MR SHIEH: Mr Chairman, could I first report on the

(10.00 am)

Thursday, 28 February 2013

MR SHIEH: Mr Chairman, could I first report on the	5	and when it comes to the last statement, then we will
situation concerning the Mardep witnesses.	4	make submissions to the Commission as to whether or not
THE CHAIRMAN: Yes.	5	that too can be read.
MR SHIEH: We've been able to look at least at the statement	6	THE CHAIRMAN: Yes.
of Mr Wong Wing-chuen, who is likely to be the main	7	MR MOK: So we can leave that to the tail end.
witness because he has filed a number of statements, and	8	THE CHAIRMAN: I am concerned, when you say we will go
Mardep has	9	through his evidence we have perhaps developed
THE CHAIRMAN: I have a box file of his material.	10	a practice where we do things twice. Once is in the
MR SHIEH: Yes. We have looked at the helpful attempt by	11	written statement and another time is when it's all
the Department of Justice to rejig and to blue-pencil	12	dealt with
his various statements.	13	MR MOK: Orally.
In relation to all the previous statements, bar the	14	THE CHAIRMAN: orally.
latest one, we are content that those parts that have	15	MR MOK: Yes.
been excised, they do not need to be adduced because	16	THE CHAIRMAN: And that is becoming cumbersome. If it's the
those parts really are parts which duplicate with the	17	position of Mardep, as Mr Shieh has indicated, that it
witness statements of other witnesses.	18	wishes to traverse everything that's been asserted that
I've informed Mr Mok of that. So in a way, if he is	19	it doesn't agree with, that can be dealt with by putting
to lead Mr Wong Wing-chuen, in relation to the previous	20	its witness statements on our website as a key document.
statements, he can follow the format of the table which	21	And then we can focus on what's actually in issue, which
the Department of Justice had prepared.	22	is what would help us.
We may need a bit of time to look at any other	23	MR MOK: We'd be happy to do that.
witness or witness statements.	24	THE CHAIRMAN: I can tell you now what we're interested in
But in relation to the latest statement by Mr Wong	25	in particular is the way in which the drawings that
Page 2		Page 4
-		
Wing-chuen, we have taken the view that it's largely	1	Mr Cheung spoke about yesterday were approved, and lead
argumentative and really case-putting rather than	2	ballasts added and then raised. I invite you to focus
informing the Commission of anything new or anything in	3	on that and the Marine Department's role in that.
the nature of primary facts. And therefore we do not	4	MR MOK: Yes, we'll certainly attempt to deal with that.
believe that that part is going to assist, largely.	5	THE CHAIRMAN: Let's not interrupt Mr Lai's evidence now.
I've had a word with Mr Mok. Mr Mok obviously takes	6	We'll come back to that later.
the view that his instructions are that Mardep wishes	7	MR MOK: Yes. Thank you.
there to be a statement putting on record the position	8	MR LAI SAI-MING (on former affirmation in Punti)
of the Marine Department on various matters which they	9	(All answers via interpreter unless otherwise indicated)
take issue with Dr Armstrong's evidence.	10	THE CHAIRMAN: Mr Lai, good morning to you.
But in view of the stage which we have now reached	11	A. Good morning.
and we are in the middle of the evidence of the	12	THE CHAIRMAN: May I remind you that you continue to testify
coxswain so instead of taking up time now debating	13	according to your original affirmation.
whether or not that statement needs to be read or not,	14	A. I understand.
or whether or not it should be taken away or anything of	15	THE CHAIRMAN: Mr Shieh.
that nature, we believe that since a large part of	16	Examination by MR SHIEH (continued)
Mr Wong Wing-chuen's evidence is going to be permissible	17	MR SHIEH: Mr Lai, could I have your witness statement back.
and read out anyway, we shelve the issue of the last	18	It's in the Holman Fenwick bundle. The English is
statement of Mr Wong Wing-chuen until such time as	19	page 128, and the Chinese is page 132-3.
Mr Wong is to be called, so that the flow of the present	20	Yesterday we were looking at paragraph 34, and we
evidence does not get in a way disrupted by any kind of	21	stopped at the juncture where you were talking about
argument this morning.	22	Southern Fairway and increasing your speed to about
THE CHAIRMAN: Well, that seems sensible.	23	21-23 knots.
Mr Mok?	24	A. Yes. I can see it.
MR MOK: Yes. I talked to my learned friend and my	25	Q. Paragraph 35:
		1 /D 1 4
		1 (Pages 1 to 4
rill Corporation		

