

Page 1	Page 3
<p>1 Tuesday, 26 February 2013</p> <p>2 (10.00 am)</p> <p>3 MR SHIEH: Mr Chairman, I understand the coxswain is</p> <p>4 currently in the hearing room.</p> <p>5 THE CHAIRMAN: Yes, I see him looking at us from the public</p> <p>6 gallery. Do we have a microphone? Thank you. Would</p> <p>7 you interpret this, please.</p> <p>8 THE INTERPRETER: Yes.</p> <p>9 THE CHAIRMAN: Mr Lai, good morning.</p> <p>10 MR LAI SAI-MING: (Via interpreter) Good morning.</p> <p>11 THE CHAIRMAN: We've asked you to attend so that you can</p> <p>12 tell us what, if any, progress you've made in</p> <p>13 determining how it is you propose to continue to</p> <p>14 participate and/or be represented in these proceedings.</p> <p>15 What is the position?</p> <p>16 MR LAI SAI-MING: (Via interpreter) Somebody has recommended</p> <p>17 a lawyer to me, but for specific results, I won't know</p> <p>18 until 6 o'clock this evening. So as of now, my status</p> <p>19 is unclear.</p> <p>20 THE CHAIRMAN: Very well. It's important that you</p> <p>21 nevertheless continue to listen to the testimony that's</p> <p>22 being led in the hearing. Do you understand that?</p> <p>23 MR LAI SAI-MING: (Via interpreter) I understand.</p> <p>24 THE CHAIRMAN: So you understand in particular the testimony</p> <p>25 that is being presented to the tribunal from your fellow</p>	<p>1 A. Yes, I'm looking at it.</p> <p>2 Q. What I'd like to show you now, please, is the log which</p> <p>3 the engineer kept on 1 October last year. The Chinese</p> <p>4 is in police bundle N(I), page 3374.</p> <p>5 Mr Chairman, there's no English translation provided</p> <p>6 but we had one done and we've had it sent off to the</p> <p>7 Commission's solicitors.</p> <p>8 THE CHAIRMAN: This ought to be paginated and scanned and</p> <p>9 given numbers that place it next to the Chinese</p> <p>10 original.</p> <p>11 MR SUSSEX: Might I ask that I be given a copy of the</p> <p>12 translation? Thank you.</p> <p>13 THE CHAIRMAN: Ms Lok, do you have one?</p> <p>14 (Handed).</p> <p>15 MR GROSSMAN: Presumably it will be page 3375 --</p> <p>16 THE CHAIRMAN: I think we'll probably use a hyphen and</p> <p>17 a number, because it may be that sequential numbers have</p> <p>18 already been taken up.</p> <p>19 MR GROSSMAN: Very well. Pages 3374-1 and 3375-1.</p> <p>20 THE CHAIRMAN: Yes.</p> <p>21 MR GROSSMAN: I want to go through it with you very quickly.</p> <p>22 We can go down to the line that says "0730", which</p> <p>23 is when you arrived. According to this, you leave at</p> <p>24 07:30 and you go to Cheung Sha Wan to bunker, and you</p> <p>25 get there in three minutes, at 07:43.</p>
Page 2	Page 4
<p>1 crew members.</p> <p>2 MR LAI SAI-MING: (Via interpreter) I understand.</p> <p>3 THE CHAIRMAN: Thank you very much. Please sit down.</p> <p>4 MR WONG TAI-YAU (on former affirmation in Punti)</p> <p>5 (All answers via interpreter unless otherwise indicated)</p> <p>6 THE CHAIRMAN: Mr Wong, good morning to you.</p> <p>7 A. Good morning.</p> <p>8 THE CHAIRMAN: May I remind you that you continue to testify</p> <p>9 according to your original affirmation.</p> <p>10 A. I understand.</p> <p>11 THE CHAIRMAN: Thank you.</p> <p>12 Mr Grossman.</p> <p>13 Examination by MR GROSSMAN (continued)</p> <p>14 MR GROSSMAN: Thank you, Mr Chairman.</p> <p>15 Good morning, Mr Wong.</p> <p>16 A. Good morning.</p> <p>17 Q. A few more questions.</p> <p>18 First of all, when you were keeping a look-out on</p> <p>19 1 October, did you use binoculars at all?</p> <p>20 A. No. Our company did not provide binoculars to us.</p> <p>21 Q. Thank you. The next point I want to ask you about is</p> <p>22 this. If you remember yesterday, I showed you the</p> <p>23 schedule of your trips from Central to Yung Shue Wan.</p> <p>24 This was Holman Fenwick Willan bundle, page 360.</p> <p>25 Perhaps just remind yourself of it, please.</p>	<p>1 THE CHAIRMAN: 13 minutes.</p> <p>2 MR GROSSMAN: Yes. My arithmetic went wrong. I apologise.</p> <p>3 13 minutes, yes.</p> <p>4 A. Yes.</p> <p>5 Q. You leave Cheung Sha Wan at 08:05 and arrive in Central</p> <p>6 at 08:20.</p> <p>7 A. Yes.</p> <p>8 Q. You leave Central at 08:41 for Peng Chau.</p> <p>9 A. Yes.</p> <p>10 Q. And you arrive at Peng Chau at 09:07.</p> <p>11 A. Yes.</p> <p>12 Q. You leave Peng Chau at 09:31 and you arrive in Central</p> <p>13 at 09:57.</p> <p>14 A. Yes.</p> <p>15 Q. You leave Central at 10:12 and arrive at Yung Shue Wan</p> <p>16 at 10:37. Then you leave Yung Shue Wan at 10:45, arrive</p> <p>17 in Central at 11:04.</p> <p>18 A. Yes.</p> <p>19 Q. You leave Central at 11:11 and arrive in Yung Shue Wan</p> <p>20 at 11:35.</p> <p>21 A. Yes.</p> <p>22 Q. You then leave Yung Shue Wan at 11:45 and arrive in</p> <p>23 Central at 12:08.</p> <p>24 A. Yes.</p> <p>25 Q. You leave Central at 12:16 and arrive at Yung Shue Wan</p>

Page 5	Page 7
<p>1 at 12:41. 2 A. Yes, I can see it. 3 Q. You leave Yung Shue Wan five minutes later at 12:46 and 4 arrive in Central at 13:10. 5 Then we go to the next column. You leave Central at 6 13:15 and arrive in Peng Chau at 13:38. 7 A. Not Peng Chau. 8 Q. Yung Shue Wan, I'm sorry. 9 A. Yes, that's right. Yung Shue Wan. 10 Q. Then you leave there at 13:45 and you arrive in Central 11 at 14:09. You leave Central at 14:15, arrive at Cheung 12 Sha Wan at 14:37. 13 A. Yes. 14 Q. You leave Cheung Sha Wan at 14:46 and you arrive in 15 Central at 15:13. 16 THE CHAIRMAN: These are all voyages to Yung Shue Wan, not 17 Cheung Sha Wan. Are they not? 18 MR GROSSMAN: Yes, you're right. I'm sorry. 19 MR SHIEH: Cheng Sha Wan would be for bunkering very early 20 in the morning. 21 THE CHAIRMAN: I follow that. One trip to Peng Chau, and 22 then the rest to and from Yung Shue Wan. 23 MR GROSSMAN: Yes. I apologise. 24 Anyway, you leave Yung Shue Wan at 14:46, arrive in 25 Central at 15:13. You leave Central at 15:20, arrive at</p>	<p>1 A. Yes, you are right. It's only a few minutes. 2 Q. So you didn't really have time to eat properly, did you? 3 A. Yes, you are right. 4 Q. Is that possibly why you were having to eat during the 5 voyages? 6 A. No, no, no. No, no, no. 7 THE CHAIRMAN: Well, the question is predicated on the 8 suggestion that you did eat during the voyages. Did you 9 eat during the voyages? 10 A. Yes. 11 THE CHAIRMAN: Whilst the vessel was underway? 12 A. Most of the time, when the vessel has docked. 13 THE CHAIRMAN: Were there occasions when you ate when the 14 vessel was underway? 15 A. Seldom. 16 THE CHAIRMAN: Did you do that on 1 October 2012? 17 A. No. 18 THE CHAIRMAN: Yes? 19 MR GROSSMAN: When you say that you ate sometimes while the 20 vessel was underway, did that apply to each of the four 21 of you? 22 A. Yes. Not that we would be eating at the same time. It 23 won't be like that. 24 Q. I misunderstood then. I thought you said a few minutes 25 ago that while the vessel was underway, sometimes you</p>
Page 6	Page 8
<p>1 Yung Shue Wan at 15:43. You leave Yung Shue Wan at 2 16:20, arrive in Central at 16:45. You leave Central at 3 17:01, arrive in Yung Shue Wan at 17:23. You leave Yung 4 Shue Wan at 17:28, arrive in Central at 17:50. You 5 leave Central at 17:55, arrive at Yung Shue Wan at 6 18:12. 7 Just pausing there. We see it says opposite that 8 "empty", so it took you just 17 minutes to get there. 9 A. There's no passengers. The Chinese word next to the 10 time 17:55 on the right-hand side, that means "without 11 passengers". 12 Q. That's right. It just took you 17 minutes, then? 13 Anyway, I don't want to argue about arithmetic. 14 You left Yung Shue Wan at 18:17, arrived in Central 15 at 18:40. You leave Central at 18:43, that's three 16 minutes later, and arrive in Yung Shue Wan at 19:05. 17 You leave Yung Shue Wan at 19:12, arrive in Central at 18 19:35. Then you leave Central at 20:01, and it says 19 here you arrive in Yung Shue Wan at 20:25. 20 I want to ask you this. When did you have time to 21 eat? 22 A. When the vessel had stopped and then we finished our 23 duties, and then we grab our bite. 24 Q. But the vessel only stops for a few minutes at each end, 25 at each place.</p>	<p>1 ate? 2 A. No. 3 THE CHAIRMAN: I think what he said was "seldom". 4 MR GROSSMAN: "Seldom", yes. I thought he said "sometimes". 5 Anyway, on this particular day you'd been moving 6 more or less non-stop for over 12 hours by the time the 7 collision happened. That's right, isn't it? 8 A. Yes. 9 Q. And by the time the last sailing took place, when the 10 collision happened, you must have been exhausted? 11 A. Yes, I was tired. I was very tired. 12 Q. Did that affect your ability to keep a proper look-out? 13 A. No. 14 Q. You were very tired. Perhaps you weren't concentrating 15 as much as you should have been. 16 A. This is the code of conduct for us. 17 Q. I understand. I understand what you should have been 18 doing, and believe me, I'm not blaming you, but after 19 12 hours, a lot of it on your feet, your concentration 20 must have not been as keen as it was earlier in the day; 21 isn't that right? 22 A. No, it wouldn't be like that. 23 Q. All right. Can you tell us when -- have a look again at 24 page 3374. Can you tell us when you had lunch that day? 25 A. You are talking about afternoon or the evening?</p>

Page 9	Page 11
<p>1 Q. Let's start with the afternoon. 2 A. Usually it would be at Yung Shue Wan. 3 Q. Are you able to recall when it was, by looking at this 4 deck log? 5 A. I don't recall too well, but it should be around 6 11 o'clock. 7 Q. Well, any time around 11 o'clock, you wouldn't have 8 really had very much time to prepare your lunch and to 9 eat it, would you? 10 A. Usually I will prepare my meal during the earlier 11 voyage, I mean the earlier run, and then I will take my 12 lunch at Yung Shue Wan. 13 Q. When you say prepare it during the run, you mean cook 14 it? 15 A. No, just put the meal inside the cooker and then heat it 16 up. 17 Q. And that would be done while the vessel was underway, 18 would it? 19 A. No, no, no. I would be doing this when the ship is 20 docked. 21 Q. All right. What about your dinner? When did you have 22 that? 23 A. Around 7 o'clock. When the ship was berthed at Central. 24 Around 7 o'clock. 25 Q. Well, it left Central at 18:43 and arrived in Yung Shue</p>	<p>1 got up and walked downstairs? 2 A. I didn't see it. So I don't know how close it was. 3 Q. Can you give us any idea, any theory why you might not 4 have seen it? 5 A. It didn't have any lights on it. Therefore I didn't 6 see it. 7 Q. That's very strange, you see, because other passengers 8 on the Sea Smooth saw the lights, and they weren't even 9 keeping a look-out. 10 THE CHAIRMAN: Well, there's no dispute that there were 11 cabin lights on the vessel, is there? 12 MR GROSSMAN: One witness said -- and if you want the 13 reference, I can give it to you. 14 THE CHAIRMAN: I think Mr Sussex wants it, by the sound 15 of it. But let's not get into a situation where the 16 witness is being asked to argue. 17 MR GROSSMAN: No. 18 THE CHAIRMAN: Let's just have his testimony. 19 MR GROSSMAN: Yes. 20 THE CHAIRMAN: He says he didn't see any -- 21 MR GROSSMAN: He didn't see. And I'm saying to him -- 22 THE CHAIRMAN: It didn't have any lights on? 23 MR GROSSMAN: It's very odd, yes. All right. 24 THE CHAIRMAN: You can make your comments to us in due 25 course. It doesn't help making comments to witnesses,</p>
Page 10	Page 12
<p>1 Wan at 19:05, and then arrived again in Central at 2 19:35, and left just after 8 o'clock. When during those 3 periods did you have your meal, do you remember? 4 A. 19:35. It would be around this time that I would have 5 lots of time to myself. 6 Q. Are you just guessing, or is this your recollection, 7 that you did prepare and eat your meal at this time? 8 A. According to my recollection. 9 Q. All right. I want to go back now to the time of the 10 collision. You've told us you left the wheelhouse and 11 you were on your way down, and after about 30 or 12 40 seconds, there was a loud crash and you fell on the 13 floor. 14 A. Yes. 15 Q. Just so I understand it, immediately before you got up 16 and went down the stairs, you were still keeping 17 a look-out; is that right? 18 A. When I was walking, I wouldn't be doing the look-out. 19 Q. No, of course. What I mean is, when you stood up to go 20 downstairs, up till that time, you'd been keeping 21 a look-out? 22 A. Yes. Before that, yes. 23 Q. And I think you'll agree -- you were shown some of the 24 charts yesterday -- that the vessel that you collided 25 with must have been very close to you at the time you</p>	<p>1 Mr Grossman. 2 When you say that the other vessel didn't have any 3 lights on it, do you refer to any particular lights, or 4 all lights? 5 A. I don't really understand. 6 THE CHAIRMAN: Well, there are navigation lights -- red, 7 green, masthead light -- and there are cabin lights. Do 8 you understand the difference? 9 A. It's that I didn't see any light. 10 THE CHAIRMAN: Any lights whatsoever? 11 A. That's right. 12 THE CHAIRMAN: Thank you. 13 MR GROSSMAN: Could we go to your statement, please. It's 14 at page 140. Sorry, you're looking at the Chinese. 15 Could we have a look, please, at paragraph 23. 16 THE CHAIRMAN: Which page? 17 MR GROSSMAN: Page 140 in the English. The Chinese is up 18 already. 19 Perhaps you could explain something to me that I'm 20 not sure I followed yesterday. 21 "The master said we had collided with another boat." 22 Is that your recollection or not? 23 A. Yes. 24 Q. At what stage did he say this? This is what I'm not 25 clear about. When did he say it to you? You're</p>

Page 13	Page 15
<p>1 downstairs. He's in the wheelhouse. You get up -- 2 THE CHAIRMAN: Well, let's just deal with the question. 3 When did he say this to you? 4 A. Immediately after the collision, the captain poked his 5 head out of the wheelhouse and then he was shouting that 6 we had hit an object. Actually I didn't hear what he 7 was shouting quite clearly. 8 MR GROSSMAN: Well, on 4 October when you made this 9 statement, you said that the master said you'd collided 10 with another boat. 11 A. But, you see, I was at the lower deck then and he was 12 shouting very loudly. But I wasn't clear. 13 Q. Well, on 4 October -- that's three days after the 14 accident -- you had no difficulty recalling: 15 "The master said we had collided with another boat." 16 A. Then I don't really remember too clearly. 17 Q. What did you think you might have collided with? 18 A. An object, of which I don't really know. Because I've 19 already fallen on the ground. 20 Q. What could it have been, besides a boat? 21 THE CHAIRMAN: I don't think inviting the witness to 22 speculate assists the Commission, Mr Grossman. 23 MR GROSSMAN: Thank you. 24 But you knew anyway, after the master spoke to you 25 or shortly afterwards, that in fact you had hit a boat,</p>	<p>1 MR GROSSMAN: Very well. 2 You knew from the damage that was done, or what you 3 could see had happened on your vessel, that there may 4 very well have been damage on the other vessel; is that 5 right? 6 A. No. 7 Q. You didn't think about that? 8 A. Because at that time, I was unable to look outside to 9 see anything outside the vessel. 10 Q. Why? 11 A. Because at that time, the light of our cabin was much 12 brighter than outside, and therefore I wouldn't see 13 anything outside. 14 Q. Were you not interested to see what happened? 15 A. Because I have my own passengers to look after after the 16 collision. 17 Q. I understand that. But were you not at least concerned 18 about the other vessel in any way whatsoever? 19 A. At least I must take care of my passengers first. 20 Q. I understand. But were you not concerned about the 21 other vessel? 22 A. No. 23 Q. Did it not occur to you that the other vessel might have 24 been damaged and need assistance? 25 A. Because I was unable to see where it was outside.</p>
Page 14	Page 16
<p>1 did you not? 2 A. Yes. 3 Q. How did you know that? 4 A. Because later on, somebody told me. 5 Q. Who? 6 A. The captain. 7 Q. At what stage did he tell you that? 8 A. After he had shouted at first. And then later on, he 9 shouted again. Because he was yelling, "Go quickly to 10 check if anybody has been hurt". 11 Q. But at that stage, did he say, "We hit a boat"? 12 A. Yes. 13 Q. Yes. And you thought possibly it might be a Hongkong 14 Electric vessel? 15 A. This is only my impression. 16 Q. Well, at the time, did you think it might have been? 17 A. Yes. 18 Q. And you knew, did you not, that the Hongkong Electric 19 vessels were very much smaller than the catamaran you 20 were in? 21 THE CHAIRMAN: Smaller in what sense, Mr Grossman? Length 22 overall? 23 MR GROSSMAN: Yes. 24 THE CHAIRMAN: That's not the case, is it? Both were 25 28 metres.</p>	<p>1 Q. Why didn't you go outside and have a look and see 2 whether there were people in the water? 3 A. Yes, I did walk out. 4 Q. To see the vessel? 5 A. No. I was checking, looking at the sea and see if 6 anybody, any person was overboard from my vessel. 7 THE CHAIRMAN: Where did you make that check? 8 THE INTERPRETER: The witness was pointing on the upper 9 deck, around 140. On the right-hand side of seat 140, 10 that would be my position where I did the check. 11 MR GROSSMAN: Did you realise from the collision that the 12 damage to the Sea Smooth would have been on the port 13 side? 14 A. Yes. 15 THE CHAIRMAN: So, that position at seat 140 is on the 16 starboard side aft quarter of Sea Smooth? 17 A. Yes. 18 MR GROSSMAN: So wouldn't it have made sense to take a few 19 seconds to go to the port side to see if anybody had 20 fallen over that side? 21 A. I didn't go to the port side. 22 Q. Why not? If you were looking to see whether anybody 23 from your vessel had fallen overboard, it would have 24 made sense to go to the other side, wouldn't it? 25 A. I was just looking on the starboard side, and then</p>

