. Is that what you can observe in this photograph; that is 24 to say, the lid originally enclosing or covering the 25 battery box cannot be seen in this photograph?</p>
Page 90	Page 92
<p>1 engine, the other being the emergency lighting plus 2 the -- sorry, starboard. On the starboard side -- I'll 3 start again. 4 The starboard side, the one box contains two sets of 5 batteries, one set for operating the starboard engine, 6 the other set for the navigation lights and the 7 emergency power? 8 A. You are right, but there are two boxes and then two sets 9 of batteries. 10 THE CHAIRMAN: On the starboard side? 11 A. That's right. 12 THE CHAIRMAN: One box and the batteries in it start up the 13 engine and get charged from the engine, and the other is 14 for the auxiliary lighting, emergency lighting? 15 A. Yes. 16 MR SHIEH: Thank you. 17 Could we have police photo album IX, page 515. This 18 was taken in the engine room. Do you recognise the 19 orientation of this part of the engine room? 20 I think we should actually turn it -- yes, that's 21 correct. Yes. 22 Do you recognise the orientation? 23 Let me get to the point. 24 THE CHAIRMAN: We can help the witness, that -- 25 MR SHIEH: Let me get to the point, yes.</p>	<p>1 A. That's right. 2 Q. Could I just clarify the manner in which the original 3 lid was supposed to enclose the battery box, the battery 4 case. 5 I think Mr Sussex asked you the question of whether 6 or not it was simply left covering the battery box by 7 its own weight. 8 A. Yes. 9 Q. Can you repeat your answer to that? Because I remember 10 you saying that there were some corrugations or ... 11 A. Yes, it covered up the top of the box and then the 12 surface towards the centre of the cover curved up 13 a little bit. It bulged. 14 Q. What bulged? 15 THE INTERPRETER: The witness has drawn a sketch on the 16 paper showing that there are two elongated shapes on the 17 surface of the cover. 18 THE CHAIRMAN: Thank you. Perhaps you could circulate that. 19 (Handed). 20 MR SHIEH: What is the purpose or function of that part 21 towards the middle of the cover which bulged out? 22 A. I don't know. 23 Q. I think let's deal with it in another way, because 24 I think the purport of the question was the ease with 25 which the lid can actually fall off if the ship gets</p>

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<p>1 tilted. To ascertain whether it would fall off. Now, 2 there are several ways in which a lid can physically be 3 placed on top of a box. There could be a completely 4 flat lid on top of a box, in which case a mere shake 5 would shake away the lid. The other extreme is that it 6 is actually screwed on with nuts or bolts, in which case 7 it won't drop off even if you turn it upside down. 8 There could be methods in between. There could be some 9 locking devices, some ways of slotting something in 10 without using bolts and nuts, which would keep the lid 11 in place. 12 We don't know what it looked like. Can you assist 13 us, if you now know that is the exercise we have to 14 perform, to ascertain how easy it is for the lid to fall 15 off? 16 A. It's merely placed on top of the box. 17 Q. So no slotting, no kind of -- not even like a jigsaw, 18 like you have to slot one part into the other to ... 19 A. No, nothing. Nothing whatsoever. 20 Q. So let's say if -- I'm sorry, Mr Chairman. 21 THE CHAIRMAN: I was going to ask you this: were these 22 marine dry-cell batteries, or lead acid? 23 A. It's environmentally friendly dry battery. 24 THE CHAIRMAN: Were the batteries themselves secured within 25 the battery box so that if the vessel went upside down,</p>	<p>1 he saw, and Dr Armstrong actually said they're on the 2 port side. 3 THE CHAIRMAN: Yes, that's my memory. 4 MR SHIEH: The port side, yes. 5 Let us look at your witness statement, Mr Leung. 6 The English version is in the Richards Butler bundle 3, 7 page 1593. The Chinese version is now on screen. Can 8 we look at your paragraph 10. I just wish to clarify 9 the terminology. 10 In the third line from the bottom, you say: 11 "This set of batteries is charged by the two 12 generators of the two main engines as well as that of 13 the auxiliary engine." 14 Do you see that? 15 A. Yes. 16 Q. We know the auxiliary generator, the genset. The 17 auxiliary engine is the engine connected to the 18 auxiliary generator; is that correct? Because you use 19 phrase "(Chinese spoken)" -- 20 THE CHAIRMAN: I think the phrase "auxiliary engine" may be 21 the one that is the problem. 22 MR SHIEH: Yes, because he used the terminology of an 23 auxiliary engine rather than auxiliary -- 24 THE CHAIRMAN: Somebody has, and the witness has agreed 25 to it.</p>