Page 1

proposal, as my learned friend suggested, is when

and when it comes to the last statement, then we will

I start Mr Wong Wing-chuen, I'll go through his evidence

Page 3

"I navigated through the Sulphur Channel and south

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1	"I navigated through the Sulphur Channel and south	1	seconded, but whether he was seconded to be concerned
2	of Green Island. This was my usual route to Lamma	2	with the fireworks display, that, I don't know.
3	Island."	3	Q. Do you know Cheng Muk-hei?
4	A. Yes.	4	A. Yes, I know him.
5	Q. Could I have miscellaneous bundle, page 1. Could the	5	Q. He's a coxswain; correct?
6	cursor zoom in.	6	A. Yes.
7	So basically you are aware the cursor is pointing	7	Q. Did you know that he had been seconded to take charge of
8	now between Hong Kong Island and Green Island; correct?	8	the Hongkong Electric vessel Lamma II that evening?
9	A. Yes.	9	A. I don't know.
10	Q. And you were about to turn port?	10	Q. Look at paragraph 37.
11	A. I should sail straight ahead.	11	"I had to alter course and speed on a number of
12	THE CHAIRMAN: First of all you cross the Lamma Channel at	12	occasions, perhaps about 2-3 times, for some of the
13	right angles, do you not? The fairway?	13	small crafts. I cannot now recall the exact details of
14	A. That's right.	14	the manoeuvres."
15	MR SHIEH: You cross the Western Fairway and then turn port?	15	A. Yes.
16	A. That's right.	16	Q. But you can tell us that the number of vessels were more
17	Q. Thank you. Could I now come back to your witness	17	than the ordinary or normal number of vessels on
18	statement. Paragraph 36:	18	an ordinary night, a non-fireworks evening?
19	"In this area there were many small boats and yachts	19	A. That's right. That's true, in the Victoria Harbour.
20	heading towards Victoria Harbour for the fireworks	20	Q. Paragraph 38:
21	display which was due that night. Most of the small	21	"As I navigated through the Sulphur Channel, I could
22	crafts were going through the Sulphur Channel."	22	see Lamma Island ahead, so I knew that the visibility
23	A. Yes.	23	was good."
24	Q. So did you have it in mind that that evening there could	24	A. Yes.
25	be a lot of vessels sailing towards Victoria Harbour	25	Q. When you say "more than the usual number in Victoria
	Page 6		Page 8
	-		r age o
1	from various directions?	1	Harbour", but vessels had to go to Victoria Harbour from
2	A. Yes.	2	various directions.
3	Q. In fact, they would be coming from an opposite direction	3	A. Most of them were sailing from the south of Green
4	from the direction that your vessel was sailing or	4	Island.
5	travelling?	5	Q. You know on Hong Kong Island, south, there are quite
6	A. Yes.	6	a number of piers or points where boats can pick up
7	Q. Did it cause you to be particularly vigilant in keeping	7	people and from then on travel or sail towards Victoria
8	any look-out as to vessels coming from opposite	8	harbour?
9	directions which would be more than the usual numbers on	9	A. I don't know.
10	an ordinary night?	10	THE CHAIRMAN: Most of the traffic would be coming from
11	A. Yes, I would.	11	Aberdeen that night, would it not, coming through
12	Q. You would? All right. Now, you work for Hong Kong	12	Sulphur Channel?
13	& Kowloon Ferry?	13	A. Yes, I know that.
14	A. Yes.	14	MR SHIEH: Thank you.
15	Q. You are aware of a practice or an arrangement whereby	15	Paragraph 39:
16	employees of Hong Kong & Kowloon Ferry were seconded to		"I crossed the Western Fairway at right angles to
17	navigate vessels of Hongkong Electric, are you,	17	the traffic lanes, to a point north of Lamma Anchorage.
18	generally speaking?	18	I then altered course to port, to pass through the
19	A. Yes.	19	anchorage."
20	Q. And are you aware that in fact that very evening,	20	A. Yes.
21	employees or an employee of Hong Kong & Kowloon Ferry	21	Q. Paragraph 40:
22	had been seconded to navigate a vessel for Hongkong	22	"By this time, we were clear of the small
23	Electric for the purpose of viewing the fireworks in	23	recreational crafts heading for Victoria Harbour."
24	Victoria Harbour?	24	A. Yes.
25	A. Yes, I was aware that there was a master that had been	25	Q. Paragraph 41:
			2 (Pages 5 to 8)