Page 17	1 I asked the passengers if anybody had fallen over. 2 Q. Can I ask you why you didn't take the few steps to go to 3 the port side? 4 A. Because by then, the passengers on the main deck had 5 already started screaming and agitating. That's why 6 I had to hurry back down to check what was happening. 7 Q. I understand. You went, very responsibly, to see if 8 somebody had fallen overboard. Why not do the same on 9 the other side? 10 A. Because I asked the people if anybody had fallen 11 overboard, and when they said, "No", then I went down to 12 the lower deck. Then at that time, there was 13 a passenger near seat 137. He said he had a bump on his 14 head and he had bruises. That's why I had to report 15 this to the captain. 16 Q. Did you go over to see him at seat 137, which is on the 17 port side? 18 A. Yes, I did walk over there. 19 Q. So another step, you would have been able to see if 20 anybody had fallen over? You'd be able to see for 21 yourself whether anybody had fallen overboard on that 22 side? 23 A. No. 24 Q. And you would have been able to see, as we now know, the 25 Lamma IV sinking.	Page 19
Page 18	1 A. I didn't know. 2 MR SUSSEX: It's fair to say, Mr Chairman, that we don't 3 know the relative positions following the collision. 4 THE CHAIRMAN: No. I take that on board. 5 I think you've exhausted this topic, Mr Grossman. 6 MR GROSSMAN: Yes. I'm going on. 7 Just one thing about your thought that it may be 8 a Hongkong Electric vessel that you'd collided with, 9 because there had been some close-quarter passes 10 previously. 11 A. No. 12 Q. Well, perhaps the question wasn't clear. You've told us 13 you thought possibly that it might be a Hongkong 14 Electric vessel you'd collided with, because there had 15 been some close encounters in the past. This is what 16 you told us yesterday. 17 A. Yes. 18 Q. On those occasions that you're aware of where there had 19 been a close encounter, do you know who was crewing the 20 Hongkong Electric vessels? Was it Hongkong Electric 21 crew, or people seconded from Hong Kong Ferry? Do you 22 know? 23 A. No, not that I know of. 24 Q. You don't know. Right. 25 You've told us that you saw the engineer looking	Page 20

Page 21	Page 23
<p>1 A. That's correct. 2 THE CHAIRMAN: Thank you. 3 MR SHIEH: When you left the wheelhouse to prepare for 4 arrival at Yung Shue Wan, had the coxswain already begun 5 the manoeuvre to the port side in preparation? Had the 6 coxswain already made the manoeuvre or not? 7 A. No. 8 Q. In relation to your lunch that day, this morning 9 Mr Grossman asked you if you remember when you had 10 lunch, and I think the gist of the answer you gave was 11 that you seldom had lunch on the vessel when it was 12 underway, and you recall that on 1 October you ate at 13 Yung Shue Wan. 14 A. Yes. 15 Q. Could I have yesterday's transcript. This is Day 39, 16 page 109, line 11. 17 This is Mr Grossman asking you: 18 "When did you eat?" 19 Answer: Around 12.30." 20 The question starts at line 8. 21 Can that be translated? 22 Mr Grossman asked you yesterday, "When did you eat?" 23 Line 8. This was yesterday afternoon. 24 "Question: At 12.30, you would have -- was that at 25 Yung Shue Wan?"</p>	<p>1 MR LAI SAI-MING: (Via interpreter) At this moment, I have 2 no question to ask. I would rather wait until I am 3 represented legally. 4 THE CHAIRMAN: Thank you. 5 Questions by THE COMMISSION 6 THE CHAIRMAN: Just one matter perhaps you can help at least 7 me with, Mr Wong. 8 You say on this voyage, from 8 o'clock when the 9 vessel was making its way from Central to Yung Shue Wan, 10 there came a time, a few minutes after the vessel had 11 set sail, that you were in the wheelhouse, seated on the 12 settee on the port side. 13 A. Yes. 14 THE CHAIRMAN: Do I understand your evidence to be this, 15 that throughout the voyage, nobody occupied the seat on 16 the port side of the conning chair occupied by Mr Lai 17 Sai-ming? 18 A. That's correct. 19 THE CHAIRMAN: And it's your evidence, is it not, that up 20 until the time 30 to 40 seconds before the collision, 21 you were maintaining a look-out from the wheelhouse? 22 A. Yes. 23 THE CHAIRMAN: If that is the case, why did you not go 24 forward and occupy the spare chair next to the conning 25 chair?</p>
Page 22	Page 24
<p>1 Answer: No. During voyage, when the ship was 2 underway." 3 The question was: 4 "During the voyage. Is this when you were 5 performing your look-out duties? 6 Answer: Yes. 7 Question: Did you eat with other members ... 8 Answer: No." 9 I'll jump straight to the point. Line 32: 10 "Question: Where would they be taken? 11 Answer: The main deck, towards the extreme -- the 12 aft side, towards the stern of the vessel. On the open 13 deck." 14 This is what you said yesterday. I know very often 15 people may forget what they eat or where they eat. But 16 1 October may be a particularly significant date. So 17 can I ask you which version is correct? 18 A. I was taking my meal at the stern of the boat. 19 Q. When the vessel was underway? 20 A. Yes. 21 MR SHIEH: I have no further questions for this witness. 22 THE CHAIRMAN: Mr Lai. Let me ask you if you yourself have 23 any questions that you wish to put to Mr Wong. Or do 24 you wish to wait to see whether or not you secure legal 25 representation?</p>	<p>1 A. I didn't do that on that particular day. 2 THE CHAIRMAN: We know that. I'm asking you why you didn't 3 if you were maintaining a look-out. 4 A. We are supposed to sit on that chair, but on that 5 particular day, I didn't do that. 6 THE CHAIRMAN: Sorry, who is supposed to sit on which chair? 7 A. Not any particular person is supposed to sit at that 8 chair. 9 THE CHAIRMAN: Do you mean that somebody is supposed to sit 10 in the chair next to the conning chair to maintain 11 a look-out? 12 A. Yes. 13 THE CHAIRMAN: And what or who requires that? 14 A. Not any particular or designated person. 15 THE CHAIRMAN: I appreciate that. Is that a company 16 requirement, that somebody occupies that chair to 17 maintain a look-out, to assist the coxswain? 18 A. No, not that I know of. Nobody had said anything like 19 that. 20 THE CHAIRMAN: Is it a practice amongst the crew that 21 somebody does that; that is to say, occupies the chair 22 on the port side of the conning chair? 23 A. We would do that. 24 THE CHAIRMAN: So it's a practice? 25 A. Yes.</p>

Page 25	1 THE CHAIRMAN: And who usually occupies that chair next to 2 the conning chair? 3 A. Not any particular person. 4 THE CHAIRMAN: So you would be one of the persons who 5 occupied that chair, to keep a look-out, to assist the 6 coxswain? 7 A. Yes. 8 THE CHAIRMAN: So can you help us as to why no-one occupied 9 that chair during this voyage? 10 A. I don't know. 11 THE CHAIRMAN: Is there one person who occupies it more 12 often than others, to keep a look-out from the chair 13 next to the conning chair? 14 A. No. 15 MR SHIEH: Mr Chairman, there is one question arising which 16 perhaps I need to clarify, arising out of the exchange 17 just now. 18 THE CHAIRMAN: Yes, very well. 19 Further examination by MR SHIEH 20 MR SHIEH: You said that nobody occupied that chair next to 21 the conning chair. But was that chair occupied by any 22 object during that journey? 23 A. I don't remember. 24 THE CHAIRMAN: I think the matter ought to be dealt with 25 specifically.	Page 27	1 that's the Chinese. In relation to the translation, 2 it's page 3368-1. 3 This is the record of an interview that you attended 4 on 2 October at Cheung Chau Police Station, a video 5 interview. 6 A. Yes. I can see it. 7 Q. At this interview, you had been informed that you were 8 arrested? 9 A. Yes. 10 THE CHAIRMAN: In fact you'd been arrested earlier, had you 11 not, and this was a post record of this event? 12 A. Yes. 13 MR SHIEH: Yes, you were arrested about an hour before that, 14 on the same occasion but a little bit earlier? 15 A. Yes. Yes, that's right. 16 Q. And you remember that during this interview, you had 17 been given a caution by the interviewing officer that 18 you were not obliged to say anything but anything that 19 you said would be recorded and would be given in 20 evidence? 21 A. Yes. 22 Q. And then on the same day, after this short statement 23 which recorded an interview from 11.05 to 11.45, there 24 was a video-recorded interview containing detailed 25 questions and answers. Do you remember that?
Page 26	1 Was the rice cooker occupying the spare chair next 2 to the conning chair? 3 A. It shouldn't be. 4 THE CHAIRMAN: Well, was it? 5 A. Actually, it was placed on the floor. 6 THE CHAIRMAN: Thank you, Mr Wong, for your evidence, but 7 your evidence is now concluded, at least for the moment. 8 It may be that you're required later. We'll see. But 9 for the moment, you're free to leave the witness box. 10 You may remain in the back of the hearing room if you 11 wish, to listen to the other evidence. 12 A. Thank you very much. 13 (The witness withdrew) 14 THE CHAIRMAN: Mr Shieh? 15 MR SHIEH: Mr Chairman, the next witness is the engineer, 16 Mr Lo Pui-kay. 17 MR LO PUI-KAY (affirmed in Puntì) 18 (All answers via interpreter unless otherwise indicated) 19 Examination by MR SHIEH 20 MR SHIEH: Mr Lo, good morning. 21 In relation to the collision on 1 October 2012, you 22 remember that you had attended a few interviews with the 23 Hong Kong Police? 24 A. Yes. 25 Q. Could I ask you to look at police bundle M, page 3367 --	Page 28	1 A. Yes. 2 Q. At page 3368-3, there is what's called a summary of the 3 video-recorded interview. 4 A. Yes, I can see it. 5 MR SHIEH: Mr Chairman, I don't believe there is actually 6 a translation for this summary, but it doesn't matter 7 because it is a summary and the detailed Q&A would 8 appear later in the same bundle, with translation. 9 THE CHAIRMAN: It's that that we're interested in. 10 MR SHIEH: Yes. So I'm simply introducing this document, 11 but I'll go now straight to the detailed Q&A transcript. 12 THE CHAIRMAN: Yes. 13 MR SHIEH: The actual question-and-answer transcript can be 14 found at page 3368-5. The English translation is 15 page 3368-60. 16 Mr Lo, you can have a look at this transcript, which 17 recorded an interview on 2 October. As to the time 18 there is a typographical error, because I think the time 19 of 12.54 should be 11.54. So it's an interview of 20 38 minutes. 21 Do you recall an interview taking place on that day, 22 after the caution was administered to you? Do you see 23 that? 24 A. Yes. 25 Q. Right. In this interview, you gave certain answers to

Page 29	Page 31
<p>1 the questions put to you by the interviewing officer. 2 A. Yes. 3 Q. Can I go straight to -- well, in relation to the 4 English -- page 3368-60. 5 THE CHAIRMAN: It's probably easier to use the counter 6 number. 7 MR SHIEH: Question and answer number, yes. 8 Question 37. That's immediately after a whole host 9 of redacted material. 10 You were asked: 11 "Then where is your workplace? 12 Answer: At ... Hong Kong & Kowloon Ferry Holdings 13 Ltd." 14 A. Yes. 15 Q. Then at answer 40, you answered: 16 "Working there for four years." 17 A. Yes. 18 Q. Then we move on. 19 "Well, what is your post? 20 Answer: Er -- mechanic." 21 I think that might be more appropriately translated 22 as "engineer", Mr Chairman. 23 THE CHAIRMAN: Yes. 24 MR SHIEH: "That's engineer", I think that's the next 25 answer. Answer 44.</p>	<p>1 Mr Chairman, yes. 2 THE CHAIRMAN: By all means come back to the bits that are 3 relevant -- 4 MR SHIEH: To pick up bits that might have been left out or 5 require elaboration -- 6 THE CHAIRMAN: No, bits that are relevant. There are 7 relevant bits, but not very many of them. 8 MR SHIEH: Yes. When one gets to the crucial moments, yes. 9 Could I ask you to turn to Holman Fenwick bundle 1. 10 The English version is at page 133. The Chinese version 11 is at page 137-1. 12 Mr Lo, you can see that in the Chinese version, it 13 is a statement made by yourself. 14 A. Yes. 15 Q. In the English version at page 137, we can see your 16 signature. 17 A. Yes. 18 Q. And the handwritten date is 18 January 2013. 19 A. Yes. 20 Q. If we turn to page 133, the front page of the English 21 statement, at the top right-hand corner it says 22 "Statement of the engineer taken at Hong Kong on 23 4 October 2012". 24 A. Yes. 25 Q. Now, the date appearing there is 4 October.</p>
<p>Page 30</p> <p>1 A. Yes. 2 Q. "Well, what are your working hours?" 3 Answer: Er -- going to work in the morning ... 7.30 4 in the morning up to present ... 5 Question: Usually -- 6 Answer: That's usually ... the next day the handing 7 over of duty at 7.30, because I take over duty at 7.30, 8 therefore, to hand over duty at 7.30 the next morning." 9 10 A. Yes. 11 Q. "Then what you are required to do in your job?" 12 Answer: Er -- working in the engine room." 13 THE CHAIRMAN: Before we get embroiled in this particular 14 interview, where a detective police constable is 15 struggling to find out the nature of this man's job, and 16 then eventually gets around to asking what happens on 17 the day, would it not be easier to go straight to his 18 Holman Fenwick statement and come back to the record of 19 interview in the few relevant parts -- 20 MR SHIEH: To pick up any areas which are left over? I can 21 do that. 22 THE CHAIRMAN: Well, relevant parts. Because a lot of this 23 is, as I said, a detective police constable feeling his 24 way as to what -- 25 MR SHIEH: I can go straight to the Holman Fenwick bundle,</p>	<p>Page 32</p> <p>1 A. Yes. 2 Q. So is it the case that perhaps instructions for the 3 statement, information about the statement, were 4 obtained from you on 4 October? 5 A. Yes. 6 Q. But you actually signed the actual statement on 7 18 January? 8 A. Yes. 9 Q. Thank you. Could I take you to the content of the 10 statement. Paragraph 3: 11 "I began my career with ferries as a sailor, working 12 on the pier tying up ferries as they arrived and letting 13 them go." 14 A. Yes. 15 Q. Could I pause here and ask you about your background. 16 What is your education standard? 17 A. Primary 2. 18 Q. Can you read Chinese? 19 A. Yes, I can. I can understand it. 20 Q. Did you grow up in a seafaring family or a fishing 21 family, or near the sea? 22 A. A fishing family. 23 Q. So you were brought up basically by the sea? 24 A. Yes. 25 Q. In terms of training as a sailor, did you receive any</p>

Page 33	Page 35
1 formal training? 2 A. No. 3 Q. "In 1991, I was promoted to sailor serving on board 4 various local ferries in Hong Kong." 5 A. Yes. 6 THE CHAIRMAN: For whom had you worked prior to that? 7 A. You mean prior to 1991? 8 THE CHAIRMAN: Yes. 9 A. I worked on a fishing boat, on my own. 10 THE CHAIRMAN: For how many years had you done that? 11 A. I grew up on a fishing boat. 12 THE CHAIRMAN: And was this a fishing boat that worked local 13 waters? Or did you go offshore? 14 A. Outside Hong Kong waters. 15 THE CHAIRMAN: So on a trawler? 16 A. A shrimp boat. 17 THE CHAIRMAN: And you'd done that for how many years prior 18 to 1991? 19 A. I had been doing that ever since I was small. 20 THE CHAIRMAN: Was this the family vessel? 21 A. That's right. 22 THE CHAIRMAN: Thank you. So you'd been doing this for 23 30 years? 24 A. Yes. 25 THE CHAIRMAN: Thank you.	1 Q. It's a written test organised by what kind of 2 institution or organisation? 3 A. No. 4 Q. Some organisation would have organised a test for you to 5 apply and then enrol and then go to a centre and fill 6 out ticks and crosses. What would that organisation be, 7 and what qualifications did you get? 8 A. I don't really remember. I was working back then, and 9 there was a friend there. But anyway, I forgot whether 10 it was the company who signed me up for it. But anyway, 11 it was the company that I got my certificate of 12 competency for vessels of 60 tonnes, and then I also got 13 my certificate of the engineer. I got both certificates 14 at around the same time. 15 THE CHAIRMAN: Do we have those certificates? 16 MR SHIEH: He has the original. 17 THE CHAIRMAN: Yes. 18 MR SHIEH: I can see him trying to look for it. 19 THE CHAIRMAN: May we see them? 20 A. I don't have the engineer's certificate with me. 21 I do have the other one. (Handed). 22 THE CHAIRMAN: Do we not have that in our bundles? 23 MR SHIEH: We'll check, Mr Chairman. 24 THE CHAIRMAN: The document you've handed us is entitled 25 "Local Certificate of Competency Master under Part IV of
Page 34	Page 36
1 MR SHIEH: From 1991 onwards, you began working for local 2 ferry companies? 3 A. Yes. 4 Q. Could you tell us briefly -- I know sometimes it's 5 difficult to recall the precise year -- the names of the 6 companies that you had worked for, starting from 1991? 7 A. I don't really remember, recall the name of the company, 8 but I do remember the name of the vessel. It was called 9 Luen Ying 8, Luen Ying 5, Luen Ying 1 and Luen Hap 8. 10 THE INTERPRETER: "Luen Hap 8", "Junction 8", that's my own 11 translation from the Chinese. 12 MR SHIEH: Would it be "United"? It's a matter of 13 translation. I know where "Junction" came from: "Luen 14 Hap Do", Junction Road. 15 THE INTERPRETER: Yes, "United" would be much more proper. 16 THE CHAIRMAN: Yes. 17 MR SHIEH: Right. Paragraph 4: 18 "In 1994, I began studying to become an engineer. 19 I spent about 5 months studying." 20 A. Yes. 21 Q. Where did you attend the study? 22 A. I didn't enrol into any course. It was just a written 23 test. 24 Q. You self-taught? 25 A. That's right.	1 the Shipping and Port Control Ordinance, 1978". 2 A. Yes. 3 THE CHAIRMAN: It's originally dated 1980, and it describes 4 you as competent to take charge of a powered vessel. 5 The limitation as to tonnage has been deleted. That may 6 be explained by the fact that there is an endorsement 7 subsequently, dated July 1994, where you are described 8 as competent to take charge of a powered vessel of 9 60 tonnes and under as master. 10 A. Yes. 11 THE CHAIRMAN: So does that accord with your memory, that 12 you were first described as competent as a master back 13 in 1980? 14 A. You mean the first one that I got, one for fishing 15 vessel? 16 THE CHAIRMAN: Well, master of a vessel, and that was 1980. 17 A. That's right. 18 THE CHAIRMAN: Mr Shieh, do we have this document in our 19 bundles? 20 MR SHIEH: We have a number of documents -- 21 THE CHAIRMAN: Let me hand you this one and you can see if 22 it's the same one. 23 MR SHIEH: Yes. Because there are documents concerning 24 Mr Lo in marine bundle 1 and also police bundle M, and 25 I'm trying to cross-check whether they correspond to the