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<p>1 the battery would stay in place? 2 A. Yes. 3 THE CHAIRMAN: But the lid itself wasn't? 4 A. That's right. 5 THE CHAIRMAN: Thank you. 6 MR SHIEH: Are you aware of any air pipe leading from the 7 battery locker in the engine room, the battery boxes in 8 the engine room? 9 A. Yes, there are. 10 Q. Can you describe those? 11 A. There's one single pipe on the side of the battery. 12 Q. Where does it lead to? 13 A. I didn't notice where it leads to. 14 Q. Do you know the purpose of that pipe? 15 A. If there are some gases, you know, emitted by the 16 battery, that pipe will be used to ventilate, to drive, 17 to run the gas out. 18 Q. So that would lead somewhere above deck? That would 19 extend somewhere above deck, in order for that to 20 ventilate? 21 A. It should be. 22 MR SHIEH: Just now Mr Sussex was asking me about whether or 23 not the battery box depicted in this photograph was on 24 the starboard side or on the port side. I checked up 25 Dr Armstrong's testimony when he actually described what</p>	<p>1 But was this a vessel equipped with two engines and 2 one genset? Is that how it really worked? 3 A. Yes. 4 MR SHIEH: There's no separate engine called the auxiliary 5 engine? 6 A. No. 7 MR SHIEH: It's the language that has been used in the 8 Chinese and also the English statement which has 9 caused -- 10 THE CHAIRMAN: Yes. 11 MR SHIEH: Which is what I'm now trying to ascertain. 12 THE CHAIRMAN: I think we've got there now. 13 MR SHIEH: I now wish to clarify certain issues concerning 14 the various switches and the boxes at the back of the 15 wheelhouse. First of all, just to get an overall view 16 of the orientation, police album IX, page 547. This is 17 a photograph of the three panels at the back of the 18 wheelhouse on the port side. 19 A. Yes. 20 Q. If we are concerned with the navigation lights, is it 21 correct that we can disregard that box on the right-hand 22 side? Because that concerns the 220-volt equipment. 23 A. Yes. 24 Q. Thank you. And then marine bundle 12, page 4900. Now, 25 the focus of this panel is on navigation lights, the</p>

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<p>1 stern light and the masthead light. 2 THE CHAIRMAN: Well, it's entitled "Navigation light 3 distribution board". 4 MR SHIEH: Yes. 5 A. Yes. 6 Q. You have told us that the circuit breakers on the bottom 7 left-hand corner would not trip, even if there is 8 a malfunction of any particular navigation light. 9 A. That's correct. 10 THE CHAIRMAN: So were they in fact simply switches on and 11 off? 12 A. Yes, they are switches, but they are also breakers 13 because when a surge of power, they will break. 14 THE CHAIRMAN: Thank you. So they are properly called 15 circuit breakers? 16 A. Yes. 17 THE CHAIRMAN: Thank you. 18 MR SHIEH: Right. So what I wish to ascertain by this line 19 of questioning is to ask you to compare this set of 20 circuit breakers concerning the navigation lights, and 21 we have seven circuit breakers -- yes? 22 A. Yes, they are concerned with navigation light. 23 Q. Right. And then we look at page 4901. 24 THE CHAIRMAN: That's the 24-volt direct current main 25 switchboard?</p>	<p>1 seen -- you know, the individual circuit breakers in the 2 previous photograph we have seen -- and this single 3 circuit breaker for navigation lights. 4 What is their relationship? 5 A. I'm not very clear about this. 6 Q. I'm not trying to make life difficult for you, but 7 obviously if you can't help us, you can't help us. 8 I was just about to ask you -- 9 THE CHAIRMAN: I think he's made it clear that he can't help 10 us, and I've suggested that we get a marine electrical 11 engineer who can, definitively. 12 MR SHIEH: Yes. 13 Just now you talked about the emergency lighting on 14 board the vessel going out a while after the vessel had 15 gone vertical. 16 THE INTERPRETER: "Going out" means malfunctioning, right? 17 MR SHIEH: Malfunctioning. 18 A. About one or two minutes after the ship started tilting 19 vertically. 20 Q. Right. Just to get the matter clear, the batteries 21 which support the back-up lighting system were the same 22 batteries which supported the navigation lights? 23 A. Yes. 24 Q. When the genset fails, so that the emergency back-up 25 lighting has to be triggered, it is an automatic</p>