Page 5

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Page 7

seconded, but whether he was seconded to be concerned

	Page 9		Page 11
1	"There were 4-5 ships at anchor in Lamma Anchorage.	1	"As I passed through the anchorage I noticed that
2	I adjusted my course as necessary to avoid them, but	2	the tidal stream was setting to the east. It was quite
3	keeping my heading in general to about 180 degrees. The	3	strong, probably about 1 knot."
4	weather and visibility were good, so I did not look at	4	Correct?
5	the compass or radar very often."	5	A. No, incorrect.
6	A. Yes.	6	THE CHAIRMAN: Because east would mean it was an ebbing
7	Q. It may simply be a matter of personal impression, but	7	tide, would it not?
8	the engineer, Mr Lo, had actually given evidence that	8	A. Yes, yes.
9	you had a practice or habit of regularly checking the	9	THE CHAIRMAN: But it wasn't an ebbing tide; it was
10	radar.	10	a flooding tide?
11	A. I will occasionally glance at it.	11	A. When collision happened, when it occurred, the ship, the
12	Q. But not regularly?	12	vessel edged towards the reefs. (Chinese spoken).
13	A. That's right. Not regularly.	13	THE CHAIRMAN: Don't worry about the reefs and what you
14	Q. It's not a regular pattern, put it that way?	14	might have done and why you might have done it later on.
15	A. That's right. When the weather is good, there wouldn't	15	What was the tide doing, the current, as you went
16	be a regular pattern for me in looking at the radar.	16	through the North Lamma Anchorage?
17	Q. Paragraph 42:	17	A. I didn't notice it.
18	"I could see the beacon off Shek Kok Tsui. The	18	THE CHAIRMAN: So we can delete the two sentences in
19	beacon has a bright white flashing light. I planned to	19	paragraph 43, can we? That's not right?
20	pass about 10 ship's lengths, about 300 metres, off the	20	A. Yes, you can delete the last two sentences.
21	beacon as usual, before altering course gradually to	21	THE CHAIRMAN: Thank you.
22	port, to head for Yung Shue Wan. This was my usual	22	MR SHIEH: Mr Chairman, there may be a different way of
23	route. This is also the usual route for all the ferries	23	separating sentences. Do you actually mean the entire
24	running from Central to Yung Shue Wan on Lamma Island."	24	paragraph 43, or simply the sentence about "strong" and
25	A. Yes.	25	"1 knot"?
	Page 10		Page 12
1	THE CHAIRMAN: Where were you when you first sighted the	1	THE CHAIRMAN: Well, it's for the witness to tell us what to
2	beacon off Shek Kok Tsui?	2	delete. Because he's taken issue certainly with it
3	A. I have already entered the anchorage area.	3	setting to the east. By all means pursue it, if you
4	MR SHIEH: If we can help you with the miscellaneous	4	think one might be saved.
5	bundle 1. Could you briefly indicate to us, roughly	5	MR SHIEH: Yes.
6	indicate to us by directing the cursor, as to where	6	Mr Lai, can I just clarify this with you. Do you
7	A. My rough position would be	7	mean as you passed through the North Lamma Anchorage,
8	Q when you first saw the beacon.	8	you actually didn't pay any attention to the direction
9	THE INTERPRETER: Can you put the cursor down? Down, down.	9	of the tide?
10	A little bit to the right. Down again. Just a little	10	A. Correct.
11	bit, yes.	11	Q. Thank you. So in fact the entire paragraph 43.
12	The witness has confirmed that the cursor is	12	THE CHAIRMAN: Yes.
13	pointing at the position.	13	MR SHIEH: So the entire paragraph 43 can be removed;
14	THE CHAIRMAN: And what it's pointing at is the Chinese	14	correct?
15	characters for "North Lamma Anchorage", as written on	15	THE INTERPRETER: Was that a question?
16	the chart?	16	MR SHIEH: Yes. The entire paragraph 43 can be removed?
17	MR SHIEH: Yes.	17	A. Yes.
18	THE CHAIRMAN: Is that right, Mr Lai?	18	Q. Thank you. Paragraph 44:
19	THE INTERPRETER: We can't really see.	19	"Once we were clear of the anchorage there were no
20	MR SHIEH: "(Chinese spoken)", because it actually starts	20	other ships or small boats ahead of us. There was
21	with "Lamma", so you can't see the "Pak" is the first	21	a very bright light at the entrance to the Lamma Power
22	character. The "Pak" appears in the middle".	22	Station typhoon shelter, and other usual shore lights
		1 2 2	and lights from the new station, but other than these
23	A. Roughly there.	23	and lights from the power station, but other than those,
	A. Roughly there.Q. Okay. Coming back to your witness statement, at paragraph 43:	23 24 25	I could see no other lights or vessels." A. Yes.