<p style="text-align: right;">Page 37</p> <p>1 same one. 2 THE CHAIRMAN: Yes. 3 MR SHIEH: At first glance, this doesn't appear to be in the 4 bundles. But in the bundles, there are others. Perhaps 5 this one can be scanned. 6 THE CHAIRMAN: Very well. We'll scan it in that case. 7 MR SHIEH: And I will show the witness what's in the 8 bundles. 9 THE CHAIRMAN: Yes, please do. 10 MR SHIEH: Mr Lo, in the bundles we have in front of us 11 there are a number of certificates concerning you. I'm 12 going to take you to them. 13 First of all, could I ask you to go to marine 14 bundle 1, page 113. This is a certificate issued under 15 the Shipping and Port Control Ordinance certifying that 16 you have been examined and are considered competent to 17 take charge of a motor up to 150 bhp, and the original 18 date was 10 December 1993. 19 A. Yes. 20 Q. Then on the right-hand side of this document, we can see 21 there's an endorsement, "Passed for over 150 bhp diesel 22 engine". I think that's 18 or 12 November 1994. 23 A. Yes. 24 Q. Do you have any recollection of obtaining this 25 qualification?</p>	<p style="text-align: right;">Page 39</p> <p>1 your affirmation. Do you understand? 2 A. Yes, I do. 3 THE CHAIRMAN: Mr Shieh. 4 MR SHIEH: Mr Chairman, I have cross-checked the scanned 5 document with the entry in marine bundle 1, page 112. 6 The dates match. I don't think I need to take this 7 particular witness through the exercise of 8 cross-matching the underlying data and the dates. 9 THE CHAIRMAN: Very well. Have we returned the seaman's 10 book to Mr Lo? It's important to him. 11 (Handed). 12 MR SHIEH: Mr Chairman, that relates to the master's 13 certificate. What I'm going to do is to look at the 14 engineer's equivalent. 15 THE CHAIRMAN: We looked at that, did we not? 1994, it was 16 upgraded to over 15 bhp. 17 MR SHIEH: Yes, and also in the actual print-out at marine 18 bundle, page 111. That solves the problem of that 19 rather illegible date. It's actually 18 November. 20 Mr Chairman, you can see that. 21 THE CHAIRMAN: Yes. 22 MR SHIEH: I don't think we need to trouble Mr Lo with this, 23 because as far as he's concerned, he's got that 24 certificate. 25 THE CHAIRMAN: No.</p>
<p style="text-align: right;">Page 38</p> <p>1 A. Yes, I have this recollection. I did obtain it. 2 Q. And then if we can turn to the same bundle, at page 112. 3 This again is a print-out concerning you. It appears to 4 have come from a database. Under "Issue Date", 5 18 August, you see "Local Old Master 60 tonne and 6 under". 7 THE CHAIRMAN: That confirms that your ticket was first 8 issued in 1980, does it not? "F/M passed on 5.2.1980". 9 Perhaps you can't follow this, but at all events this is 10 consistent. 11 MR SHIEH: Yes, with what we have just seen in that 12 document. 13 THE CHAIRMAN: If that's not inconvenient, we'll take our 14 morning break now and perhaps that will give you the 15 chance to collate this material. 16 MR SHIEH: And to compare with the document just produced. 17 THE CHAIRMAN: Mr Lo, we're going to take a 20-minute break 18 now, and I'd ask you to be back in 20 minutes' time to 19 resume your testimony. Do you understand? 20 A. I understand. 21 THE CHAIRMAN: 20 minutes. 22 (11.37 am) 23 (A short break) 24 (11.55 am) 25 THE CHAIRMAN: Mr Lo, you continue to testify according to</p>	<p style="text-align: right;">Page 40</p> <p>1 MR SHIEH: So, Mr Lo, we have looked at documents concerning 2 your certification both as a master and also as 3 an engineer. 4 A. Yes. 5 Q. Can I now then move on to paragraph 6: 6 "After I obtained my licence I sailed on board 7 fishing boats, operating out of Hong Kong." 8 A. Yes. 9 Q. Was that still with the employer that you mentioned to 10 us earlier, which owned that series of boats, Luen Ying, 11 Luen Hap? 12 A. No. No longer. I left the company already. 13 Q. I see. So after you obtained your engineer's licence, 14 with what kind of companies or operators did you sail? 15 A. I owned a fishing vessel myself. I operated on my own. 16 Q. Right. So that continued until about 2008; is that what 17 you say? 18 A. Correct. 19 Q. In paragraph 7: 20 "In about 2008, I joined the Hong Kong & Kowloon 21 Ferry Company Ltd, and started sailing on board ferries 22 as engineer." 23 A. That's right. Can I supplement my answer? 24 Q. Yes, please. 25 A. When I first joined the company, I joined it as</p>

Page 41	Page 43
<p>1 a sailor. After a year or more, I started the 2 internship to be the engineer. 3 Q. Thank you. Paragraph 8: 4 "I have been sailing as engineer on board Sea Smooth 5 since June 2012." 6 A. Yes. 7 Q. But prior to that, you have served as engineer on other 8 Hong Kong & Kowloon Ferry vessels? 9 A. Yes. 10 THE CHAIRMAN: When did you start sailing as an engineer on 11 these vessels? 12 A. Over a year. 13 THE CHAIRMAN: The year before you sailed on Sea Smooth as 14 engineer? 15 A. Let me get out something. It should be over a year, but 16 I'm looking for it. No, I can't find it. I left it at 17 home. 18 MR SHIEH: What is the document you're trying to look for? 19 THE INTERPRETER: Sorry, the witness was answering, "Yes, 20 over a year". 21 MR SHIEH: Over a year. But I think Mr Chairman's question 22 was is that a year counting from the time when you began 23 serving on Sea Smooth? 24 No, let me start again. You have been serving as 25 engineer for Hong Kong & Kowloon Ferry Company Ltd for</p>	<p>1 does not require much maintenance on a day-to-day 2 basis." 3 A. Yes. 4 Q. "On 1 October, I joined Sea Smooth at about 07:30." 5 Is that correct, in the morning? 6 A. Yes. 7 Q. "I was off duty the day before and I was well rested." 8 A. Yes. 9 Q. "Sea Smooth was at Central Pier, where she had been 10 berthed for the night." 11 A. Yes. 12 Q. "When I joined, the previous engineer handed over to me. 13 He told me that all was in order and that the machinery 14 was running well, with no defects." 15 A. Yes. 16 Q. "I made an inspection of the two engines before he 17 departed. The Captain then gave some brief directions 18 and I went about my duties." 19 A. Yes. 20 THE CHAIRMAN: I think we can deal with the following 21 paragraphs briefly in this way. 22 It's right, is it not, that during the day, having 23 made one round trip to Peng Chau, you made multiple 24 trips to and from Yung Shue Wan? 25 A. Yes.</p>
Page 42	Page 44
<p>1 more than a year, and then you began to be attached to 2 this particular vessel, Sea Smooth? 3 A. Approximately that time length. 4 Q. And during that period when you were not yet attached to 5 the Sea Smooth, you were attached to other catamarans 6 operated by Hong Kong & Kowloon Ferry? 7 A. Yes, I did. 8 Q. So you've had catamaran experience prior to serving on 9 Sea Smooth? 10 A. Yes. 11 Q. Paragraph 9: 12 "I spend 24 hours on board Sea Smooth, and then have 13 24 hours rest at home." 14 A. Yes. 15 Q. Over the page. Paragraph 10: 16 "As engineer, I am responsible for all the machinery 17 and electrical equipment on board. I am in charge of 18 bunkering. I also look after the passengers as they 19 board and disembark the ferry." 20 A. Yes. 21 Q. At paragraph 11, you dealt with the engines and 22 auxiliary engines. 23 A. Yes. 24 Q. Paragraph 12: 25 "The machinery on board is in good condition, and</p>	<p>1 THE CHAIRMAN: Then at about 8 o'clock that evening, you 2 embarked upon a voyage that ended in the collision? 3 A. Yes. 4 MR SHIEH: Mr Lo, at paragraph 19, you said: 5 "After leaving the pier" -- and that is, the trip 6 commencing 8 o'clock in the evening -- "I made sure that 7 all the passengers were seated safely, and the boarding 8 doors were properly secured. I then went to the 9 wheelhouse." 10 A. Yes. 11 Q. Mr Lo, doing the best you can, approximately how long 12 after departure from Central did you complete your 13 duties and go to the wheelhouse? 14 A. As soon as the gangway was up, the vessel set sail. 15 After that, I went to the wheelhouse. 16 Q. So in terms of minutes -- that would be counted by way 17 of minutes, right? 18 A. Around two minutes, because I have to make my rounds, 19 patrol, and make sure everything is all right, and then 20 I went up. 21 Q. Okay. Paragraph 20: 22 "When I entered the wheelhouse, I sat in the chair 23 next to the bench and filled in details in the log 24 book." 25 Correct?</p>

Page 45	Page 47
<p>1 A. Yes.</p> <p>2 Q. Can I just ask you, when you entered the wheelhouse, who</p> <p>3 was there?</p> <p>4 A. Me and the captain.</p> <p>5 Q. When you went in, he was -- where was he when you</p> <p>6 entered?</p> <p>7 A. He was seated inside the wheelhouse.</p> <p>8 Q. Can I show you a plan of the wheelhouse which is at</p> <p>9 marine bundle 8, page 1982.</p> <p>10 Can we have a close-up. Thank you.</p> <p>11 Mr Lo, you can see that there is, in the middle of</p> <p>12 this plan, which is a plan of the wheelhouse --</p> <p>13 A. I understand.</p> <p>14 Q. -- an item 19 in the centre. That's the helm, right?</p> <p>15 A. That's right.</p> <p>16 Q. So there's a chair behind that. Was that where the</p> <p>17 coxswain was seated when you went into the wheelhouse?</p> <p>18 A. Yes.</p> <p>19 Q. All right. Where did you sit when you said you sat in</p> <p>20 the chair next to the bench?</p> <p>21 THE INTERPRETER: The witness was pointing at the square</p> <p>22 marked with "up", and then he was pointing on the upper</p> <p>23 side of it.</p> <p>24 A. There is a small table there, and there is also a stool</p> <p>25 there at the table. And then I would sit down on the</p>	<p>1 a little bit lower than the table at which he is sitting</p> <p>2 now.</p> <p>3 MR SHIEH: Lower than witness table?</p> <p>4 A. That's right.</p> <p>5 Q. And the chair where you had to sit on in order to --</p> <p>6 well, the chair you had to sit on next to that table --</p> <p>7 THE CHAIRMAN: He called it a stool earlier on.</p> <p>8 MR SHIEH: Stool. I was about to say it's a stool.</p> <p>9 A. I would say it is a chair that is a little bit higher</p> <p>10 than a stool. The usual kind of plastic chair that you</p> <p>11 see.</p> <p>12 THE CHAIRMAN: Did it have a back to it?</p> <p>13 A. I don't remember whether there's a back there, to the</p> <p>14 chair.</p> <p>15 THE CHAIRMAN: So how long had you spent looking at the</p> <p>16 switches and gauges, instruments, from your position</p> <p>17 standing behind the chair to the port side of the</p> <p>18 conning chair?</p> <p>19 A. A few minutes or more.</p> <p>20 THE CHAIRMAN: Was the vessel still in Victoria Harbour when</p> <p>21 you were doing that?</p> <p>22 A. Yes.</p> <p>23 THE CHAIRMAN: And were you still in Victoria Harbour when</p> <p>24 you left doing that and went back to the stool, or the</p> <p>25 chair as you call it now?</p>
Page 46	Page 48
<p>1 stool, just the way as I am seated right now. And there</p> <p>2 I took my entry to the log book.</p> <p>3 THE CHAIRMAN: From that position, are you able to see</p> <p>4 outside the ship?</p> <p>5 A. No, I couldn't.</p> <p>6 MR SHIEH: And in any event, you were concentrating on</p> <p>7 filling in the log book; right?</p> <p>8 A. Yes.</p> <p>9 Q. There would not be a lot of data to be filled in for</p> <p>10 that particular voyage, at the commencement of that</p> <p>11 voyage?</p> <p>12 A. Not too many.</p> <p>13 Q. So it would not have taken too long for you to complete</p> <p>14 filling in the log book?</p> <p>15 A. That's right.</p> <p>16 Q. Can you tell us, after filling in the log book at that</p> <p>17 small table, what did you do and where did you move to?</p> <p>18 A. I then went over and stood behind the chair on the port</p> <p>19 side of the conning chair, took a look at the dashboard,</p> <p>20 the switches and gauges, and after that I went back to</p> <p>21 the small table that I just pointed out earlier.</p> <p>22 Q. The small table at the back of the wheelhouse?</p> <p>23 A. That's right.</p> <p>24 Q. The small table was quite low, actually; right?</p> <p>25 THE INTERPRETER: The witness was pointing that the table is</p>	<p>1 A. Yes.</p> <p>2 MR SHIEH: I'll read on from paragraph 20:</p> <p>3 "During the voyage, I monitored the gauges for the</p> <p>4 engines, including the main engines speed, oil</p> <p>5 temperatures and water temperatures. That is my usual</p> <p>6 routine on the trips between Central Pier and Lamma</p> <p>7 Island."</p> <p>8 A. Yes.</p> <p>9 Q. "The captain was sitting at the helm, navigating the</p> <p>10 vessel. The captain looked well, he did not look</p> <p>11 tired."</p> <p>12 A. Yes.</p> <p>13 Q. "Shortly after I arrived in the wheelhouse, the two</p> <p>14 sailors also entered the wheelhouse, and sat on the</p> <p>15 bench on the port side. The sailors helped keep</p> <p>16 a visual look-out."</p> <p>17 A. Yes.</p> <p>18 Q. Looking at the plan at marine bundle 8, page 1982, that</p> <p>19 bench on the port side would be the object marked</p> <p>20 "settee" on the top left-hand corner of this plan?</p> <p>21 Where the cursor is pointing now.</p> <p>22 A. Yes.</p> <p>23 Q. We heard it was actually located a little bit to the</p> <p>24 right, nearer to the centre. Do you remember that?</p> <p>25 A. Yes, that's right.</p>

Page 49	Page 51
<p>1 Q. Because there's a refrigerator to its left? 2 A. Yes, that's right. 3 Q. Paragraph 23: 4 "There were many small boats about as we left 5 Victoria Harbour. Otherwise, I did not really pay much 6 attention to the navigation of the vessel. I monitored 7 the engine gauges and noticed the navigation lights were 8 switched on." 9 A. Yes. 10 Q. Could I ask a few questions on the paragraph that we 11 have just looked at. You told Mr Chairman that after 12 looking at the gauges, the console or the display panel 13 in front of the wheelhouse, you moved back to that small 14 table and sat there, and that was at a time when the 15 vessel was still in Victoria Harbour. 16 A. Yes. 17 Q. Which side were you facing when you were sitting on that 18 chair or stool? 19 A. Forward. 20 Q. And what were you doing, sitting on that chair? You had 21 finished filling out the log book. You had finished 22 monitoring the gauges. What were you doing sitting on 23 that chair? 24 A. Because this is where I would sit usually. 25 THE CHAIRMAN: Were you sitting there doing nothing?</p>	<p>1 Because the light of that monitor screen would be bright 2 and it would be irritating to the eye of the captain in 3 the evening, and that's why it would be turned off. 4 THE CHAIRMAN: What kind of monitor screen? 5 MR SHIEH: Mr Chairman, it could be item 5 at page 1983. 6 Perhaps we could ask the witness to look at it. 7 THE INTERPRETER: The witness was pointing at page 1983, and 8 then pointed his finger at number 5, saying that that is 9 the monitor screen. 10 THE CHAIRMAN: So it's a CCTV monitor screen? 11 A. That's right, that's right. The CCTV screen. 12 THE CHAIRMAN: And at night, that's turned off? 13 A. That's right, once it's left the pier, it will be turned 14 off. But before or close to the pier again, it will be 15 turned on, because you see the monitor screen is used to 16 monitor the gangways. 17 THE CHAIRMAN: What's all this got to do with not sitting 18 there in that chair that night, so you could watch the 19 gauges and instruments in front of you? 20 A. Not related. But during that particular voyage, I was 21 sitting at the back, at the table. 22 THE CHAIRMAN: Yes, but you're being asked why you did that, 23 when you could have sat in the otherwise empty chair on 24 the port side of the conning chair and watched the 25 instruments to your heart's content, throughout the</p>
Page 50	Page 52
<p>1 A. No. Occasionally I will take a walk around, walk about, 2 and then I'll return there and sit down again. 3 THE CHAIRMAN: Was there any purpose for your occasional 4 walk-around? 5 A. To check on the lights, the indicator lights, to check 6 on the gauges and switches, to see they are all right. 7 If there are no questions, I'll return and sit down. 8 MR SHIEH: The indicator lights were on the control panel, 9 the console in front of those two chairs? 10 A. Yes. 11 Q. Why did you not simply sit on the chair next to the 12 conning chair? 13 A. In the daytime, I would seldom sit on that chair. But 14 in the evening, I would do that. I do that. I would 15 sit on that chair to relax myself. 16 COMMISSIONER TANG: It's the other way around. 17 THE CHAIRMAN: It's suggested that the translation is the 18 wrong way around. 19 THE INTERPRETER: May I ask the witness again? 20 THE CHAIRMAN: Yes, please do. 21 A. In the daytime, I do sit on that chair. But in the 22 evening, because in the evening there would be the 23 monitor screen there -- okay. I am talking about the 24 monitor screen there. In the daytime, it would turn on. 25 And in the evening, it would be turned off. Why?</p>	<p>1 voyage. 2 A. Because most of the time, I would be sitting back there. 3 THE CHAIRMAN: Well, that's what you did, but it's not 4 an answer to why you did that. That's the question. 5 Focus on that. Why? 6 MR SHIEH: Mr Lo, I know sometimes people -- 7 THE CHAIRMAN: Give the witness an opportunity to answer my 8 question which I've posed for the second time. 9 A. Because I feel more comfortable sitting back there. 10 THE CHAIRMAN: Very well. 11 Yes, Mr Shieh. 12 THE INTERPRETER: The witness wants to say something. 13 A. Because, you see, when the ship is drawing near Yung 14 Shue Wan, that's when I will make another entry in the 15 log book. That's why I will be sitting there, doing 16 entries to the log book. 17 THE CHAIRMAN: With your hand poised, ready to make that 18 next entry? So you sat there with your pen in your hand 19 ready to write the next entry; is that your explanation? 20 A. Yes. 21 COMMISSIONER TANG: Can I draw your attention to police 22 bundle page 3374. This is about the log book. If you 23 read the right column, the arrival time for Yung Shue 24 Wan is 20:25. How was that figure arrived at? Did you 25 fill it in before you arrived? Because we all know the</p>