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<p>1 MR SHIEH: Yes. Could we have a close-up on the bottom 2 left-hand corner. 3 This concerns equipment powered on 24 volts? 4 A. That's right. 5 Q. A number of different equipment on the vessel are 6 powered on 24 volts? 7 A. Yes. 8 Q. Navigation lights being one of them? 9 A. Yes. 10 Q. That 24 volts could come from battery; it could come 11 from the transformer which scaled down the AC power 12 coming from the generator? 13 A. Yes. 14 Q. So if you look at the second button or the switch from 15 the left, it concerns navigation lights? 16 A. Yes. 17 Q. And we know there are seven of them, navigation lights. 18 Or is it four? Or would you say four? 19 A. Yes. 20 Q. Four? 21 A. Under normal circumstances, we use only four. 22 Q. Fine. Masthead, stern, starboard, port? 23 A. Yes. 24 Q. All I wish to ascertain is the interrelationship between 25 the circuit breakers of the panel that we have just</p>	<p>1 process, right? No manual switching is required? 2 A. That's right. 3 Q. Can I now ask you questions on the other topic, and that 4 is the events in the wheelhouse immediately leading to 5 the collision. 6 When you went back to the wheelhouse after 7 performing your duties after set-off, was Leung Tai-yau 8 already there, or not? 9 A. I didn't see him. 10 Q. I see. So when you got back to the wheelhouse, you 11 didn't see Leung Tai-yau there? 12 A. That's right. I didn't see him. 13 Q. After you got back to the wheelhouse, up to the moment 14 of the collision, were you aware at any time that Leung 15 Tai-yau had gone anywhere near the wheelhouse? 16 A. I wasn't aware. I was just checking the navigation 17 light. I wasn't aware of it at all. 18 Q. And you didn't hear him shout before the collision? 19 A. No, I didn't notice it. 20 Q. You told us after you got back to the wheelhouse, the 21 first thing you did was to go to the side of the radar 22 and look at the panel in front of the coxswain. 23 A. I saw that it was on. 24 Q. Right. I thought you were positioned on the side of the 25 radar, and you said you were checking the panel in front</p>

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<p>1 of the coxswain. 2 THE CHAIRMAN: That's the engine instruments on the console 3 in front of the seat for the coxswain. 4 A. Yes. 5 MR SHIEH: And you said you saw that the radar was switched 6 on. 7 A. Yes. 8 Q. Obviously that's because you actually looked at the 9 radar monitor? 10 A. No. I just looked at it and I saw that the radar was 11 on, and I looked at the panel. That's all. 12 Q. Did you pay attention to the display on the monitor of 13 the radar? 14 A. No, I didn't pay attention to it. 15 THE CHAIRMAN: Are you saying what you noticed was the glow 16 the green glow from the radar screen? 17 A. That's right. I saw there was light, you know, on the 18 screen of the radar. 19 MR SHIEH: So you looked at the matter broadly, but you did 20 not pay enough attention to interpret what the glow 21 represented? 22 A. That's right. 23 Q. So you did not actually notice anything wrong or any 24 vessel approaching on the radar monitor? 25 A. Correct.</p>	<p>1 so that you can go from, say, 1 nautical mile to 2 or 3 2 or 5? Can you do that? 3 A. Yes, I can do that. 4 THE CHAIRMAN: Thank you. 5 MR SHIEH: If you see a glow or a green dot on the monitor 6 of the radar display, could you interpret the 7 significance of that glow by way of its movement and the 8 course it was undertaking? 9 A. If it signifies mobile objects, yes, I can interpret it. 10 THE CHAIRMAN: Can you tell the difference between 11 a fast-moving object and a slow-moving one from the 12 screen? 13 A. I should be able to do that. 14 THE CHAIRMAN: Yes. By watching the screen for a few 15 sweeps, seeing the position change; is that how you do 16 it? 17 A. Yes. If the moving dot is moving very fast, then it 18 means that the object is moving very fast. 19 MR SHIEH: Could I ask you to look at Richards Butler 20 bundle 1, page 373. The English is page 409. 21 This is a document produced by Mr Tang Wan-on of 22 Hongkong Electric. Do you know Mr Tang Wan-on? 23 A. Yes, I know him. 24 Q. Do you have any recollection of having ever been given 25 a document such as this by way of training as to radar</p>