	Page 13		Page 15
1	Q. At this juncture, could I ask you to look at the police	1	A. On that particular evening, perhaps because of
2	photo album.	2	occasional slip of my attention, momentarily
3	THE CHAIRMAN: Before you do that.	3	momentary slip of my attention, I did not pay attention
4	This judgment that "there were no other ships or	4	to the radar.
5	small boats ahead of us", as you put it, was that as	5	Q. In fact is there a sense of complacency in your mind
6	a result of your visual observation?	6	that because you have been travelling or sailing the
7	A. Yes.	7	same route for so many times without problem, and every
8	THE CHAIRMAN: Thank you.	8	journey is the same, and so you don't really need to do
9	MR SHIEH: Could I ask you to look at the police album at	9	anything extra or be especially vigilant by way of
10	page 636. Do you recognise this image?	10	look-out?
11	A. It is a light of the Hongkong Electric typhoon shelter.	11	A. Yes.
12	Q. It was switched on 24 hours a day; correct? Although	12	Q. Let's talk about the wheelhouse generally. A few
13	you may not be able to see it clearly in broad daylight.	13	minutes after leaving the pier in Central
14	A. I don't notice it, whether it's on or not in the	14	THE CHAIRMAN: Before you move on to that topic, it is in
15	daytime, but in the evening, yes.	15	the wheelhouse, but would you have a look at the marine
16	Q. Whatever the weather conditions, good or bad, foggy or	16	photograph, I think it is, page 1983, of the wheelhouse,
17	clear, it would be switched on, as far as you are	17	with the legend that shows us where the instrumentation
18	concerned?	18	was.
19	A. Correct.	19	The radar screen is number 6, is it not?
20	Q. Page 646. This is a photo taken on a different evening,	20	THE INTERPRETER: Okay, the witness just confirmed that the
21	of the same light. On the evening of 1 October, the fog	21	photo on the screen is very clear to him.
22	light would be when you saw the fog light, was it	22	A. Yes, that's right.
23	more or less the same kind of intensity?	23	THE CHAIRMAN: So in that position, it was easy for you to
24	A. Yes.	24	look at it at a glance, was it not?
25	Q. Has this light ever caused you any problem or difficulty	25	A. I would have to turn my head and then lower my head
	Page 14		Page 16
1	in terms of your visual look-out?	1	before I can do that.
2	A. No, in my memory. None, in my memory.	2	THE CHAIRMAN: Why was that?
3	Q. So there have been no incidents, for example, where this	3	A. Because I am my height is higher than the radar
4	light somehow hampered your vision so that you were	4	screen, and then the radar screen is there, slanting.
5	unable to notice or detect an approaching vessel at	5	THE CHAIRMAN: Even if you had to do that, that was a matter
6	night until a dangerously close distance?	6	of a small movement, was it not? A matter of a second?
7	A. I don't understand what you are asking me.	7	A. Yes.
8	Q. Have you ever felt that the intensity of this light in	8	THE CHAIRMAN: So why didn't you glance at the radar as you
9	the evening had somehow hampered your ability to notice	9	came closer to this light that has caused you
10	approaching vessels from a distance?	10	difficulties?
11	A. Yes.	11	A. That's right. Because I was distracted. My attention
12	Q. How did that happen?	12	was distracted.
13	A. I would have to pay very great attention before I can	13	THE CHAIRMAN: By what?
14	detect that there was a vessel, or that there must have	14	A. That's why I didn't look at the radar.
15	been navigation lights.	15	THE CHAIRMAN: By what was your attention distracted? A. Because I was looking ahead, my eyes were looking ahead,
	Q. Did you that evening pay particular attention to	16 17	
16	approaching yaccola bacques of the presence of this	1/	and I did not want to distract my vision to look at the
17	approaching vessels, because of the presence of this light?		radar
17 18	light?	18	radar. THE CHAIRMAN' So you're saying this was a deliberate
17 18 19	light? A. Yes.	18 19	THE CHAIRMAN: So you're saying this was a deliberate
17 18 19 20	light? A. Yes. Q. Did you pay more frequent attention to the radar?	18 19 20	THE CHAIRMAN: So you're saying this was a deliberate decision not to look at the radar, for that reason?
17 18 19 20 21	light? A. Yes. Q. Did you pay more frequent attention to the radar? A. No.	18 19 20 21	THE CHAIRMAN: So you're saying this was a deliberate decision not to look at the radar, for that reason?A. Yes, because of my lapse of attention and therefore
17 18 19 20 21 22	light? A. Yes. Q. Did you pay more frequent attention to the radar? A. No. Q. Was that not the sensible thing to do? That if you feel	18 19 20 21 22	THE CHAIRMAN: So you're saying this was a deliberate decision not to look at the radar, for that reason?A. Yes, because of my lapse of attention and therefore I did not look at the radar.
17 18 19 20 21 22 23	light?A. Yes.Q. Did you pay more frequent attention to the radar?A. No.Q. Was that not the sensible thing to do? That if you feel that your vision, naked eye, could be hampered, then	 18 19 20 21 22 23 	THE CHAIRMAN: So you're saying this was a deliberate decision not to look at the radar, for that reason?A. Yes, because of my lapse of attention and therefore I did not look at the radar.MR SHIEH: But, you see, Mr Lai, it is not as if if you
17 18 19 20 21 22	light? A. Yes. Q. Did you pay more frequent attention to the radar? A. No. Q. Was that not the sensible thing to do? That if you feel	18 19 20 21 22	THE CHAIRMAN: So you're saying this was a deliberate decision not to look at the radar, for that reason?A. Yes, because of my lapse of attention and therefore I did not look at the radar.