Page 53	Page 55
1 collision took place at 20:20. Could you have arrived 2 at Lamma at 20:25, or was that figure filled in, as you 3 were saying -- you were prepared to fill it in? 4 A. That's right. 5 THE CHAIRMAN: Mr Lo, if you had sat in the chair next to 6 the conning chair, albeit that you looked at engine 7 instruments, would you also have had some duty of 8 look-out that night? 9 A. Yes. 10 THE CHAIRMAN: Because from that position, you had more or 11 less the same view as the coxswain, didn't you, 12 visually? 13 A. Yes. 14 THE CHAIRMAN: Is that why you weren't sitting there, 15 because you didn't want to take on that duty? 16 A. No, it's not like that. But on that particular voyage, 17 I felt a little tired and that's why I sat back there. 18 MR SHIEH: But you said it's your habit to sit there anyway, 19 at the back. 20 A. That's right. 21 Q. Was that because you habitually had a rest during the 22 journey, rather than wanting to sit next to the coxswain 23 performing look-out duties? 24 A. Not necessarily so. 25 Q. Was there any fixed pattern as to which individual would	1 desirable position for an additional pair of eyes to 2 perform look-out. 3 A. Yes. 4 Q. Were you aware of the coxswain's habit of using radar? 5 Do you know whether he had any habit of using radar? 6 A. Yes, he had this habit. 7 Q. He had this habit? So you are saying that he would 8 regularly look at the radar in aiding his navigation? 9 A. Yes. 10 Q. Do you have a habit of looking at the radar in aiding 11 look-out? 12 A. Seldom. 13 Q. Do you have any radar training, qualifications? 14 A. No. 15 Q. So you didn't take courses or take exams? 16 A. Correct. 17 Q. Would you know how to decipher or interpret the signals 18 or data or display on a radar monitor? 19 A. Not really. 20 THE CHAIRMAN: Did you use radar on your own fishing boat? 21 A. Yes. 22 THE CHAIRMAN: You were able to work out what the echoes 23 meant on that screen, were you? 24 A. The radar that I used, had used before, was much 25 simpler, much more simple. But then the radar provided
Page 54	Page 56
1 sit on that chair next to the coxswain when the vessel 2 was underway? 3 A. Not any particular designated person. 4 Q. Did anyone particularly want or like to sit there, as 5 far as the Sea Smooth crew was concerned? 6 A. No. 7 THE CHAIRMAN: Was this a chair to avoid sitting in at 8 night? Is that the reality? 9 A. (Chinese spoken). 10 MR SHIEH: I think what Mr Chairman wanted to get at is that 11 people did not particularly like to sit on that chair at 12 night. 13 THE CHAIRMAN: Thank you. 14 A. I am not clear about it. 15 MR SHIEH: It was nice, cosy, after a hard day's work, so 16 people tend to slump at the back of the wheelhouse, 17 resting? 18 A. Yes. 19 Q. But had you ever thought that at night, when obviously 20 one is more hampered in terms of look-out, that was 21 precisely the sort of period that the coxswain needed 22 an extra pair or some extra pairs of eyes to help in 23 look-out? 24 A. It didn't occur to me. 25 Q. The chair next to the coxswain would be a highly	1 at the company's vessels are much more complicated. 2 THE INTERPRETER: Then I need to translate the Chairman's 3 question. 4 THE CHAIRMAN: Yes, please do. 5 A. No, not about the echoes provided by the company's radar 6 on the vessel. No, I don't really -- I can't really 7 read them. 8 THE CHAIRMAN: It's a different kind of echo from the echo 9 that you had on your radar screen? 10 A. Because I don't know how to press on which correct, 11 proper buttons. 12 THE CHAIRMAN: That's a separate issue. The echo remains 13 the same, does it not? 14 A. Yes, that's right. It should be similar. 15 MR SHIEH: Now, starting from the time when you and the 16 coxswain and the two sailors all congregated in the 17 wheelhouse, and from the time when everybody settled in 18 their respective positions -- that is, the coxswain in 19 the conning chair, two sailors on the sofa, and you on 20 that small chair -- can you describe to us in your own 21 language what happened in the wheelhouse? 22 A. I'm not sure. Which particular time, when you say the 23 words "what was happening" or "what happened"? 24 Q. As from the point of time when all four of you were in 25 the wheelhouse, settled down on your respective chairs

Page 57	Page 59
<p>1 or sofa. 2 A. We chat. We have a leisure chat. 3 Q. Everyone participated? 4 A. Yes. 5 Q. Any eating? 6 A. No. 7 Q. Did you have your dinner? 8 A. No. 9 Q. Had you already had your dinner prior to that voyage? 10 A. That's right, before it got dark. 11 Q. Where? 12 A. I ate a cup noodle for my dinner. 13 Q. Where? 14 A. In the afternoon, I had my cup noodle and I had eaten it 15 before we started the voyage. 16 Q. Yes, but where? 17 A. At the stern of the vessel, on the lower deck. 18 Q. That was while the vessel was underway on one of the 19 journeys? 20 A. It shouldn't be. It shouldn't be, because we were then 21 at the -- we were on the pier, before the vessel set 22 sail. 23 Q. Was it in Central or Yung Shue Wan? 24 A. Central Pier. 25 Q. So when the vessel was berthed at the pier in Central,</p>	<p>1 A. That's right, the light on the beacon. 2 Q. "After passing this, I could see the lights of the pier 3 at Yung Shue Wan." 4 A. Yes. 5 Q. "This is the time I usually leave the wheelhouse and get 6 ready to disembark the passengers." 7 A. Yes. 8 Q. And that was the time when you did the same thing that 9 evening; correct? 10 A. Yes. 11 Q. That was after the vessel had gone past the flashing 12 light, and after you were able to see the lights at the 13 Yung Shue Wan pier; correct? 14 A. Yes. 15 Q. Right. The vessel had gone past the light already, at 16 Shek Kok Tsui? 17 A. It shouldn't have been. It was yet to arrive. It had 18 yet to pass the flashing light of Shek Kok Tsui. 19 THE CHAIRMAN: So when was the light when you got up and 20 left the wheelhouse? What position relative to Sea 21 Smooth? 22 A. Ahead of Sea Smooth at the 10 o'clock to 12 o'clock 23 position, forward of Sea Smooth. 24 THE CHAIRMAN: So forward on the port side, in that arc 25 between 10 and 12 o'clock on the clock face?</p>
Page 58	Page 60
<p>1 in between voyages, you had a cup noodle at the stern on 2 the lower deck? 3 A. Before it got dark. It should be between 5 and 4 6 o'clock. 5 Q. Right. But it was in between two voyages; right? 6 A. That's right. 7 Q. So, no eating. There was chatting. What else happened? 8 A. In the middle of the voyage, when it passed Green 9 Island, I stood up again, went over and took a look at 10 the gauges and switches, and saw that everything was all 11 right. Then I took a look outside, and then 12 I returned -- saw that nothing happened, then 13 I returned. 14 Q. To the chair? 15 A. That's right. 16 Q. Did anyone fall asleep during that voyage, in the 17 wheelhouse? 18 A. No. 19 Q. At paragraph 24 you said: 20 "I stayed in the wheelhouse until we passed the 21 flashing light off Shek Kok Tsui." 22 Is that correct? 23 A. Yes, it's correct. 24 Q. By "the flashing light", you mean the beacon, the light 25 tower?</p>	<p>1 A. I made a mistake. On the port side, 10 to 20 o'clock 2 position. 3 MR SHIEH: You mean 10 to 20 degrees? 4 A. That's right. Degrees. 5 THE CHAIRMAN: So 10 to 20 degrees off the bow of Sea Smooth 6 on the port side? 7 A. That's right. 8 MR SHIEH: About how far ahead? 9 THE INTERPRETER: The witness was pointing at the 10 microphone. 11 A. If the microphone were the bow of the Sea Smooth, then 12 this would be the position of the Shek Kok Tsui beacon 13 (indicates). 14 THE CHAIRMAN: We can't see that, but you've told us 10 to 15 20 degrees. Are you qualifying that, or are you happy 16 with 10 to 20 degrees? 17 A. That's the position and angle that I saw. But about the 18 exact distance, I'm not clear. 19 THE CHAIRMAN: No, you're not being asked about the exact 20 distance. What was the distance approximately? 21 MR SHIEH: In terms of ship-lengths or cables or metres, 22 whatever makes you feel comfortable. 23 THE CHAIRMAN: If you can't help us, say so. 24 A. It should be -- how long is one ship-length? In terms 25 of 200 metres, it should be four ship-lengths. About</p>

Page 61	Page 63
<p>1 800 metres. 200 feet. If in terms of 200 feet, then it 2 should be four ship-lengths. 3 THE CHAIRMAN: Let's try and get one approach to measuring 4 distance. Do you prefer to do it in units of your own 5 ship's length, or do you want to do it in distance? 6 Choose one. 7 A. Let's do it the Sea Smooth. 8 THE CHAIRMAN: Sea Smooth boat-length. How many 9 boat-lengths ahead? 10 A. Roughly four to five of Sea Smooth's boat-length. 11 THE CHAIRMAN: At 10 to 20 degrees off the port bow? 12 A. Yes. 13 THE CHAIRMAN: Thank you. 14 MR SHIEH: At that point in time, you left the wheelhouse. 15 So basically paragraph 24 is incorrect, the first 16 sentence? You want to correct it? Because it says when 17 the -- 18 THE CHAIRMAN: I think he has corrected it, definitively. 19 MR SHIEH: Yes. 20 Can I ask you this. You and your other crew 21 members, the two sailors, left the wheelhouse together 22 at that juncture? 23 A. Yes. 24 Q. Before you left the wheelhouse, did you take a look at 25 the lights outside the wheelhouse or ahead of the</p>	<p>1 A. I didn't notice. 2 Q. Sorry, you did not notice, meaning what? You tried to 3 look around but you did not see any? Or are you saying 4 that you did not pay attention to whether there were any 5 navigation lights? 6 A. I did not pay full attention to any other lights. All 7 the lights that I saw were the three kinds of lights 8 that I just described to you. And then at that point in 9 time, I left the wheelhouse. 10 Q. Right. Because, Mr Lo, I think you may know what I am 11 trying to get at. You see, when you say "I didn't 12 notice", it could bear one of two different meanings. 13 One is that you were actually consciously trying to look 14 for whether there were other ships nearby, and you were 15 trying to look for navigation lights. That is one 16 possibility. 17 THE CHAIRMAN: Well, let's put that one to him. 18 Were you trying to look for the lights of other 19 vessels as you exited the wheelhouse? 20 A. No. 21 MR SHIEH: So basically your frame of mind was at that time 22 not to search for the possibility of nearby navigation 23 lights. What was in your mind was simply, "Oh, there is 24 the flashing light, I can see the usual sight of Yung 25 Shue Wan and the light from the power station. Time for</p>
Page 62	Page 64
<p>1 wheelhouse? 2 A. No. 3 Q. You did not look out? 4 A. I did not look out, because -- I was unable to look, 5 because when I stood up, I was walking, leaving -- 6 walking towards the door. 7 Q. I see. Because in the next sentence at paragraph 24, 8 you said: 9 "As I left the wheelhouse together with the two 10 sailors, I did not see any other boats or ships ahead. 11 I could only see the usual shore lights on Lamma Island 12 and a very bright light at the power station shining in 13 our direction." 14 That is what you said in your statement. What 15 I want to clarify with you is, did you look out of the 16 window at all before you left the wheelhouse? 17 A. When I stood up, I saw the light of Shek Kok Tsui. 18 Because, you see, what we usually do is that -- it was 19 during that time that we started to prepare for our work 20 on the lower deck. So to recap, when I stood up, I saw 21 lights of Shek Kok Tsui, I saw the lights from Yung Shue 22 Wan, of Yung Shue Wan, and also the light from the power 23 station, the Lamma Island Power Station. I saw the 24 light from there. 25 Q. So you did not see any navigation lights on any vessels?</p>	<p>1 me to leave"? That would be the sort of mindset; is 2 that correct? 3 A. Correct. 4 Q. Turning to the question of the fog light or the light at 5 the power station. Can I ask you to look at police 6 album X, page 636. 7 Do you recognise this view? 8 A. Yes, I do. I can recognise it. 9 Q. That would be the light from the power station as and 10 when you approach Lamma Island from the north; correct? 11 A. Yes. 12 Q. After it has gone dark, it would look something like 13 page 648 or page 646; is that correct? Would that be 14 the sort of view that one would get as one approached 15 Lamma from the north? 16 A. It shouldn't be that bright. 17 Q. It shouldn't be as bright as that depicted in these 18 photos? 19 A. That's right. It should be a little dimmer. 20 Q. Have you had any experience or encounter whereby visual 21 look-out was hampered so that nearby or approaching 22 vessels at night were only seen -- hampered by this 23 light in the background, so that nearby or approaching 24 vessels weren't only seen until they were perilously 25 close to your vessel?</p>

Page 65	Page 67
<p>1 A. You mean on board the Sea Smooth, right? 2 Q. Or any vessel from Hong Kong & Kowloon Ferry on which 3 you had served. 4 A. I don't remember. 5 MR SHIEH: Would this be an appropriate moment, Mr Chairman, 6 to take the lunch break? 7 THE CHAIRMAN: Yes, certainly. 8 Mr Lo, we're going to take the lunch break now and 9 we'll resume at 2.30 this afternoon. So please be back 10 to continue your testimony then. 11 A. Okay. 12 THE CHAIRMAN: 2.30. 13 (1.01 pm) 14 (The luncheon adjournment) 15 (2.30 pm) 16 THE CHAIRMAN: Mr Lo, may I remind you that you continue to 17 testify according to your affirmation. 18 A. I understand. 19 THE CHAIRMAN: Yes, Mr Shieh. 20 MR SHIEH: Mr Lo, prior to the lunch adjournment, I was 21 asking you questions on your witness statement 22 concerning the fog light. Do you remember that? 23 A. Yes. 24 Q. And then at paragraph 25, you said: 25 "I left the wheelhouse and went to the main deck</p>	<p>1 If it goes straight ahead, it would crash into the power 2 station. So at some stage, it had to turn to port. 3 A. Yes. 4 Q. So can I ask you, on that day, when you left the 5 wheelhouse, had the coxswain begun turning to port yet? 6 A. I don't know. 7 Q. You didn't pay attention? 8 A. Correct. 9 Q. Coming back to paragraph 25. You said: 10 "I had to grab the bulkhead to stop myself falling 11 over." 12 A. Yes, I can see. 13 Q. So it was a rather serious jerk; correct? By suddenly 14 slowing down. 15 A. Yes. 16 Q. "Seconds later there was the impact of the collision." 17 A. Yes. 18 Q. Now, at that point in time you have told us you were at 19 the bottom of the staircase. 20 A. At the bottom of the staircase, near the gangway. There 21 was a railing there. 22 Q. You had left the staircase already, that is to say? 23 A. That's right. 24 Q. Try your best to remember where the other sailors were 25 relative to your position at that time. At the time of</p>
Page 66	Page 68
<p>1 passenger cabin." 2 A. Yes. 3 Q. That involves walking down the staircase; correct? 4 A. Yes. 5 Q. You walked together with Mr Wong Tai-yau? 6 A. All three of us walked downstairs. 7 Q. Right. And you said: 8 "I stood close to the gangway door." 9 A. Yes. 10 Q. That's after you had descended the staircase; correct? 11 A. Yes. 12 Q. You were near the bottom? 13 A. Yes, near the bottom. 14 Q. "As I stood there, just about 1 minute after levering 15 the wheelhouse, I felt the vessel suddenly slow down." 16 A. Yes. 17 Q. Did you feel the vessel turn either starboard or port? 18 A. I didn't feel that. 19 Q. For every journey from Central to Yung Shue Wan, at some 20 stage the coxswain would steer the vessel towards the 21 port side, at or around the Shek Kok Tsui beacon, to get 22 ready for approach to the pier. 23 A. I'm not clear. 24 Q. But from your experience, the vessel had to turn to the 25 port side in order to approach the Yung Shue Wan pier?</p>	<p>1 the impact. 2 THE CHAIRMAN: Could you see them? 3 MR SHIEH: The witness was trying to point to a position, 4 Mr Chairman. 5 THE CHAIRMAN: I know that, but we get involved in 6 complications. 7 A. Yes, I saw them. 8 THE CHAIRMAN: Right. And where were they? 9 MR SHIEH: By reference to the plan, yes. And by 10 describing, as you say, the seat number. 11 A. Wong Yung-shing would be standing just on the bottom of 12 seat 36, on the main deck. 13 MR SHIEH: Could we have a close-up, please. 14 A. More or less at that point. 15 THE CHAIRMAN: That's on the port side forward? 16 A. That's right. 17 THE CHAIRMAN: Which gangway were you next to, the port or 18 starboard? 19 A. The starboard side. 20 MR SHIEH: That is your own gangway? 21 A. That's right. 22 THE CHAIRMAN: And Mr Wong Tai-yau? 23 A. He was descending the stairway. 24 MR SHIEH: So he was still on one of the steps? 25 A. Yes, right. He was behind me. He was still yet to</p>