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<p>1 Q. Has anyone told you when you assist in look-out to, for 2 example, assist in manning the radar? 3 A. No. 4 Q. Did you have a habit of monitoring the monitor of the 5 radar by way of look-out? 6 A. Only under special circumstances. 7 Q. Such as? 8 A. Foggy weather. 9 Q. Otherwise you rely on line of sight? 10 A. That's right. When the visibility was good. 11 THE CHAIRMAN: Are you a qualified radar operator? 12 A. No, I'm not. 13 THE CHAIRMAN: And you've no recollection of attending 14 a course that apparently the Hongkong Electric records 15 show you did attend in relation to radar? 16 A. That's right. 17 THE CHAIRMAN: But as a matter of practice, are you able to 18 use radar functionally, if necessary, for example in 19 fog? Can you actually read it? 20 A. Yes, I used to do that. I can look at the terrain, you 21 know, look at the radar to judge the terrain. 22 THE CHAIRMAN: Can you use the equipment to get a bearing on 23 another vessel? 24 A. I'm not really capable of that. 25 THE CHAIRMAN: Are you able to change the size of the screen</p>	<p>1 usage? 2 THE CHAIRMAN: Perhaps the witness ought to be given the 3 physical bundle so that he can flip through the pages. 4 MR SHIEH: Yes. 5 A. No. I have no such recollection. 6 Q. It was some time -- leave aside the number of seconds or 7 minutes. I know these things are very difficult. But 8 there is some time from the time when you entered the 9 wheelhouse and the time when you say you first saw the 10 approach of the other vessel which collided with 11 Lamma IV on the port side window. This is not 12 a question; this is simply a statement. 13 Leave aside whether it is counted in terms of 14 seconds or minutes. My question is, in between these 15 two events -- walking into the wheelhouse and seeing the 16 approach of the other vessel -- did you at any time 17 actually look out of the window of the wheelhouse to 18 keep a visual look-out? Or were you mainly focusing on 19 what's happening inside, such as looking at the panel at 20 the port side back of the wheelhouse, looking at the 21 console in front of the coxswain? 22 A. After I finished all my duties, when I was helping with 23 the look-out, I did look out through the window. 24 Q. That was at the time when you were already on the port 25 side of the vessel, shortly after which you saw the</p>

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<p>1 approach of the Sea Smooth? 2 A. Yes. 3 THE CHAIRMAN: Perhaps you can approach it in this way. 4 When you saw this vessel close to your vessel -- 5 100 metres, say -- were you surprised that you hadn't 6 seen it before, because you'd been keeping a look-out? 7 "Where has this vessel come from?" 8 A. Yes, I was surprised. 9 MR SHIEH: And what you are saying is that before that 10 moment when you say you began to keep your visual 11 look-out, prior to that point in time, while in the 12 wheelhouse, you did not actually look out of the window? 13 A. Correct. 14 Q. So the only one, as far as you are aware, who would be 15 performing that job of keeping a visual look-out at that 16 point in time would have been the coxswain himself? 17 A. Correct. 18 Q. But you did not hear him complain or scream or shout or 19 appear agitated or worried? 20 A. No. No, I didn't hear him doing any such things. 21 Q. Or very marked movement? 22 A. I didn't notice this. Because the wheelhouse was very 23 dark. 24 Q. The lights in the wheelhouse were on, were they? 25 A. No. The lights of the wheelhouse were off.</p>	<p>1 wall behind? Is that where the lighting came from? 2 A. Yes, that's right. They were very weak. 3 MR SHIEH: One last question. You saw Lai Ho-yin outside 4 the wheelhouse? 5 A. Right at the door of the wheelhouse. 6 Q. Did you have the impression that he was chatting to the 7 coxswain? 