1 at the radar is to enable you to look at echoes of 1 Q. Three of them really at the back of the	
	ne wheelhouse,
2 approaching objects. Do you understand what I mean? 2 right? Two sailors on the sofa, and the	
3 You're not being asked to, like, pick up something from 3 that little chair next to the table.	6
4 the floor that would actually take your attention off 4 A. Yes.	
5 the surrounding circumstances completely. 5 Q. The engineer filled in the log book or	n that table;
6 A. Yes, I understand that. 6 right?	,
7 Q. And if objects are near, you would be able to see them 7 A. Yes.	
8 very nearby anyway. But looking at the radar would be 8 Q. And the two sailors remained on the	sofa throughout the
9 able to help you detect the approach of objects from 9 voyage, until the time they left the wh	-
10 further apart. 10 before the intended well, shortly before the intended well, short well, shortly before the inte	fore the arrival
11 A. Yes, but then on that evening, I was because of my 11 at Yung Shue Wan. Yes?	
12 lapse of attention, I did not look at it. 12 A. Yes.	
13 Q. Just one very small point. These display panels emit 13 Q. As far as the engineer is concerned, a	after filling in
14 light, right, whether it's the radar monitor or the 14 the log book, were you aware of where	e he was sitting and
15 light panel in front of you? 15 where he moved to?	
16A. Yes.16A. I don't know.	
17 Q. Have you ever felt the light from the radar monitor to 17 Q. Were you aware of his movements be	
18 be too bright, so as to hamper your vision when you move 18 as whether or not he ever stood behind	
19your eyes back to a visual look-out?19stood behind the chair next to you to be	ook at the
20 A. I would adjust the intensity of the brightness to where 20 console or the display panel?	
21it is suitable for me.21A. Yes, he did.	
22THE CHAIRMAN: So that's never been a problem?22THE CHAIRMAN: What did he do?	
23A. Correct.23A. He looked at the panels to check whe	ether they are
24 THE CHAIRMAN: Looking at the radar screen didn't interfere 24 running normally.	
25with your night eyes; that is, your ability to observe25MR SHIEH: Where was he when he did	I that?
Page 18	Page 20
1navigation lights?1A. On my right-hand side. He was I was	
2A. Correct.2chair. He was on my right-hand side loop	_
3 MR SHIEH: Let's talk about other occasions when you said 3 MR SHIEH: Look at marine bundle 8, page	
4 the fog light had the tendency to hamper your ability of 4 THE INTERPRETER: Can the cursor mov	ve up to the right. To
5 visual look-out. On other nights, are you saying that 5 the right. No, no. Here. Stop here.	
6 you would be particularly vigilant and look at the radar 6 The witness identified that the cursor i	
7 more as you approached Yung Shue Wan, because of that 7 at where the engineer was standing. Tha	-
8 fog light? 8 that he was standing. And then from that	t position, he
9 A. On that particular night, I really did not pay attention 9 looked at the panel.	1.1
10 to the radar. It was a momentary lapse of my attention. 10 THE CHAIRMAN: And what instruments	aid you understand he
11Q. So usual practice would be that despite your preference11was checking?12for naked-eye visual look-out, are you saying that on12A. I don't know. Just panels. Because ther	
	e are many
 ordinary nights, you would nonetheless have utilised the radar more as you approached that light? THE CHAIRMAN: Well, he's an engineer. 	Was he checking the
14 The Charten hole as you approached that fight? 15 A. It varies from occasion to occasion. (Chinese spoken). 15 engine instruments, as far as you were co	-
16 Q. So basically it depends on your preference on 16 A. Yes, yes.	neemea.
17 a particular night? 17 MR SHIEH: Checking the engines are run	ning properly and
17a particular inglity18A. Correct.18there's no malfunctioning, signals being l	U I I I
19 Q. And it so happened on 1 October you looked at it less? 19 sort of thing?	£ ,
20 A. Yes. 20 A. Yes.	
21 Q. I was going to ask you about the general scene or 21 Q. He was on your right when he did that;	yes?
22 atmosphere in the wheelhouse. A few minutes after the 22 A. Yes.	-
23 ferry departed from the pier in Central, the other crew 23 Q. Did that take long, that he stood on your	r right-hand
24 members congregated in the wheelhouse? 24 side and looked at the console?	
25 A. Yes. 25 A. I don't remember.	