Page 69	Page 71
<p>1 complete descending. 2 THE CHAIRMAN: What was the result of the collision as far 3 as you were concerned? 4 A. I fell -- 5 THE INTERPRETER: The witness was pointing at seat 41. 6 That's where he fell over and then was lying on the 7 floor. 8 A. And I also hit the garbage bin. Under seat 41, that's 9 where the bin was. 10 THE CHAIRMAN: Wong Tai-yau? What happened to him? 11 A. Wong Tai-yau was still on the staircase. 12 THE CHAIRMAN: And after the collision? 13 A. He was also on the floor. 14 THE CHAIRMAN: At the bottom of the staircase? 15 A. Yes. 16 THE CHAIRMAN: Wong Yung-shing? 17 A. Wong Yung-shing, I didn't pay attention to him. 18 THE INTERPRETER: But when the witness was saying this, his 19 finger was pointing at seat 36. 20 THE CHAIRMAN: Yes. Thank you. 21 MR SHIEH: Paragraph 26, you said: 22 "I did not hear whistles/horns, nor anything unusual 23 before the collision." 24 THE INTERPRETER: The witness refers to police bundle, the 25 photo on page 37.</p>	<p>1 A. Yes. 2 Q. "I then went to the wheelhouse to report and help the 3 captain." 4 A. Yes. 5 Q. Can you describe to us very briefly the point in time 6 after you had fallen over and before you went up to the 7 wheelhouse to report to the captain, what movements did 8 you make or what did you do or see in the passenger 9 cabin downstairs? 10 A. When I fell, I got up myself and I saw a foreign 11 passenger lying on the floor. His legs got tangled up 12 with the railing. I can't recall who helped him up, but 13 I saw he -- but somebody helped untie his legs, because 14 his legs were tangled up cross-wise. 15 Q. All right, so you saw this foreign passenger and you 16 helped him. 17 A. Yes. 18 Q. And what else happened that particularly struck you or 19 impressed you? 20 A. After I helped him up, me and Wong Tai-yau patrolled the 21 cabin, one on each side. And then after that, we also 22 patrolled the upper deck. After the patrolling of the 23 upper deck, we -- after we did the patrolling, we 24 entered the wheelhouse and reported to the captain. 25 Q. You alone entered the wheelhouse?</p>
Page 70	Page 72
<p>1 A. If you look at the photo, you can see the bin there, the 2 garbage bin. That's where I fell down. 3 THE CHAIRMAN: Thank you. 4 MR SHIEH: Coming back to paragraph 26, you said: 5 "I did not hear whistles/horns, nor anything unusual 6 before the collision." 7 A. Yes. 8 Q. Over the page, paragraph 27. I'm sorry. The entire 9 passenger cabin, upper and lower, were enclosed; 10 correct? 11 A. Yes. 12 Q. And the wheelhouse was also enclosed? No windows were 13 open? 14 A. That's right. 15 Q. And it was possible that horns or whistles had been 16 sounded but it simply didn't get through the windows? 17 A. I don't know. 18 Q. At paragraph 27, you said: 19 "The force of the collision made me fall over." 20 Correct? 21 A. Yes. 22 Q. "Some of the passengers also fell over."? 23 A. Yes. 24 Q. "I stayed in the passenger cabin briefly, and made sure 25 that there were no serious injuries."</p>	<p>1 A. I went in. Wong Tai-yau stayed at the door. 2 Q. What did you see after entering the wheelhouse? 3 A. I saw that the captain was talking to the Marine 4 Department, and then I asked what happened. The captain 5 said we hit a vessel, and he was talking to the Marine 6 Department. Then I heard the alarm sound, and I felt 7 that the ship was listing. And then the captain ordered 8 us to go downstairs to check on the passengers. 9 Q. So when you went into the wheelhouse, the captain was 10 actually speaking into a telephone? 11 A. He was using a mic, he was speaking into the microphone. 12 THE CHAIRMAN: Of a radio? 13 A. Yes. 14 MR SHIEH: And you could hear him speak? 15 A. Yes. 16 Q. He then told you also that he had collided with 17 a vessel? 18 A. I asked the captain what exactly had happened, and then 19 the captain answered me that we hit a vessel. After 20 that he went on speaking in the microphone. 21 Q. Did you look out of the wheelhouse window? 22 A. There was no time. 23 THE CHAIRMAN: So is the answer "no"? 24 A. Correct. 25 MR SHIEH: So you heard the alarm sound?</p>

Page 73	Page 75
<p>1 A. Yes.</p> <p>2 Q. And the captain ordered you to go downstairs to check on</p> <p>3 the passengers. But you had done so already.</p> <p>4 A. I'm not clear.</p> <p>5 THE CHAIRMAN: What was the nature of this alarm? An alarm</p> <p>6 in respect of what?</p> <p>7 A. If the passenger cabin was flooded, then this alarm will</p> <p>8 sound.</p> <p>9 MR SHIEH: So how many alarms sounded?</p> <p>10 A. Two.</p> <p>11 Q. Cabin 1 and cabin 2?</p> <p>12 A. Yes.</p> <p>13 THE CHAIRMAN: This was an alarm about water ingress?</p> <p>14 A. Yes.</p> <p>15 THE CHAIRMAN: Did it relate to the hull of the vessel? In</p> <p>16 other words, the part of the vessel in the water?</p> <p>17 THE INTERPRETER: You mean sinking, right?</p> <p>18 THE CHAIRMAN: No. Did it relate to a compartment in the</p> <p>19 hull of the vessel, not the cabin?</p> <p>20 A. Yes.</p> <p>21 THE CHAIRMAN: And did each hull have a number of</p> <p>22 compartments?</p> <p>23 A. Yes.</p> <p>24 THE CHAIRMAN: Were they watertight compartments?</p> <p>25 A. Yes.</p>	<p>1 A. That's right.</p> <p>2 THE CHAIRMAN: So what did you do as a result of your</p> <p>3 discovery that water was coming into compartments 1</p> <p>4 and 2?</p> <p>5 A. Starting to give out the life jackets to passengers for</p> <p>6 them to put on.</p> <p>7 MR SHIEH: After opening the manhole for inspection, did you</p> <p>8 put the cover back?</p> <p>9 A. No.</p> <p>10 Q. So if there was flooding of the compartments, the water</p> <p>11 would actually go straight into the passenger cabin?</p> <p>12 A. Yes.</p> <p>13 Q. I'm sorry, you were about to say something?</p> <p>14 A. I did cover it up, but I didn't lock them up.</p> <p>15 Q. So water could seep through?</p> <p>16 A. That's right.</p> <p>17 Q. If I read on. Paragraph 28:</p> <p>18 "I heard the sound of alarm and the captain ordered</p> <p>19 me to check the damage. I went back to the passenger</p> <p>20 cabin and noticed 2 passengers suffered from minor</p> <p>21 injuries."</p> <p>22 Correct?</p> <p>23 A. Yes.</p> <p>24 Q. "The vessel started listing to port."</p> <p>25 A. Yes.</p>
Page 74	Page 76
<p>1 THE CHAIRMAN: Were these two alarms for the port-side hull,</p> <p>2 forward compartments 1 and 2?</p> <p>3 A. Yes.</p> <p>4 THE CHAIRMAN: Did you go off to check these alarms? Or</p> <p>5 rather, the place that they said was being flooded?</p> <p>6 A. I first went to the engine room.</p> <p>7 THE CHAIRMAN: And what did you find there?</p> <p>8 A. I went into the engine room, saw that there was no water</p> <p>9 there. I turned on the fire pump, and then I checked</p> <p>10 the window to look into the compartment, and then I saw</p> <p>11 that -- each compartment I looked at, and then I saw</p> <p>12 that compartment 3, there was a little water. But there</p> <p>13 was water coming in at compartments 1 and 2.</p> <p>14 THE CHAIRMAN: In order to inspect them, did you in fact</p> <p>15 look through a manhole cover?</p> <p>16 A. Yes, that's correct.</p> <p>17 THE CHAIRMAN: In order to do so, did you have to remove the</p> <p>18 cover itself?</p> <p>19 A. That's right.</p> <p>20 THE CHAIRMAN: Thank you.</p> <p>21 MR SHIEH: Just so that we know what we are talking about --</p> <p>22 I think we've seen this numerous times. Police photo</p> <p>23 album II, page 109. These are the sort of manholes that</p> <p>24 you have to open to look down into the respective</p> <p>25 compartments?</p>	<p>1 Q. "Water started to come into the passenger cabin through</p> <p>2 a manhole cover which had burst open at the bow of the</p> <p>3 main deck."</p> <p>4 A. Yes.</p> <p>5 Q. Is it possible for you to identify where that manhole is</p> <p>6 by looking at the plan of the Sea Smooth? By reference</p> <p>7 to the seat number.</p> <p>8 THE INTERPRETER: The witness was pointing at main deck, at</p> <p>9 the manhole on the right-hand side marked "WT", on the</p> <p>10 port side.</p> <p>11 THE CHAIRMAN: Just give us the nearest seat number.</p> <p>12 A. 3.</p> <p>13 THE CHAIRMAN: Thank you.</p> <p>14 MR SHIEH: Right next to 3, yes.</p> <p>15 THE CHAIRMAN: Was this one of the manhole covers you had</p> <p>16 opened?</p> <p>17 A. Yes.</p> <p>18 THE CHAIRMAN: One of the ones you'd put back but not locked</p> <p>19 into place?</p> <p>20 A. That's right.</p> <p>21 MR SHIEH: "The passengers sitting close to that area ran</p> <p>22 away to the stern."</p> <p>23 THE CHAIRMAN: Before we get to that.</p> <p>24 Was there not a door in that area that led out onto</p> <p>25 the bow of the vessel, forward?</p>

Page 77	Page 79
<p>1 A. Yes, there's one door. 2 THE CHAIRMAN: Did you open the door? 3 A. I didn't open it. I didn't notice it. 4 THE CHAIRMAN: Did you see anyone else opening that door? 5 A. I don't know. I didn't notice. 6 THE CHAIRMAN: Did you see any water coming in through that 7 doorway? 8 A. No. 9 THE CHAIRMAN: Thank you. 10 MR SHIEH: In the middle of paragraph 28: 11 "The passengers sitting close to that area ran away 12 to the stern. The situation was chaotic and some of 13 them were screaming." 14 A. Yes. 15 Q. "The passengers were get worried that the vessel might 16 sink." 17 A. Yes. 18 Q. "Some of the passengers stood on the starboard stern of 19 Sea Smooth to try to balance the vessel and 20 counter-effect the listing." 21 A. Yes. 22 Q. Then: 23 "I told the captain that the port hull was damaged 24 and there was water ingress." 25 A. Yes.</p>	<p>1 MR SHIEH: Thank you. Did the coxswain appear nervous, 2 angry, or afraid? 3 A. Nervous. 4 Q. When you first saw him in the wheelhouse, did he say 5 anything else to you that indicated the cause of the 6 collision. 7 A. He didn't say anything. 8 Q. Right. But we now come to the second time you went to 9 the wheelhouse. That is the subject matter of 10 paragraph 29. 11 "I told the captain the port hull was damaged and 12 there was water ingress. We asked the passengers to put 13 on life-saving jackets and assisted them to put on. 14 I then reported to the captain that most passengers had 15 put on life-saving jackets." 16 A. That's right. 17 Q. "The engine rooms seemed to be intact, and the main 18 engines were still running." 19 Correct? 20 A. That's right. It's normal. The engine was running 21 normally. 22 Q. "I noticed some reefs near us and was worried that Sea 23 Smooth might contact them causing further damage as she 24 may drift towards them when she was without momentum." 25 A. Yes.</p>
Page 78	Page 80
<p>1 Q. This was the second time you got back to the wheelhouse, 2 correct, after the collision? 3 A. Yes. 4 Q. The first time, you went back, saw the coxswain speaking 5 to Mardep, heard the alarm, and then you went out and 6 inspected; and this was the second time. That's the 7 sequence of events; correct? 8 A. Yes. 9 Q. Incidentally, when you went into the wheelhouse for the 10 first time and saw the coxswain speaking to the Marine 11 Department on the radio handset, was he sitting, 12 standing, or at which location in the wheelhouse did you 13 see the captain? 14 A. He was standing. 15 Q. Standing where? Near where? 16 A. On the side of the conning chair, because that's where 17 the radio handset was. 18 MR SHIEH: Could we have a look at -- yes. 19 THE CHAIRMAN: I think page 1983 shows the position. 20 MR SHIEH: Page 1983, yes. 21 THE CHAIRMAN: Number 17, perhaps. 22 Was it the VHF radio he was using? 23 THE INTERPRETER: The witness was pointing at the object on 24 the photo marked 16. 25 A. Either 17 or 16. Either one of them.</p>	<p>1 Q. "I therefore suggested to the captain to sail away from 2 them." 3 A. That's right. 4 Q. On this second occasion when you went to the wheelhouse 5 and saw the master, the coxswain, what was he doing? 6 A. He was talking, speaking on the phone to the pier. But 7 I don't remember clearly. 8 THE CHAIRMAN: What kind of telephone or phone? 9 A. Company telephone. 10 THE CHAIRMAN: That's a radio telephone? 11 A. No, it's a mobile phone. 12 THE CHAIRMAN: Thank you. 13 MR SHIEH: On this occasion, did he tell you anything to 14 indicate or suggest the reason for the collision? 15 A. No. Because he was talking, he was liaising with the 16 company. 17 Q. Paragraph 30: 18 "There were a large number of passengers which 19 demanded the vessel proceed to the Yung Shue Wan pier 20 since they can see it outside of the passenger cabin 21 window." 22 A. Yes. 23 Q. "One male passenger even came to the wheelhouse and 24 asked the captain to sail to the pier as soon as 25 possible."</p>

Page 81	Page 83
<p>1 A. Yes.</p> <p>2 Q. "The captain then decided to proceed to the pier at</p> <p>3 Lamma Island."</p> <p>4 A. Yes.</p> <p>5 Q. Did the coxswain discuss the matter with you and you</p> <p>6 discuss the matter with the coxswain before the decision</p> <p>7 was made to proceed to the pier at Lamma Island?</p> <p>8 A. No.</p> <p>9 Q. During this period, after you had gone up to the</p> <p>10 wheelhouse to report to the coxswain, the first time you</p> <p>11 went up to the wheelhouse to report to him, were you</p> <p>12 aware of what the other two sailors were doing?</p> <p>13 A. Wong Tai-yau was following me.</p> <p>14 Q. So he would be nearby at all the places that you have</p> <p>15 described to us just now?</p> <p>16 A. That's right. That's correct.</p> <p>17 Q. Paragraph 31:</p> <p>18 "I did not see Lamma IV after the collision.</p> <p>19 I stayed inside Sea Smooth inspecting the damage, and</p> <p>20 looking after the passengers."</p> <p>21 A. Yes.</p> <p>22 Q. You knew from the coxswain that there had been</p> <p>23 a collision with another vessel.</p> <p>24 A. Yes.</p> <p>25 Q. And from the location of the damage, you should have</p>	<p>1 you did not see anything.</p> <p>2 Did it occur to you to at least find out whether or</p> <p>3 not the other vessel was in trouble, people fallen</p> <p>4 overboard?</p> <p>5 A. I don't know.</p> <p>6 Q. Did it occur to you to try to find out and maybe offer</p> <p>7 help?</p> <p>8 A. I don't know.</p> <p>9 THE CHAIRMAN: No, the question is, did it occur to you --</p> <p>10 you just having been in a collision with another vessel,</p> <p>11 you'd sustained damage, water was coming on board -- did</p> <p>12 you give a single thought to the safety of the other</p> <p>13 vessel and its passengers?</p> <p>14 A. No, it didn't occur to me because at that time, it was</p> <p>15 very chaotic. I was standing in the wheelhouse, waiting</p> <p>16 for instructions from the captain.</p> <p>17 THE CHAIRMAN: The area above the wheelhouse on the Sea</p> <p>18 Smooth had a searchlight, did it not?</p> <p>19 A. Yes.</p> <p>20 THE CHAIRMAN: Can we have a look police photograph 13, of</p> <p>21 the Sea Smooth in the water near Lamma. That's the</p> <p>22 searchlight between the amplifier and the radar dome, is</p> <p>23 it not? Correct?</p> <p>24 A. Yes, I can see it.</p> <p>25 THE CHAIRMAN: Did anyone illuminate that searchlight and</p>
Page 82	Page 84
<p>1 been able to guess that it was the port side, the port</p> <p>2 bow, which collided?</p> <p>3 A. Yes.</p> <p>4 Q. Did it occur to you at any time, whether out of</p> <p>5 curiosity or out of a desire to help out, to look,</p> <p>6 actively seek out and look for the vessel which collided</p> <p>7 with the Sea Smooth?</p> <p>8 A. The second time, when I walked up there and reported to</p> <p>9 him about the things that I have seen and done, and then</p> <p>10 second time I did go out to the bridge wing on the port</p> <p>11 side and I couldn't see any boat. But I did see that</p> <p>12 there were reefs, and the reefs were very close to us.</p> <p>13 Q. That was the bridge wing that you could open, you could</p> <p>14 access from within the wheelhouse?</p> <p>15 A. That's right.</p> <p>16 Q. Apart from that, did you attempt to look elsewhere</p> <p>17 around the vessel to try to locate the other vessel</p> <p>18 which collided with the Sea Smooth?</p> <p>19 A. Previously I did try to look. When I was checking out</p> <p>20 the passengers at the stern for the first time, I did</p> <p>21 try to look, but I didn't see anything.</p> <p>22 Q. So the first time when you were trying to help the</p> <p>23 passengers, you tried to have a look and you didn't see</p> <p>24 anything. The second time you went up to the</p> <p>25 wheelhouse, you walked out of the port bridge wing and</p>	<p>1 cast around in the waters nearby to look for the other</p> <p>2 vessel or its passengers?</p> <p>3 A. I don't remember.</p> <p>4 THE CHAIRMAN: You don't remember whether or not</p> <p>5 a searchlight was on in the wheelhouse in which you had</p> <p>6 been, twice, you have told us?</p> <p>7 A. No, I don't remember whether it has been switched off,</p> <p>8 somebody switched it off. That, I don't remember.</p> <p>9 THE CHAIRMAN: No, the question is, do you remember seeing</p> <p>10 a beam coming out from that searchlight whilst you were</p> <p>11 in the wheelhouse on any one of these occasions after</p> <p>12 the collision?</p> <p>13 A. I don't remember.</p> <p>14 THE CHAIRMAN: Mr Shieh?</p> <p>15 MR SHIEH: I now wish to take you to your video-taped</p> <p>16 interview with the police where you described broadly</p> <p>17 the similar sequence of events. Could I ask you to look</p> <p>18 at police bundle M, question 263. The Chinese will be</p> <p>19 page 3668-34. The English will be page 3368-97.</p> <p>20 Question 263:</p> <p>21 "Well, all right, I want to ask you, that day you</p> <p>22 then er -- at 8 -- about 8.22 pm, after the vessel</p> <p>23 rammed into another vessel, the Lamma IV, did you people</p> <p>24 know there was a vessel collision?"</p> <p>25 Then the answer was:</p>