8 A. No. I didn't hear any sound, any voices. 9 Q. So he was just standing there? 10 A. He was walking from inside the wheelhouse. 11 MR SHIEH: Thank you. 12 I have no further questions, Mr Chairman. 13 THE CHAIRMAN: Thank you. 14 Mr Grossman? 15 MR GROSSMAN: I have no further examination, thank you. 16 THE CHAIRMAN: Thank you, Mr Leung. Your evidence is 17 complete and you are free to leave the witness box now. 18 You may take a seat in the public gallery if you wish to 19 hear the evidence that we will receive next. That's up 20 to you. Thank you for giving us the benefit of your 21 evidence. You are to be commended for the efforts that 22 you made to save passengers on the vessel. 23 A. Thank you. 24 25</p>
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<p>1 Q. But the lights in the passenger deck, in the main deck, 2 were on; right? 3 A. The lights of the main passenger deck were off, but the 4 lights, those in the sun deck, were on. 5 THE CHAIRMAN: We've been calling the decks the main deck, 6 the one you board the vessel onto; then the upper deck, 7 and the upper deck has a cabin; and then there's an open 8 deck. Do you follow? 9 Now, you get to the wheelhouse from the forward part 10 of the upper cabin, do you not? 11 A. Went out from the engine room and then walk along the 12 corridor and then climbed up the stair, and then went 13 into a cabin in the forward part of it, and then I went 14 into the wheelhouse. 15 THE CHAIRMAN: The upper cabin, after you've climbed up the 16 stairs, was that lit or were the lights out? 17 A. They were off. 18 THE CHAIRMAN: And the main cabin, that is the one beneath 19 the upper deck, were the main cabin lights on? 20 A. Those in the rear part were on. Those in the front 21 part, I don't recollect. 22 THE CHAIRMAN: Thank you. But the illumination in the 23 wheelhouse itself, did that come from the dimmed 24 instrument lights, for example the engine dials and the 25 radar and the panels we've been talking about on the</p>	<p>1 (The witness withdrew) 2 MR GROSSMAN: The next witness is the deckhand, the sailor. 3 Do you want to start now? 4 THE CHAIRMAN: Yes. 5 MR GROSSMAN: Thank you. It's Mr Leung Tai-yau. 6 MR SHIEH: Mr Chairman, there is one point about timing 7 which perhaps I wish to clarify. 8 THE CHAIRMAN: Yes? 9 MR SHIEH: There was a bit of a potential confusion over the 10 duration of the police interview that Mr Leung Pui-sang 11 had undertaken. 12 THE CHAIRMAN: Yes. 13 MR SHIEH: It's in marine bundle, page 3333-13. 14 THE CHAIRMAN: This is the 11.30 start; is that it? 15 MR SHIEH: Yes. Taking eight hours to ask 100-odd 16 questions. In fact we probably don't need to turn it up 17 because the English translation has yet to be provided, 18 but if one actually looks at the detailed answer to the 19 question, apparently the heading stating the start time 20 and finishing time was incorrect. It started at 3.12 pm 21 and ended at 3.30 pm. 22 THE CHAIRMAN: Oh. Thank you for that. 23 MR SHIEH: We don't know where the 11.30 came from, but 24 anyway ... 25 THE CHAIRMAN: Yes.</p>

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<p>1 MR LEUNG TAI-YAU (affirmed in Punti) 2 (All answers via interpreter unless otherwise indicated) 3 Examination by MR GROSSMAN 4 MR GROSSMAN: Mr Leung, first of all, just to confirm that 5 you are a sailor, you're a deckhand, and you were 6 present on the Lamma IV when it had this tragic accident 7 on 1 October last year? 8 A. Yes. 9 Q. You've made three statements, I think. The first one is 10 in police bundle M at page 3338, and the translation is 11 at page 3343. 12 A. Yes, I can see it. 13 Q. That's a statement dated 2 October; that is, the day 14 after the incident. 15 A. Yes. 16 Q. Could we just look at the English, please, which is at 17 page 3343. The Chinese is at page 3338. 18 A. Yes, I'm looking at it. 19 Q. This is a statement that you made. Where were you when 20 you made it? 21 A. At the Marine Police Headquarters in Sai Wan Ho and 22 Shau Kei Wan. 23 Q. Yes. Would you have a look at the end of this 24 statement, please. 25 In the Chinese, did you sign the statement?</p>	<p>1 I want to change. 2 Q. Yes. If we can just find that, please. 