Page 85	Page 87
<p>1 "Because the three of us were -- not, I together 2 with two sailors were already below, so (we) didn't know 3 there was a vessel collision." 4 Then 266: 5 "(We) knew it had slowed down, stopped, that's 6 people had fallen down, but we didn't know if it had 7 collided -- we didn't -- that's didn't know if it had 8 collided with a vessel or collided with other thing, 9 didn't know what it had collided with, but (we) heard 10 a bang sound." 11 A. Yes. 12 Q. Then 268: 13 "Yes, collided with something, had collided with 14 something." 15 A. Yes. 16 Q. 270: 17 "A bang sound, then ... those people fell down, many 18 of them fell down, many of them down ... then it was 19 already very chaotic." 20 A. Yes. 21 Q. "Then at that time, you were standing near the gangway? 22 Right, I was at the gangway's ..." 23 A. No, I was standing at the gangway. 24 THE CHAIRMAN: Mr Shieh, it would be of more assistance to 25 us -- and perhaps this is where you're going -- rather</p>	<p>1 people falling overboard ... that's after asking them 2 all, for example, all the neighbours said nobody falling 3 overboard, n -- no others ... And nobody was seriously 4 injured." 5 A. Yes. 6 Q. So the passengers helped each other? 7 A. Yes. 8 Q. I wish now to jump a few pages and go to a position in 9 your interview record where you talked about going to 10 the wheelhouse. That is 331: 11 "W -- we -- that's at that time subsequently looking 12 at people ... couldn't see it when looking outside, very 13 dark, couldn't tell the d -- difference." 14 A. Yes. 15 Q. Then: 16 "Then -- right, uh, I have just asked you, did you 17 go up, the vessel had stopped, the people had settled 18 down, right? Then did you go up to the wheelhouse -- 19 Answer: The wheelhouse, didn't go, didn't. 20 Question: Did (you) go up there? 21 Answer: Not going yet ... but to finish all the 22 jobs and then ... put on the life jacket ... then 23 I together with the sailor ... Ah Wong Tai-yau, the two 24 of us went up to the wheelhouse, and to tell the master, 25 telling them that nobody -- none of them -- nobody</p>
Page 86	Page 88
<p>1 than to go through a previously consistent account, to 2 go to an account that is either inconsistent because it 3 states something different or omits to states something, 4 rather than running through another account that is the 5 same account. 6 MR SHIEH: Yes. I'll be moving there. 7 THE CHAIRMAN: Perhaps you could focus on that. 8 MR SHIEH: Yes. 9 Mr Lo, I'm not going to go through the details of 10 each and every question and answer. But could I ask you 11 to look at -- well, the English version is 12 page 3368-101, question 288. 13 THE CHAIRMAN: Well, if we just refer to the question and 14 answer number, it comes up the same in both languages. 15 MR SHIEH: Yes. 288: 16 "Because ... there were some Yung Shue Wan -- Yung 17 Shue Wan passengers ... [who] might be acquainted with 18 each other, then he/she joined together to offer 19 assistance er -- told the people to sit ... sit down 20 (asked them) if they were injured or not ... Uh, then 21 went to check, check all ... one by one, that's after 22 checking the lower deck then went to check the upper 23 deck ... after checking the upper deck, it was found 24 that -- I found that one (passenger) injured his/her 25 head ... after asking them all there was no report of</p>	<p>1 falling overboard ..." 2 A. Yes. 3 Q. Then moving down I think, to 337: 4 "Yep, talking to the Marine (Department), then I was 5 standing there." 6 Just to tally the sequence, this was the first 7 occasion that you went up to the wheelhouse; correct? 8 A. Yes. 9 Q. Right. 344: 10 "... after a few minutes -- he had finished talking, 11 then did you ask him? Did you ask him what happened? 12 Answer: I didn't ask. Not yet, at that time, I not 13 yet -- asked, I -- I didn't -- I didn't ask him what 14 happened, then -- I only said, hey, very chaotic down 15 there, well the passengers kept on saying er -- to steer 16 back there like that ..." 17 Do you see that? 18 A. Can I read it? 19 THE CHAIRMAN: Yes, please do. 20 THE INTERPRETER: The witness was pointing at 345, here 21 referring to "I didn't ask". So what does it mean 22 there? What is the context? 23 MR SHIEH: You have to look back at 344. 24 A. When I was up there, when I was walking up there? 25 THE CHAIRMAN: Yes. You're in the wheelhouse, he's on the</p>

Page 89	Page 91
<p>1 radio, and now he's finished. 2 A. I did ask him. I asked him, "Coxswain, what did we 3 hit?" 4 MR SHIEH: I see. 5 THE CHAIRMAN: And what did he reply? 6 A. "We hit a vessel." 7 THE CHAIRMAN: Did you have any other conversation? 8 A. No. 9 THE CHAIRMAN: "What kind of vessel?", you didn't ask him 10 that? 11 A. No. He didn't say. 12 THE CHAIRMAN: You didn't ask him how, why? 13 A. No, because he was talking, speaking in the radio with 14 the Marine Department. 15 THE CHAIRMAN: Yes, Mr Shieh. 16 MR SHIEH: In the immediate aftermath of a collision, 17 weren't you interested to find out the reason? 18 A. Because I was down there, and I didn't know what 19 happened, so I asked the coxswain what had happened and 20 he said, "We hit a vessel". Because, you see, at that 21 time he was speaking in the radio with the Marine 22 Department, and I didn't want to disturb him, that's why 23 I -- 24 THE CHAIRMAN: Didn't there come a time when he wasn't 25 speaking on the radio and you had an opportunity to ask</p>	<p>1 a discussion with him after he hung up; right? 2 A. No, because by the time the alarm was sounding, he 3 already ordered us to go down. 4 Q. Was that at a time he had already hung up with the 5 Marine Department? 6 A. No, he hadn't finished talking to them. 7 Q. All right. We'll check the transcript of the 8 conversation with the Marine Department to see whether 9 at any time we could detect any order being given by him 10 to other people. But leave aside whether it was the 11 first time or the second time you went up to the 12 wheelhouse. Did it not ever occur to you to find out 13 whose fault it was that led to the collision? 14 A. No. 15 Q. I'm not talking about legally who was right and who was 16 wrong, okay. Don't worry about being dragged into legal 17 arguments with me. I don't drive vessels, but if 18 I drive a car and someone bumps into me and my wife 19 comes along, I would say, "That car swerved into my 20 way", or something like that. So, you having met the 21 coxswain twice, did any conversation like that happen? 22 A. No, I didn't say anything to that effect to him. 23 Q. Very well. Could I then continue with your police 24 interview. 346: 25 "Then why you people didn't go take a look -- you</p>
Page 90	Page 92
<p>1 him what had happened, why, how? 2 A. I didn't ask him. 3 THE CHAIRMAN: Did you never have an opportunity to ask him? 4 A. That's right. 5 THE CHAIRMAN: No opportunity at all? 6 A. Yes. 7 MR SHIEH: Let me just tell you this. To me, it's a matter 8 of commonsense. Let me just see whether you have any 9 comment about it. There had just been a rather nasty 10 collision, sufficiently bad for you and your colleague 11 to fall down, sufficiently bad for you to notice 12 a foreign male passenger with his leg trapped in the 13 railing. 14 A. Yes. 15 Q. More or less, you noticed that the passengers were by 16 and large okay, and then you went to the wheelhouse? 17 A. Yes. 18 Q. You and the coxswain were the only persons in the 19 wheelhouse, even though Wong Tai-yau was behind you? 20 A. At the door. Wong Tai-yau was at the door. 21 Q. The coxswain was speaking to the Marine Department, but 22 there came a time when he hung up? 23 A. Before he had finished speaking, talking to the Marine 24 Department, the alarm had sounded already. 25 Q. But at least you would then have wanted to have</p>	<p>1 were at the sea -- 2 Answer: I then -- I then -- I then -- 3 Question: Or you people might have rammed into 4 a small boat, and needed you people to help, did you 5 people go to -- try to find out what your (vessel) had 6 rammed into? 7 Answer: Then I -- I then ... walked outside ... 8 because it was very near to the plate ..." 9 THE CHAIRMAN: Is that perhaps a misinterpretation for 10 "rocks" or "shore"? 11 MR SHIEH: It was in fact a plate. The Chinese would show 12 "pai". I'm going to clarify it with him. 13 THE CHAIRMAN: Very well. 14 MR SHIEH: Do you see that, the reference to "plate"? 15 A. Yes, I can see it. 16 Q. What is the plate? 17 A. Reefs. 18 Q. Oh, I see. When you say "plate", it's actually -- is it 19 written with this "pai", or is it the "pai" or "yat pai 20 pai"? 21 A. That's right. Actually it's another character, meaning 22 "reefs". 23 Q. Yes, that's right. Okay. 24 THE CHAIRMAN: But were you referring to O Tsai Pai on the 25 charts?</p>

Page 93	Page 95
<p>1 A. I don't know whether that reef is O Tsai Pai, but I did 2 know that there are reefs near the Shek Kok Tsui beacon. 3 There are reefs there in the neighbourhood of Shek Kok 4 Tsui beacon. 5 MR SHIEH: Could we have the miscellaneous bundle 1. 6 On this map, can you assist us as to where are the 7 reefs that you have in mind? 8 THE CHAIRMAN: Do you see the Shek Kok Tsui light beacon at 9 the left-hand side, where the cursor is now? 10 THE INTERPRETER: The witness is asking if the -- pointing 11 at 06, asking if that was the beacon. 12 MR SHIEH: Yes. 13 THE INTERPRETER: The witness was pointing at the two stars, 14 the asterisks between the 02. 15 A. These two asterisks are the reefs. I don't remember 16 which one, but they are the reefs. 17 MR SHIEH: That is the sign for rocks, I'm informed. 18 THE CHAIRMAN: Yes, it is. 19 So you were as close as that to the Shek Kok Tsui 20 beacon, were you? 21 A. Yes, should be. Because it was night, so it was at 22 night, and I couldn't identify which one of the reefs. 23 But it's either one of them. 24 THE CHAIRMAN: All right. Thank you. 25 MR SHIEH: So, Mr Chairman, at least "the plate" has now</p>	<p>1 A. No, I didn't walk outside on the first occasion. 2 Q. I see. So what were you talking about here, when you 3 say you looked to the outside and you walked to the 4 outside? 5 THE INTERPRETER: On which line, counsel? 6 MR SHIEH: At answer 349, you said: 7 "I had to walk to the outside, then I looked to the 8 outside, it was really close ... to the plate ..." 9 A. "The outside" would refer to the bridge wing. 10 Q. That would be the first time you went up to the 11 wheelhouse? 12 A. Second time. On the second occasion I was in the 13 wheelhouse. 14 Q. But this, you were talking about an occasion when the 15 coxswain was speaking to the Marine Department. 16 A. On the first occasion, he was speaking in the radio to 17 the Marine Department. 18 THE CHAIRMAN: And the second occasion? 19 A. On the second occasion, he was talking to the company. 20 But I don't remember whether he was using the phone or 21 the company phone to talk to the company. 22 MR SHIEH: Right. So at 349, you were referring to his 23 talking to the Marine Department, and that's why 24 I formed the conclusion that you were talking about the 25 first time you went to the wheelhouse.</p>
<p>Page 94</p> <p>1 been clarified. Actually it's a mistranscribed 2 character for the rocks. 3 THE CHAIRMAN: Yes. Thank you. 4 MR SHIEH: Going on. 349: 5 "... it was very near to the plate [that means the 6 reef] ... then at the time he was calling Marine 7 (Department) and talking ... I had to walk to the 8 outside, then I looked to the outside, it was really 9 very close to the stone to the plate ... next to the 10 light there was a plate ... then I said to watch out for 11 the plate, then he was making the call ..." 12 A. Yes. 13 Q. I'll read on: 14 "... then [I] then informed Ah Tai-yau and let 15 Tai-yau inform the master ... because he was talking, it 16 was also very chaotic, then I said very close to the 17 plate, hey, (we) better retreated a little, due to the 18 east current ... that's I didn't know what current it 19 was ... in a word, I found it very too close and was 20 dangerous." 21 A. Yes. 22 Q. Now, this was the occasion of your first entry into the 23 wheelhouse, and when you said you walked to the outside, 24 you were referring to walking out to the bridge wing; 25 correct?</p>	<p>Page 96</p> <p>1 Correct? 2 A. Yes. 3 Q. And then you went on to say that you had to walk to the 4 outside, look to the outside. Therefore I inferred on 5 your first visit to the wheelhouse, you went out to the 6 bridge wing. 7 A. No. No, no, no. I didn't go out to the bridge wing on 8 my first occasion in the wheelhouse. 9 Q. Very well. Move on to 350. The question was: 10 "Would [ram] into it? 11 Answer: W -- would be pressing against the plate 12 there ... then I told him to reverse a bit, like that, 13 that's it, yep -- I said to him, telling (him) to 14 reverse a bit, I said be careful there was a plate, just 15 like that. 16 Question: But you didn't ask (him) right from the 17 beginning what (the vessel) had rammed into? 18 Answer: Right. 19 Question: You didn't ask? 20 Answer: Right, didn't ask, I actually didn't know 21 what ... I didn't know what -- I didn't know what 22 happened." 23 A. No, I have told you already, it was on my first occasion 24 in the wheelhouse that I asked the coxswain what 25 happened, and the coxswain had answered me that we had</p>

Page 97	Page 99
<p>1 hit a vessel. Afterward, I didn't ask him. I didn't 2 pose any questions to him. 3 Q. So what was recorded here at 352, you didn't ask him 4 right from the beginning what the vessel had rammed 5 into, and the answer recorded, "Hai ah", "Right", that 6 was in fact not correct; you did ask? 7 A. Yes. 8 Q. 354: 9 "You didn't ask? 10 Answer: Right, didn't ask, I actually didn't know 11 what ... I didn't know what -- I didn't know what 12 happened." 13 That is also incorrect? 14 A. Yes. 15 Q. 356: 16 "That's you didn't ask? 17 Answer: Right." 18 That's also incorrect? 19 A. I did ask the question, yes. 20 THE CHAIRMAN: So this series of answers that you're giving 21 to very simple questions are all wrong, are they? 22 A. Yes. 23 MR SHIEH: The police questions, the series of answers to 24 the police questions? 25 THE CHAIRMAN: Yes, well, the interview questions.</p>	<p>1 Answer: Mm. 2 Question: That's the vessel set sail again, then 3 did you know -- the reason for setting sail again? 4 Answer: Because his -- the following -- Orr, 5 I choose not to answer." 6 That's what you said when interviewed; correct? It 7 accurately reflected your answers? Yes? 8 In fact I don't wish to spend time with you over the 9 accuracy of the answer, because the video is there. 10 I mean, if need be we could play the tape. But I don't 11 really think it's necessary. 12 I'll ask the question straight, directly: were you 13 aware of the coxswain's reason for sailing away? 14 A. I don't know. 15 Q. Right. Because if it was simply to steer away from the 16 reefs, the vessel could simply have steered away from 17 the reefs and yet stayed in the vicinity, without having 18 to proceed to the pier. 19 A. Yes. 20 Q. Did it occur to you to say to the coxswain, "Well, hang 21 on a second. There might be people there requiring us 22 to help", when the coxswain was sailing back to Yung 23 Shue Wan? 24 A. No, it didn't occur to me. 25 MR SHIEH: Mr Chairman, I don't believe there's anything in</p>
Page 98	Page 100
<p>1 MR SHIEH: The interview questions, yes. 2 THE CHAIRMAN: The ones he's just been taken through. 3 So do you want to help us understand how it is that 4 you got this thing -- so simple -- wrong three times? 5 A. I don't really understand you, because like what I told 6 you, the first time I went up into the wheelhouse, I did 7 ask the coxswain, captain, what had happened, and he did 8 answer me that we had hit a vessel. Afterwards, I went 9 downstairs. Then the second time when I was back to the 10 wheelhouse, I told him that we have already put life 11 jackets on everybody. Afterwards I left it, and 12 I looked, and I noticed that there were reefs next to us 13 and I told the captain that. 14 THE CHAIRMAN: Let's move on to another subject, Mr Shieh, 15 because we now have his non-responsive answer. 16 MR SHIEH: In fact we have a few more, because Mr Chairman 17 said three answers. In fact there were two more. Can 18 I explore those two? 19 THE CHAIRMAN: I really don't think it's worth it, given the 20 response we've just had. 21 MR SHIEH: Very well. I'll skip to 366. 22 "Then why (he) had to steer the vessel away? 23 Answer: Because I-I-I also was not clear, for 24 this -- I can refuse to answer? 25 Question: Yes.</p>	<p>1 this police interview that I wish to take Mr Lo to, 2 because the rest was simply the aftermath of the 3 collision. 4 THE CHAIRMAN: Yes. 5 MR SHIEH: Could I now ask you certain rather general 6 questions. 7 Had there been any prior incidents involving 8 Hongkong Electric vessels which were hazardous, 9 dangerous, near-collisions? 10 A. No. 11 Q. A male passenger on board the Sea Smooth in the lower 12 deck gave evidence that shortly after the collision, he 13 saw a male crew -- well, a crew member wearing blue 14 uniform rushing from the stern, muttering to himself, 15 "It's Hongkong Electric again". 16 Was that you? 17 A. No. 18 Q. Can you look at the police photo album at page 115. 19 There is a steamer at the bottom of this photograph; 20 correct? 21 A. Yes. 22 Q. Whose steamer was it? 23 A. Coxswain. It belonged to the coxswain. 24 Q. This photograph was taken shortly after the collision, 25 on 3 October. Do you recall on the date -- at the time</p>

Page 101	Page 103
<p>1 of the collision, was this steamer in the wheelhouse? 2 A. It should be on the floor. 3 Q. What was it used for? 4 A. To steam rice with. 5 Q. Did all the crew members use it? 6 A. No. 7 Q. So who would use it? 8 A. The coxswain. 9 THE CHAIRMAN: And only the coxswain? 10 A. That's right. 11 MR SHIEH: Had it been used on 1 October? 12 A. Yes. 13 Q. At what time? 14 A. Afternoon. 15 Q. By the coxswain, to steam his lunch? 16 A. Yes. 17 Q. Did he eat in the wheelhouse? 18 A. I'm not clear. 19 Q. A penultimate question I wish to ask you is, can you 20 offer any reason or explanation, as far as you are 21 aware, as to why you could not see the approach of the 22 Lamma IV? If it's because you did not actually keep 23 a look-out or pay attention, you can say that. Or you 24 can give other explanations, such as you couldn't see 25 the light. You tried. That's the sort of reason I am</p>	<p>1 MR GROSSMAN: I do, Mr Chairman. I want to ask him 2 questions on three areas. First of all about the log. 3 THE CHAIRMAN: Yes. 4 MR GROSSMAN: Secondly about the trip, and thirdly about the 5 aftermath of the collision. 6 THE CHAIRMAN: Please proceed. 7 MR GROSSMAN: Thank you. 8 Examination by MR GROSSMAN 9 MR GROSSMAN: Mr Lo, in paragraph 18 of your statement, you 10 say: 11 "1 October was a normal day for the vessel, making 12 trips between Central Pier and Lamma Island." 13 A. Yes. 14 Q. If we look at the ferry schedule, Holman Fenwick Willan 15 bundle, page 360, we see what a normal day is. You see 16 a normal day is from 10.15, every hour until 5 o'clock, 17 the Sea Smooth leaves Central and then there's a break 18 until 8 o'clock. Do you see that? That's a normal day, 19 is it not? 20 A. Yes. 21 Q. Let's have a look at your log, if we may, at police 22 bundle N(I), page 3374-1. That's the English. I think 23 page 3374 is the Chinese, the original. 24 Here, we see that after -- we can look at 5 o'clock, 25 which is in the middle column. You leave Central just</p>
<p>Page 102</p> <p>1 trying to get at. 2 A. At that time, I was unable to see. 3 Q. But while you were in the wheelhouse before you left, 4 did you at any stage look at the port side window of the 5 wheelhouse? 6 A. When I was getting up, I did take a look. 7 Q. Yes, but that was, as you said to us before lunch, 8 because you saw the beacon, you saw the light at the 9 pier of Yung Shue Wan, and you saw the fog light, and 10 those were the landmarks which indicated to you that 11 it's time to get ready for Yung Shue Wan and to leave 12 the wheelhouse. Is that a fair way of putting it? 13 A. Yes. 14 Q. And as you had confirmed before lunch, you were not 15 specifically trying to hunt or look for nearby vessels 16 or look for their navigation lights? 17 A. I didn't notice. 18 Q. Just one last question. Is there anything concerning 19 the cause or the reason for this collision that you are 20 aware of and which you wish to tell us, that we have not 21 read out? 22 A. No. 23 MR SHIEH: Thank you. 24 THE CHAIRMAN: Thank you. 25 Mr Grossman, do you have an application?</p>	<p>Page 104</p> <p>1 after 5.00. Your next trip from Central is at 17:55. 2 Your next trip from Central is quarter to 7, 18:43. And 3 then eventually, the last one is at 8 o'clock. So you 4 see, this was far from a normal day. You were working 5 very hard indeed. 6 A. No, I wouldn't call it not a normal day, because this is 7 what we would be doing, what we have done on a normal 8 day. 9 Q. So the ferry schedule that I've shown you that shows you 10 leaving every hour in the morning and then a gap between 11 5 o'clock in the evening and 8 o'clock in the evening is 12 incorrect; is that right? 13 A. I don't know. This is company arrangements. I would 14 have no idea. 15 THE CHAIRMAN: The trips that you had with the vessel empty, 16 going to Yung Shue Wan, was that to position the vessel 17 to bring people in for the fireworks that evening? 18 A. No. This is the extra, additional ferry runs. 19 THE CHAIRMAN: Why were you running empty? 20 A. (Chinese spoken). 21 MR SHIEH: What he is trying to say is that there was a lot 22 of demand at the other side, so they had to send an 23 empty vessel to the other side to pick up the overflow 24 passengers. 25 THE INTERPRETER: Thank you, counsel.</p>

Page 105	Page 107
<p>1 MR GROSSMAN: Thank you. So this was not a normal day for 2 the vessel: you were doing extra runs? 3 A. Yes, you can put it that way. 4 Q. Thank you. 5 Now, go back to the log. We see the first entries 6 are at 3 o'clock in the morning, and there's a number of 7 entries before you arrive at 7.30. Do you see that? 8 A. Yes. 9 Q. Is the vessel used 24 hours a day? 10 A. You can put it that way. 11 Q. So if you're on duty for 24 hours, that means the whole 12 of the 24 hours you'd be sailing backwards and forwards? 13 A. Yes, you can say it. 14 THE CHAIRMAN: Do you sail at the same schedule at 3 o'clock 15 in the morning, at 5 o'clock in the morning ...? 16 A. For the run, for the ferry run between 3.00 and then 17 3.26, that is from Central to Peng Chau, and from Peng 18 Chau, we go back to Central. Afterwards, the vessel 19 would berth, would dock at Pier 4 at 4.06 and wait for 20 the morning break. 21 All these ferry runs I was talking about are 22 operated by the previous shift members. 23 THE CHAIRMAN: Yes, we follow that. So are you saying that 24 there is a gap or there was a gap that early morning for 25 the other shift between 4 o'clock and 7.30?</p>	<p>1 other vessel, we would be acting on standby, ready for 2 if any vessel has any problem, asking for relief, we'll 3 go there to act as relief. 4 Q. I see. I want to ask you about the trip itself on 5 1 October. When you first went into the wheelhouse, 6 were the lights off? 7 A. Yes. 8 Q. Because you said: 9 "The captain looked well, he did not look tired." 10 How did you know, if the lights were off? 11 A. Because we had chats, and I didn't observe that he was 12 tired in any way. 13 Q. Did he say he wasn't tired, or what? How did you know 14 that? How did you know he looked well? 15 A. He didn't say that, that he was tired. 16 THE CHAIRMAN: You'd spent the whole day with him, had you 17 not, working? 18 A. Yes, all four of us. 19 THE CHAIRMAN: Yes. But you said that you yourself felt 20 a bit tired on that 8 o'clock-in-the-evening voyage 21 because you remained at the stool by the table. Do you 22 remember? 23 A. Yes. 24 THE CHAIRMAN: How do you judge that the coxswain was any 25 different from you after that long day's work?</p>
Page 106	Page 108
<p>1 A. Correct. 2 MR GROSSMAN: So if the vessel had not been in a collision 3 that evening, you would have been sailing back and forth 4 till about 4.30 in the morning; is that right? 5 A. The vessel would have berthed and then would stop 6 running around 8 o'clock or 9 o'clock in the evening. 7 It wouldn't run anymore. We would berth at Central 8 Pier 4, and would wait until it starts running again at 9 3 o'clock in the morning. 10 Q. But you were on duty still between 8.00 and 3.00? 11 A. Correct. 12 Q. And you would have been on the vessel then from 3.00 13 till 7.30? 14 A. No. 15 Q. What would you have been doing between 3.00 and 7.30? 16 A. On Sunday, the vessel would have berthed at Pier 4 and 17 no more runs. But on weekdays, there will be a run 18 starting at 6.30, between Central and Yung Shue Wan. 19 Starting at 6.30 in the morning. 20 Q. I'm simply asking you what you do on duty after the 21 vessel has berthed at Central after 8 o'clock in the 22 evening? 23 A. We will be resting. 24 Q. Although you're on duty? 25 A. Yes, that's what we'd be doing. After 8 o'clock, on any</p>	<p>1 A. I don't know. 2 MR GROSSMAN: Thank you. Now, after the collision, I think 3 you said that you started the fire pump. Am I right? 4 THE CHAIRMAN: That's what he said. That's how it was 5 interpreted. 6 MR GROSSMAN: Yes, that's what I thought. 7 Did you mean the fire pump or did you mean the bilge 8 pump? 9 A. The fire pump could be used to suck the water, pump the 10 water out of the compartment. 11 Q. You didn't use the bilge pump? 12 A. You are right. There was a bilge pump there, but we 13 didn't -- the bilge pump was on all the time. But in 14 addition, we also turned on the fire pump. The fire 15 pump could be used to suck the water out and also to put 16 out the fire. 17 THE CHAIRMAN: So you could reverse the flow of water on the 18 fire pump; is that right? 19 A. That's right. That's correct. 20 MR GROSSMAN: All right. Now, I want to go to when you ran 21 up to the wheelhouse and you made suggestions to the 22 captain to move the vessel because of the reefs. 23 A. Yes. 24 Q. First of all, how did you know the reef was close? 25 A. With my naked eye, I could see them.</p>

Page 109	Page 111
<p>1 Q. In the dark? 2 A. There were glimmers of light there. When I was out 3 there, I could see them. 4 Q. Did the captain not seem to know there were reefs 5 nearby? 6 A. I wasn't sure about him, because he was inside. 7 Q. Well, you had to tell him to do it, and then he moved. 8 A. No. When I was telling him about the reefs, he was 9 still speaking into the radio. 10 Q. So he wasn't looking to see where the vessel was 11 drifting? 12 A. That's correct. 13 Q. Let me get this straight. What you could see was lights 14 from the pier, the fog light, and the reef? 15 A. I'm not sure. 16 Q. Not sure about what? 17 A. All I saw was that there were reefs, but I am not sure 18 where the light came from. 19 Q. Yes, you saw lights from the pier and you saw lights 20 that were illuminating the reef to some extent, but you 21 didn't see the extraordinary spectacle of the Lamma IV 22 tilting almost vertically, with people falling into the 23 water? 24 A. Correct. I didn't see any of this. 25 Q. I want to take you to an answer in your police interview</p>	<p>1 vessel away? 2 THE CHAIRMAN: So what you're being asked is to answer that 3 question here and now. Why did the coxswain steer the 4 vessel away? What's the answer? 5 A. See, what I meant originally was that the reefs were 6 very close, and I wanted the coxswain to move the vessel 7 away. And also at that time, passengers down there were 8 all screaming. And there was this male passenger. He 9 barged into the wheelhouse, asked the captain directly 10 that since the pier was so near, why don't we just get 11 the vessel to the pier? And that's why. 12 Q. I see. Forgive me if you've answered this question 13 before, but you didn't think it necessary to advise the 14 coxswain, "Let's just stop and see whether we can assist 15 anyone"? 16 A. No, I didn't think about it. I wasn't very clear about 17 it. All I was doing was to be there, waiting for his 18 instructions. 19 Q. Thank you. One last question. After the vessel had 20 berthed, after everybody had got off, did you discuss 21 with the coxswain as to why the accident had happened? 22 A. No. 23 Q. Why not? 24 A. Because back then, I already started checking the 25 conditions of the vessel, looking into the engine room,</p>
Page 110	Page 112
<p>1 that you've looked at, but I want to ask you about it, 2 at number 367. 366 is the question; 367 is the answer. 3 MR SHIEH: It is marine bundle 8. 4 MR GROSSMAN: Thank you. 5 Do you have it? 6 THE INTERPRETER: Number 367, right? 7 MR GROSSMAN: 366 and 367. 8 THE INTERPRETER: Yes. 9 MR GROSSMAN: Up to this stage you'd been extremely 10 co-operative with the police. You'd been answering 11 every question quite fully. Why did you refuse the 12 answer the question about why the vessel was steered 13 away? 14 THE CHAIRMAN: Mr Grossman, he was availing himself of his 15 right under the Basic Law in Hong Kong. 16 MR GROSSMAN: Indeed, but I'm entitled -- 17 THE CHAIRMAN: He's not required to answer why he availed 18 himself of his right. What you can do is question him 19 about why the vessel steered away. 20 MR GROSSMAN: Very well. Thank you, Mr Chairman. 21 I'm going to ask you exactly the same questions, and 22 you understand that you are bound to answer, although 23 nothing that you say in this hearing is going to affect 24 you in any criminal or civil trial. 25 The question is, why did the coxswain steer the</p>	<p>1 see if there are any oil pipes that had burst. After 2 I cleaned up the engine room, I checked the oil pipe to 3 see if there was any oil seeping out, because if that 4 happened, there would be a fire hazard. After that 5 I also checked the cabins to see if there was any water 6 ingress going on. 7 Q. When was the next time after you'd finished the cleaning 8 that you had an opportunity to have a conversation with 9 the coxswain? 10 A. No. 11 Q. Have you never asked him what caused the accident? 12 A. No. 13 Q. One final question, and it's something I should have 14 asked you before. If the accident had not happened, 15 what would have been the next sailing time from Yung 16 Shue Wan? 17 A. We would wait for the restrictions imposed because of 18 fireworks, we would wait for the restrictions to lift 19 and then we'll start the run. 20 MR GROSSMAN: Thank you. No further questions. 21 Mr Sussex? 22 MR SUSSEX: Mr Chairman, I make no application. 23 THE CHAIRMAN: Thank you. 24 Ms Lok? 25 MS LOK: I have no questions.</p>

<p style="text-align: right;">Page 113</p> <p>1 MR SHIEH: I have no questions. 2 THE CHAIRMAN: Mr Lai Sai-ming? I see you shaking your 3 head. Is it the same position as your answer this 4 morning? 5 MR LAI SAI-MING: (Via interpreter) That's right. 6 THE CHAIRMAN: Thank you. Please sit down. 7 Mr Shieh, you had no questions? 8 MR SHIEH: I have no questions. 9 THE CHAIRMAN: Mr Lo, your evidence is complete now. Thank 10 you for assisting us by giving your evidence. Your 11 evidence being complete, you may now leave the witness 12 box. You may remain, if you wish, to hear the next 13 witness. 14 A. Okay. 15 (The witness withdrew) 16 THE CHAIRMAN: Before we proceed to the next witness, we'll 17 take a 10-minute break. 18 (4.32 pm) 19 (A short break) 20 (4.42 pm) 21 THE CHAIRMAN: Mr Shieh? 22 MR SHIEH: Could I now have the next witness, Mr Wong 23 Yung-shing. 24 25</p>	<p style="text-align: right;">Page 115</p> <p>1 Q. Right. Because what we are going to do is that the 2 Chinese version of your statement is going to be 3 projected onto the monitor in front of you. 4 A. I can see it, but I -- now I can look at it very 5 clearly, without my glasses. 6 Q. So you have a problem looking at things that are close? 7 A. Because I have some astigmatism. 8 THE INTERPRETER: Is that the right word for "(Chinese 9 spoken)"? Thank you. 10 A. I have some astigmatism, and I need to wear glasses. 11 Even sometimes -- actually, things look clearer to me 12 without glasses. 13 MR SHIEH: Very well. 14 THE CHAIRMAN: I suggest you try another prescription. 15 A. I didn't prepare the other glasses. So if I am reading 16 the transcript in front of me, I need to wear glasses. 17 MR SHIEH: Very well. 18 If you do need any help in reading any Chinese 19 characters on the screen in front of you, you can ask 20 Mr Interpreter to help you. 21 A. Okay. 22 Q. I'm going to take you through the witness statement that 23 you have given through lawyers then acting for you. 24 The English version, the signature appears at 25 page 145.</p>
<p style="text-align: right;">Page 114</p> <p>1 MR WONG YUNG-SHING (affirmed in Punti) 2 (All answers via interpreter unless otherwise indicated) 3 Examination by MR SHIEH 4 MR SHIEH: Mr Chairman, this witness had given a statement 5 taken by lawyers and, as in the case of previous 6 witnesses, he had attended police interviews. May 7 I suggest that we proceed by the manner in which we 8 dealt with the previous witness, because depending on 9 the answers that he gives to my questioning based on the 10 witness statement presented by Holman Fenwick, it may or 11 may not be the case that I would refer to the police 12 interview record. 13 THE CHAIRMAN: Yes. 14 MR SHIEH: Because for this particular witness -- 15 THE CHAIRMAN: That seems sensible. Please do that. 16 MR SHIEH: Mr Wong, could I ask you to look at the Holman 17 Fenwick Willan bundle. The Chinese is page 145-1; the 18 English is page 142. 19 First of all could I ask you this. Do you read 20 Chinese characters? 21 A. Some, I know. Some, I don't. 22 Q. I understand that you have received education -- is it 23 up to primary 2 level? 24 A. That's right. I studied two years. I was in school for 25 two years.</p>	<p style="text-align: right;">Page 116</p> <p>1 A. Yes, I can see my signature on it. 2 Q. It is dated 18 January 2013. 3 A. Yes, I can see it. 4 Q. On the front page of this English statement, at 5 page 142, at the top right-hand corner, it says: 6 "Statement of the sailor taken at Hong Kong on 7 4 October 2012." 8 A. I got it. 9 Q. So does it mean that you provided information to 10 lawyers, or had a meeting with them, on 4 October, but 11 the actual signing of the statement took place on 12 18 January? 13 A. Yes. 14 Q. Could I start with paragraph 3 of your statement. 15 "I started working as a sailor for Hong Kong 16 & Kowloon Ferry Company Ltd in 2010. Before that, I was 17 a pier sailor, helping to tie up and let go the ferries 18 as they arrived and departed." 19 A. Yes. 20 Q. Can you tell us more about your working life as 21 a sailor? Prior to joining Hong Kong & Kowloon Ferry 22 Company Ltd, what companies have you worked for? 23 A. No, none. 24 Q. So what ferries did you work for when you said "I was 25 a pier sailor, helping to tie up and let go the ferries</p>

Page 117	Page 119
<p>1 as they arrived and departed"?</p> <p>2 A. It's still the Hong Kong & Kowloon Ferry Company Ltd.</p> <p>3 Prior to this, when I was around 10 years old, I worked</p> <p>4 on a fishing boat with my father, up until 2008, when</p> <p>5 I stopped working there.</p> <p>6 Q. So you came from a fishing family?</p> <p>7 A. Yes.</p> <p>8 Q. So between 2008 to 2010, you were working as a pier</p> <p>9 sailor for Hong Kong & Kowloon Ferry?</p> <p>10 A. It should be on March 2009 that I started working for</p> <p>11 the Hong Kong & Kowloon Ferry, about for a year as</p> <p>12 a pier sailor. In 2010, I was promoted to be a sailor.</p> <p>13 Q. So did you have any qualifications as a master or</p> <p>14 engineer?</p> <p>15 A. No.</p> <p>16 Q. Paragraph 4 --</p> <p>17 THE CHAIRMAN: Before you move on.</p> <p>18 When you sailed, from being 10 years old onwards, on</p> <p>19 fishing boats, did you do so in local waters or</p> <p>20 offshore?</p> <p>21 A. Not working for anybody else. We are working on my own.</p> <p>22 Initially working for my father, with my father. But</p> <p>23 later on I worked on my own. Outside of Hong Kong</p> <p>24 waters.</p> <p>25 THE CHAIRMAN: In the ocean? Sailing in the ocean?</p>	<p>1 I took over from the previous crew. The previous crew</p> <p>2 had cleaned the passenger cabins and the ferry was ready</p> <p>3 for service."</p> <p>4 A. Yes.</p> <p>5 Q. "The master gave a short briefing to the crew</p> <p>6 members ..."</p> <p>7 THE CHAIRMAN: I don't think we need to go through this if</p> <p>8 this is a mirror image of the other statements.</p> <p>9 MR SHIEH: Yes, a rather standard paragraph.</p> <p>10 THE CHAIRMAN: If we can go through to --</p> <p>11 MR SHIEH: I think the commencement of the voyage.</p> <p>12 THE CHAIRMAN: Yes.</p> <p>13 MR SHIEH: Because the bunkering and Peng Chau, we've been</p> <p>14 through all that.</p> <p>15 Can we jump straight to paragraph 10:</p> <p>16 "Around 20:00, Sea Smooth was at Central Pier,</p> <p>17 boarding passengers for the next trip to Yung Shue Wan."</p> <p>18 A. Yes.</p> <p>19 Q. "I helped the passengers to board. When all the</p> <p>20 passengers were on board, the master gave the order for</p> <p>21 me to go to the bow and let go the mooring lines."</p> <p>22 A. Yes.</p> <p>23 Q. "I stayed at the bow for a short time, making sure that</p> <p>24 the ferry cleared the pier safely. I then checked the</p> <p>25 passenger cabin to make sure everything was in order.</p>
Page 118	Page 120
<p>1 A. From waters far away from Hong Kong, where we did our</p> <p>2 trade.</p> <p>3 THE CHAIRMAN: On those trips, were you involved in the</p> <p>4 navigation, the sailing of the vessel, not just the</p> <p>5 fishing?</p> <p>6 A. Yes. Often.</p> <p>7 THE CHAIRMAN: So you're able to read the significance of</p> <p>8 navigation lights on vessels, other vessels?</p> <p>9 A. More or less. A little bit of it.</p> <p>10 THE CHAIRMAN: Thank you.</p> <p>11 MR SHIEH: Paragraph 4:</p> <p>12 "I have been a sailor on board Sea Smooth since June</p> <p>13 2012 but I had worked on board Sea Smooth on numerous</p> <p>14 occasions before as well. I am on duty for one day, and</p> <p>15 off duty for one day."</p> <p>16 A. Yes.</p> <p>17 Q. So the previous occasions when you served on board the</p> <p>18 Sea Smooth would be by way of relief crew, relief</p> <p>19 sailor?</p> <p>20 A. That's right.</p> <p>21 Q. "On 1 October, I reported for duty on board Sea Smooth</p> <p>22 at Central Pier at about 07:30. I had slept well the</p> <p>23 night before."</p> <p>24 A. Yes.</p> <p>25 Q. "When I joined, Sea Smooth was berthed for the night.</p>	<p>1 I then went to the wheelhouse."</p> <p>2 A. Yes.</p> <p>3 Q. The Sea Smooth had two decks, right, two passenger</p> <p>4 cabins?</p> <p>5 A. Yes.</p> <p>6 Q. Which level did you take care of?</p> <p>7 A. If there are no special events, nothing extraordinary</p> <p>8 happened, then I would be responsible for the lower</p> <p>9 deck. That means the main deck, the main passenger</p> <p>10 deck.</p> <p>11 Q. So that day, when you went to the bow and you checked</p> <p>12 the passenger cabin, that was all a reference to the</p> <p>13 lower deck?</p> <p>14 THE CHAIRMAN: Perhaps we ought to call it the main deck.</p> <p>15 MR SHIEH: The main deck, yes.</p> <p>16 A. That's right.</p> <p>17 Q. After checking that everything was in order, you went up</p> <p>18 the staircase into the wheelhouse?</p> <p>19 A. Yes.</p> <p>20 Q. Paragraph 12:</p> <p>21 "In the wheelhouse, the master was sitting at the</p> <p>22 helm and was manoeuvring the ferry through the harbour."</p> <p>23 A. Yes.</p> <p>24 Q. "The engineer was sitting in a chair next to a sofa at</p> <p>25 the back of the wheelhouse."</p>