3 A. At that time I told him that the passengers on the upper 4 deck was a little bit more than 50 -- 5 Q. Yes. 6 A. -- but he put it down as 60. 7 Q. As 60. And -- 8 THE CHAIRMAN: It's been translated in English as "around 9 60". Is that what you're talking about? 10 A. That's right. It was written there, it is written there 11 as "around 60". 12 THE CHAIRMAN: And you were talking about the cabin, were 13 you, of the upper deck, not the open deck? 14 A. No, the indoor passenger cabin on the upper deck. 15 THE CHAIRMAN: So it's "50" rather than "around 60"; is that 16 it? "A little bit more than 50", rather than "around 17 60"? 18 A. Correct. 19 THE CHAIRMAN: Thank you. 20 MR GROSSMAN: And apart from that, is the statement correct? 21 A. Yes, it is. 22 Q. Then if you would go to Reed Smith Richards Butler 23 bundle 3 at pages 1600 to 1605, with translation from 24 page 1606, I think this is the statement you made with 25 the assistance of your solicitors. Again, if you would</p>
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<p>1 A. Yes, I did. 2 Q. Is it true? 3 A. Yes, it is. 4 Q. Anything you'd like to change in it? 5 A. No. 6 Q. Would you look next, please, at marine bundle 1 at 7 pages 40 to 63; translation from page 63-1. This is 8 a statement you made to the Marine Department; is that 9 correct? 10 THE CHAIRMAN: I think it's properly called notes of 11 an interview that were conducted of him. 12 MR GROSSMAN: Yes. Thank you, Mr Chairman. 13 A. Yes, I'm looking at it. 14 Q. Yes, these were notes of an interview that you gave to 15 the Marine Department. 16 A. Yes. 17 Q. Again, if you scroll to the end of it, please -- is that 18 your signature? 19 A. Yes, I can see it. 20 Q. And was what you said there true? 21 A. Yes. 22 Q. Is there anything you'd like to add or change? 23 A. A little bit I want to change. 24 Q. Yes? 25 A. The number of the passengers on the upper deck. That,</p>	<p>1 turn to the end of the statement in Chinese, is that 2 your signature? 3 A. Yes. 4 Q. Is there anything you'd like to add or amend in this 5 statement? 6 A. No. 7 Q. And is it true? 8 A. Yes. 9 THE CHAIRMAN: And the statement is dated 6 February of this 10 year? 11 MR GROSSMAN: Yes, that's correct. 12 What I propose to do is to go through your witness 13 statement with you, and I'll be reading from part of the 14 English translation, and you can follow the Chinese on 15 the screen. 16 A. Okay. 17 Q. You say that you started working for Hongkong Electric 18 on 23 March 1982 as a deckhand, and you've been sailing 19 as a deckhand with Hongkong Electric since. And before 20 that, you were a fisherman. 21 A. Yes. 22 Q. And you hold a certificate of competency as a master of 23 powered vessels up to 60 tonnes, issued by the Marine 24 Department on 22 May 1986, which is valid until 2018? 25 A. Yes.</p>

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<p>1 Q. I think we can see this at police bundle O at page 4348. 2 Is that the certificate you are referring to? 3 A. Yes. 4 Q. I think you also hold a certificate of competency as 5 an engineer of motor vessels up to 150 bhp, issued by 6 the Marine Department in August 1992, valid until 7 5 August 2018? 8 THE CHAIRMAN: Wasn't that the document we just looked at? 9 Yes. So you've dealt with that. 10 MR GROSSMAN: Yes, I've dealt with that. I'm sorry. 11 THE CHAIRMAN: I think you were dealing with pleasure vessel 12 certificate of competency. 13 MR GROSSMAN: Yes, I should be dealing with that. I'm 14 sorry. 15 You also hold a pleasure vessel certificate of 16 competency. That was lost overboard and has been 17 reissued to you. 18 A. Yes. 19 THE CHAIRMAN: Do we have any computer record, perhaps from 20 the Marine Department, showing the original issue? 21 Do you have anything to substantiate this, 22 Mr Grossman? 23 MR GROSSMAN: I don't. 24 THE CHAIRMAN: Very well. Carry on. 25 MR GROSSMAN: Thank you.</p>	<p>1 A. Yes. 2 MR SHIEH: Mr Chairman, questions have arisen on a number of 3 aspects concerning the various panels, for example how 4 the mute button is supposed to work, and also how the 5 circuit breaker buttons are supposed to jump. 6 THE CHAIRMAN: Yes. 7 MR SHIEH: The prospect was raised as to consulting those 8 who would know the matter. Instead of getting a new 9 expert and somehow doing a fresh report, I understand 10 that the Marine Department actually have different 11 divisions within Mardep, specialising in different 12 matters, one of which is actually electrical matters. 13 It's something probably not requiring an order, but what 14 we will be doing is perhaps to request the Marine 15 Department -- because after all, the vessel is easily 16 accessible by Mardep, and sometimes these matters, even 17 if there is no menu, it could simply be a matter of 18 deciphering the wiring diagram -- 19 THE CHAIRMAN: I'm sure it's -- 20 MR SHIEH: -- or opening up the front panel and seeing 21 how -- 22 THE CHAIRMAN: This will be ABC for a marine electrical 23 engineer -- 24 MR SHIEH: Yes, and I'm just suggesting there's readymade -- 25 THE CHAIRMAN: -- but I'm not sure it's appropriate in the</p>
<p>Page 114</p> <p>1 I think you also attended sea survival training in 2 1988, and fire-fighting training in 1991 at the Seaman's 3 Training Centre, having been sent on courses by Hongkong 4 Electric? 5 A. Yes. 6 Q. "I have been shown records kept by ... Hongkong Electric 7 of my attendance of various internal training courses 8 including 'radar observer course for marine crew', and 9 'marine routine maintenance & boarding safety' in 1998 10 and 2000 respectively but I do not have a strong 11 recollection of attending such courses." 12 A. That's right. 13 THE CHAIRMAN: Do you have any recollection of attending the 14 courses? 15 A. No, I have no recollection of it. 16 THE CHAIRMAN: Thank you. 17 MR GROSSMAN: Mr Chairman, I see the time. I don't know if 18 you want to continue? 19 THE CHAIRMAN: Very well. 20 Mr Leung, although you've just begun your evidence, 21 we've been, as you know, sitting in the back of the 22 hearing, hearing evidence all day and we're going to 23 adjourn now and resume tomorrow at 10 o'clock. May 24 I ask you to return so that you can continue your 25 evidence at 10 o'clock tomorrow.</p>	<p>Page 116</p> <p>1 circumstances that it should be a Marine Department 2 engineer. 3 MR SHIEH: We'll consider that and perhaps -- 4 THE CHAIRMAN: I think the Commission should perhaps look 5 elsewhere, because it puts them in an invidious 6 position, given the position that they occupy. 7 MR SHIEH: Perhaps, yes. Perhaps. 8 THE CHAIRMAN: I think it should be independent. We can 9 perhaps give some thought as to how it is that we 10 address the matter. But I don't see it as being 11 anything -- 12 MR SHIEH: I don't imagine it should be controversial 13 because it really is a matter of opening the thing -- 14 THE CHAIRMAN: I think this is a five-minute piece of 15 evidence that puts this to bed, but we don't have the 16 manuals that would give us the answer from reading them. 17 MR SHIEH: Yes. 18 THE CHAIRMAN: So I'd ask you to address that and come back. 19 MR SHIEH: Yes, we will. 20 THE CHAIRMAN: The other matter is we have an octogenarian 21 witness from Cheoy Lee. 22 MR SHIEH: Mr Cheung Fook-chor. 23 THE CHAIRMAN: And I understand it was envisaged he would 24 give evidence tomorrow but it's clear, is it not, that 25 we wouldn't reach him tomorrow?</p>

<p style="text-align: right;">Page 117</p> <p>1 MR SHIEH: No. Because after this Mr Leung, then there will 2 be the Sea Smooth coxswain. 3 THE CHAIRMAN: Yes. In that case, could we stand Mr Cheung 4 down so that he's not inconvenienced. Tell him we now 5 anticipate Monday. I think we can take him before we 6 take any Mardep witnesses. 7 MR SHIEH: Yes. Monday. Because if the coxswain of Sea 8 Smooth were to go in tomorrow, and if he overflows into 9 Monday, then -- 10 THE CHAIRMAN: We'll see how we're going. That's just to -- 11 MR SHIEH: Certainly not tomorrow. 12 THE CHAIRMAN: We don't want to waste his time tomorrow. 13 MR SHIEH: Yes. Certainly not tomorrow. 14 THE CHAIRMAN: Thank you. 15 10 o'clock tomorrow. 16 (4.37 pm) 17 (The hearing adjourned until 10 am on the following day) 18 19 20 21 22 23 24 25</p>	
<p style="text-align: right;">Page 118</p> <p>1 INDEX 2 MR CHEUNG CHI-KONG (affirmed as interpreter)1 3 MR LEUNG PUI-SANG (affirmed in Punti)1 4 Examination by MR GROSSMAN1 5 Examination by MR SUSSEX40 6 Examination by MR SHIEH85 7 (The witness withdrew)108 8 MR LEUNG TAI-YAU (affirmed in Punti)109 9 Examination by MR GROSSMAN109 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	