Page 121	Page 123
<p>1 A. Yes. 2 Q. "The other sailor was already in the wheelhouse." 3 A. Yes. 4 Q. So you were the last one to arrive? 5 A. I didn't notice. I don't know whether he had gone in 6 first before me, or not. 7 Q. "He" as in who? 8 A. The other sailor. 9 Q. Right. It's because in paragraph 12 you said, "The 10 other sailor was already in the wheelhouse", suggesting 11 that he was earlier. 12 A. Yes. 13 THE CHAIRMAN: Do the two of you sit on the settee? 14 A. That's right. I was on the right-hand side. 15 THE CHAIRMAN: And he was on the port side? 16 A. That's right. He was near the refrigerator. 17 MR SHIEH: And the engineer was sitting on a chair next to 18 the sofa and by a small table? 19 A. Yes. 20 Q. And basically he was between the sofa and the entrance 21 to the wheelhouse? 22 A. Yes. 23 Q. So you, the other sailor, Wong Tai-yau, and also the 24 engineer, you were all at the back of the wheelhouse? 25 A. Yes.</p>	<p>1 8 o'clock scheduled trip to Yung Shue Wan? 2 A. No. 3 THE CHAIRMAN: Had you sailed with him before on many 4 occasions? 5 A. Yes. 6 THE CHAIRMAN: Had you ever heard him giving directions 7 about who was to keep a look-out, where from, and so on? 8 A. According to my recollection, no. 9 THE CHAIRMAN: Yes, Mr Shieh. 10 MR SHIEH: There is a chair next to the conning chair where 11 the coxswain sat. 12 A. Yes. 13 Q. Did anyone ever sit there during voyages, when the 14 vessel was underway? 15 A. Sometimes, but there are no particular rules about who 16 should sit there. 17 Q. So which people would sit there? 18 A. All three of us, the two sailors and then the engineer, 19 they would sit there. 20 Q. So whoever feels like it, that person would go and sit 21 there? 22 A. Yes. 23 Q. As far as you are concerned, have you sat there? 24 A. Yes. 25 Q. What factors would determine or influence whether you</p>
<p>Page 122</p> <p>1 Q. You said at paragraph 13: 2 "I sat next to the other sailor, on the sofa. From 3 this position, I keep look-out and tell the master of 4 any ships or boats that I see." 5 A. Yes. 6 Q. Were there any fixed rules or guidelines or orders of 7 any sort given by anyone in the company as to what 8 people should do or where they should be stationed when 9 keeping a look-out? 10 A. No. 11 Q. So it's really a matter entirely left to whoever was in 12 the wheelhouse, where they want to be, when they want to 13 be there, and which way they look? 14 A. Yes. 15 Q. So when you said you were there keeping a look-out and 16 telling the master of any ships or boats that you see, 17 how do you keep a look-out? You constantly look out of 18 the window, scanning from one side to the other? 19 A. Scanning. We will be scanning. 20 Q. Constantly? 21 A. No. I will just do it occasionally, looking from one 22 side to the other side. We will do it just 23 occasionally. 24 THE CHAIRMAN: Did Captain Lai Sai-ming give any directions 25 to anyone about keeping a look-out on this voyage on the</p>	<p>Page 124</p> <p>1 would sit there? 2 A. Sometimes when I was doing the look-out and then I would 3 want to look at things more clearly, then I would sit up 4 there. 5 Q. Sitting there would obviously be a far better position 6 to keep a look-out than sitting at the back of the 7 wheelhouse; do you agree? 8 A. Agree. 9 Q. Are you aware of why on that evening nobody sat on that 10 chair? 11 A. I took the sofa because I was thinking that the engineer 12 might want to use the chair, because he will be checking 13 the switches and light and the indicator lights there, 14 so I left it unoccupied. 15 Q. Even though when you went into the wheelhouse, the 16 engineer wasn't sitting there but was instead sitting on 17 the chair next to the table? 18 A. Yes. 19 Q. Which is more comfortable, sitting on that chair next to 20 the conning chair or actually lying on the sofa? 21 A. Depends on the feeling when you get yourself seated, you 22 know. So it's not determined which one is going to be 23 more comfortable. 24 Q. On the evening in question, the wheelhouse was dark? 25 A. Yes.</p>

Page 125	Page 127
<p>1 Q. You've all been working since 7.30? 2 A. Yes. 3 Q. Were you tired? 4 A. A little bit. 5 Q. So was it really a rather cosy atmosphere, a dark 6 wheelhouse, you, the other sailor and the engineer all 7 resting and relaxing at the back of the wheelhouse? 8 Would that be an accurate way of describing the 9 situation in the wheelhouse? 10 A. Can't really say that, because we still need to pay 11 attention from time to time of what is going on outside. 12 Q. Right. But apart from looking out from time to time, 13 what else did you do? Did you chat? 14 A. Occasionally. But I myself, I did not chat much. 15 Q. Did you close your eyes and rest? 16 A. No, not really because my responsibility, one of them is 17 to assist the coxswain. 18 Q. So when you scan and look outside the window, you would 19 basically look to the starboard side and the port side; 20 right? Both sides? 21 A. Yes. 22 Q. You said at paragraph 13 you keep look-out and tell the 23 master of any ships or boats that you see. In your 24 experience as a sailor on board the Sea Smooth, had 25 there been any occasions when your look-out actually</p>	<p>1 than usual, and I would, that's right, bring up to him. 2 THE CHAIRMAN: The question is, did you ever have occasion 3 on that day to draw to the coxswain's attention the 4 presence of a vessel that required him to know about it? 5 A. No. 6 MR SHIEH: Incidentally, you said "on that day, there were 7 many, many passengers, almost full house every one." 8 Just confirm that there had been occasions when 9 an empty vessel had to sail from Yung Shue Wan to 10 Central to try to ease the number of passengers waiting 11 in Central. Correct? The other way around: Yung Shue 12 Wan waiting to go to Central. 13 A. Yes. 14 Q. Actually, several empty vessels, empty runs? 15 A. Yes. 16 Q. Paragraph 14: 17 "After leaving Central Pier, there were many boats, 18 junks and yachts going to the harbour to watch the 19 fireworks display." 20 A. Yes. 21 Q. Did you see the coxswain take any action to manoeuvre 22 around these vessels? 23 A. Yes, I did. 24 Q. Without the need for you to alert him? 25 A. No, no need.</p>
Page 126	Page 128
<p>1 resulted in your alerting the master of an approaching 2 vessel that he had to take steps to avoid? 3 A. No. 4 Q. But you would expect yourself to tell the master of any 5 approaching ships or ships nearby if you happened to see 6 any one which called for action? 7 A. Yes. 8 Q. What sort of vessels would alert you to inform the 9 master? 10 A. Vessels that might pose a danger to us. Then I would 11 alert him. 12 Q. Such as? 13 A. It's hard for me to analyse. 14 Q. So, vessels dead ahead? 15 A. Not even when vessels are dead ahead, but I would do 16 this when there are vessels coming at us sideways. 17 Vessels approaching us sideways, and also in a situation 18 where I perceive that the captain was not paying 19 attention to it that might pose a danger, then I will 20 alert the captain. 21 THE CHAIRMAN: Did you have occasion to do that ever on 22 1 October, on any of these voyages? 23 A. Because on that day, there were many, many passengers, 24 almost full house on every one. So I had more work to 25 do. So usually I would go into the wheelhouse later</p>	<p>1 Q. Paragraph 15: 2 "The weather was fine and the visibility was good." 3 A. Yes. 4 Q. "Once we were clear of the harbour, I could see the 5 lights of Lamma Island ahead." 6 A. Once we got past Green Island, I saw the lights from 7 Lamma Island -- the west of Green Island. 8 Q. "By this time, we had passed most of the small boats 9 heading for the harbour." 10 A. Yes. 11 Q. "As Sea Smooth passed the flashing beacon off Shek Kok 12 Tsui, I left the wheelhouse and went to the main cabin 13 near the bow to prepare for berthing." 14 A. Yes. 15 Q. "The other sailor and the engineer also left shortly." 16 A. Because I was number one, I was the first one to leave 17 the wheelhouse, I didn't notice which one was following 18 me. 19 THE CHAIRMAN: Did the others follow you in due course, 20 down? 21 A. Yes. 22 THE CHAIRMAN: When you left the wheelhouse, did you have 23 sight of the light on the beacon at Shek Kok Tsui? 24 A. I saw the Shek Kok Tsui beacon. 25 THE CHAIRMAN: And where was it in relation to the vessel</p>

Page 129	Page 131
<p>1 Sea Smooth?</p> <p>2 A. On my left-hand side.</p> <p>3 THE CHAIRMAN: Whereabouts in relation to -- dead forward or</p> <p>4 abeam? Where was it in relation to that?</p> <p>5 A. The beacon was on my left-hand side. Forward, left-hand</p> <p>6 side forward.</p> <p>7 THE CHAIRMAN: Can you estimate an angle? Perhaps you could</p> <p>8 do it in terms of a clock. If the vessel is going to</p> <p>9 12 o'clock --</p> <p>10 A. The beacon would be on my left forward side.</p> <p>11 I don't really comprehend this analogy.</p> <p>12 MR SHIEH: Does your watch have an hour hand and a minute</p> <p>13 hand?</p> <p>14 A. Yes.</p> <p>15 Q. If it's 10 o'clock, it would be pointing somewhere</p> <p>16 towards the left. 11 o'clock would be very close to</p> <p>17 pointing ahead.</p> <p>18 Or is it really something that you can't understand?</p> <p>19 A. No, I can't really understand.</p> <p>20 THE CHAIRMAN: At all events, you can say that the Shek Kok</p> <p>21 Tsui light beacon --</p> <p>22 A. At any rate, the beacon was on our left forward side.</p> <p>23 THE CHAIRMAN: Port side forward. Thank you.</p> <p>24 MR SHIEH: At paragraph 16, I'll continue:</p> <p>25 "This was the point on the trip where we go to our</p>	<p>1 intensity of that light in the evening? Or was the real</p> <p>2 light brighter than this or dimmer than this?</p> <p>3 A. More or less the same.</p> <p>4 Q. Did you notice this light on the evening of 1 October?</p> <p>5 A. Yes.</p> <p>6 Q. Has this light ever caused any annoyance or nuisance or</p> <p>7 problems for the vessels that you have served on? Not</p> <p>8 only on 1 October; generally.</p> <p>9 A. I didn't pay attention to these things.</p> <p>10 Q. When you keep a look-out, have you ever felt hampered in</p> <p>11 your vision by this light, especially in the evening?</p> <p>12 A. Depends on the bearing or the direction. It did have</p> <p>13 an effect on us.</p> <p>14 Q. How would it affect your watch-keeping?</p> <p>15 A. When there is any ship in the vicinity of the light, the</p> <p>16 light would be irritating, and I would not see the boat</p> <p>17 very clearly.</p> <p>18 Q. So has it occurred before that ships only became</p> <p>19 apparent to your naked eye when they were rather close,</p> <p>20 because earlier on, they were -- well, your line of</p> <p>21 vision was hampered by this light?</p> <p>22 A. No.</p> <p>23 Q. So are you saying that this may make it more difficult</p> <p>24 for you to observe a vessel in the sense you may have to</p> <p>25 frown or particularly focus before you could see</p>
Page 130	Page 132
<p>1 stations to get ready for arrival at Yung Shue Wan."</p> <p>2 A. Yes.</p> <p>3 Q. "This was our usual routine. We usually berth at the</p> <p>4 pier 3-4 minutes after passing the beacon."</p> <p>5 A. Yes.</p> <p>6 Q. "As I left the wheelhouse, I did not see the lights of</p> <p>7 any boats or ships ahead of Sea Smooth. The master was</p> <p>8 sitting at the helm, navigating the vessel."</p> <p>9 A. Yes.</p> <p>10 Q. When you said you did not see the lights of any boats or</p> <p>11 ships ahead of Sea Smooth when you left the wheelhouse,</p> <p>12 do you mean that you paid attention and tried to look</p> <p>13 for possible vessels nearby but could not see any? Or</p> <p>14 are you saying that you actually didn't pay attention to</p> <p>15 any possible nearby vessels?</p> <p>16 A. I did pay a certain amount of attention to it, and then</p> <p>17 I left and walked downstairs.</p> <p>18 Q. Could I ask the witness to look at police album X,</p> <p>19 page 636.</p> <p>20 Do you recognise this image, this view?</p> <p>21 A. I can recognise it.</p> <p>22 Q. What is it?</p> <p>23 A. It would be the light at the end of the Hongkong</p> <p>24 Electric pier.</p> <p>25 Q. Can I ask you to look at page 646. Was that the sort of</p>	<p>1 a vessel, but it actually doesn't hamper your line of</p> <p>2 vision so that you couldn't see a vessel at all?</p> <p>3 A. No. For example, if the ship, a coming ship, is</p> <p>4 situated, located near the light and also near our</p> <p>5 position, then the effect would be relatively big. Then</p> <p>6 we'll have more difficulty seeing it.</p> <p>7 MR SHIEH: Perhaps I'll start again tomorrow, because I can</p> <p>8 see that it's 5.30. There's something I wish to</p> <p>9 clarify, but it's been a long day so I'll carry on</p> <p>10 tomorrow.</p> <p>11 THE CHAIRMAN: Yes, I think that's quite sensible.</p> <p>12 Let me deal with Mr Wong first.</p> <p>13 Mr Wong, we've come to the end of our day and we're</p> <p>14 going to adjourn now, and we'll resume tomorrow at</p> <p>15 10 o'clock.</p> <p>16 So please be here to continue your evidence at</p> <p>17 10 o'clock, but I'm confident that your evidence will be</p> <p>18 finished in the morning.</p> <p>19 A. I got it.</p> <p>20 THE CHAIRMAN: You may leave now.</p> <p>21 Yes, Mr Shieh?</p> <p>22 MR SHIEH: Tomorrow, in terms of the order of witnesses,</p> <p>23 hopefully this witness's evidence will be completed in</p> <p>24 the morning. Then, subject to the question of legal</p> <p>25 representation of the coxswain -- which, if he does get</p>

Page 133	Page 135
<p>1 legal representation, then it may well be that he may 2 wish to make an application for more time and various 3 considerations. 4 THE CHAIRMAN: We'll see. 5 Mr Lai is in the back. Perhaps you could interpret 6 this so Mr Lai could follow this. 7 The position is this, that we will ask Mr Lai what 8 his position is again tomorrow morning. 9 Just translate that. 10 Do you understand? 11 MR LAI SAI-MING: (Via interpreter) I don't know yet right 12 now. I can only find out after I meet my lawyer. 13 THE CHAIRMAN: Yes, you told us. 6 o'clock. 14 MR LAI SAI-MING: (Via interpreter) That's right. 15 THE CHAIRMAN: All I'm saying to you is that we'll make 16 further enquiries of you tomorrow as to your position. 17 MR LAI SAI-MING: (Via interpreter) Yes. Only after I've 18 met my legal representative, before I say anything. 19 THE CHAIRMAN: Thank you. Please sit down. 20 So, outlining the position outside of Mr Lai? 21 MR SHIEH: The next one in line would be Mr Cheung 22 Fook-chor, the draftsman. 23 THE CHAIRMAN: That's the former employee of Cheoy Lee? 24 MR SHIEH: Yes, that's right. 25 THE CHAIRMAN: Is there any witness statement in respect of</p>	<p style="text-align: center;">I N D E X</p> <p>1 2 MR WONG TAI-YAU (on former affirmation in Punti)2 3 Examination by MR GROSSMAN (continued)2 4 Further examination by MR SHIEH20 5 Questions by THE COMMISSION23 6 Further examination by MR SHIEH25 7 (The witness withdrew)26 8 MR LO PUI-KAY (affirmed in Punti)26 9 Examination by MR SHIEH26 10 Examination by MR GROSSMAN103 11 (The witness withdrew)113 12 MR WONG YUNG-SHING (affirmed in Punti)114 13 Examination by MR SHIEH114 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 134	
<p>1 him? 2 MR SHIEH: I don't believe so. The next batch would be the 3 Marine Department witnesses. We have been receiving 4 recent statement I think from Mr Wong Wing-chuen. 5 THE CHAIRMAN: Yes. 6 MR SHIEH: Depending on how long Mr Cheung Fook-chor takes, 7 if Mr Cheung goes in tomorrow and if he is finished 8 tomorrow, then we may get to the Marine Department 9 witnesses tomorrow -- 10 THE CHAIRMAN: Yes. Very well. 11 MR SHIEH: -- who would be, I think, taken in-chief by 12 counsel for them. 13 THE CHAIRMAN: Yes. That seems appropriate. 14 Ms Lok? 15 MS LOK: Yes, I can confirm that. 16 THE CHAIRMAN: Thank you. And you can confirm that these 17 witnesses, subject to the Commission acceding to your 18 application, are available to be heard tomorrow? 19 MS LOK: Yes. 20 THE CHAIRMAN: Thank you. 21 We'll adjourn, if there's nothing else? 22 MR SHIEH: No. 23 THE CHAIRMAN: We'll adjourn until tomorrow at 10 o'clock. 24 (5.37 pm) 25 (The hearing adjourned until 10 am on the following day)</p>	