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	Page 21		Page 23
1	Q. So there was that occasion when he stood on your right	1	MR SHIEH: After crossing the Western Fairway, you turned
2	to look at the console, and then I presume he did not	2	port. If one were to pay a casual visit to the
3	stay there for the entire journey; yes?	3	wheelhouse, one would see you at the conning chair, two
4	A. Correct.	4	sailors on the sofa, and the engineer at the small chair
5	Q. So after standing on your right and taking a look at the	5	next to the table, right? That would be the usual set
6	console, what did he do?	6	up at that juncture?
7	A. He walked backward, and then I don't know what he was	7	A. Can I not answer hypothetical questions?
8	doing.	8	Q. I can ask you a different way. Is it a habit of the
9	Q. The engineer recalls that he did look at the dashboard	9	crew to station themselves in this manner during a night
10	and the switches in front of you, but he recalls that he	10	trip?
11	actually stood behind the chair on your left-hand side,	11	THE INTERPRETER: At the back of the wheelhouse?
12	your port side.	12	MR SHIEH: Correct.
13	A. No, he was standing here.	13	A. Yes, they had.
14	THE INTERPRETER: When the witness said "he was standing	14	Q. Sailors on the sofa, engineer next to that little table?
15	here", his finger was pointing at where the cursor is	15	A. Yes.
16	pointing now.	16	Q. And you did not give any explicit order for any
17	THE CHAIRMAN: So he stood on your right-hand side, when you	17	particular member of these three to be on any visual
18	were seated on the conning chair?	18	look-out; correct?
19	A. Correct.	19	A. Correct.
20	MR SHIEH: So he was actually in a rather unique position to	20	THE CHAIRMAN: Why not?
21	look at the radar, if he had stayed in that position on	21	A. Because the company had not given me any specific
22	your right? He was in a particularly good position to	22	instructions.
23	be able to observe the radar if he was indeed standing	23	THE CHAIRMAN: But you're the master of the vessel.
24	on your right-hand side?	24	A. No, I did not give any specific instructions to them
25	A. I'm not clear about it. I'm not sure about him.	25	about the look-out.
	Page 22		Page 24
1	Q. Anyway, your evidence is that, having stayed there for	1	THE CHAIRMAN: But you're being asked why, why not?
2	an amount of time, he left and went to the back of	2	A. You see, because each one of them was my colleague and
3	the	3	since the company had not given me any specific
4	THE CHAIRMAN: He walked backwards, is what he said.	4	instruction, that's why.
5	MR SHIEH: He walked backwards, to the back of the	5	MR SHIEH: I see. Let me try I'm sorry, Mr Chairman.
6	wheelhouse?	6	THE CHAIRMAN: Are you suggesting that you didn't have the
7	A. That's right, he walked backward and then just a little	7	power to order them to keep a look-out?
8	behind me. But he didn't leave the wheelhouse.	8	A. Yes.
9	Q. He had gone back to the little chair at the back of the	9	MR SHIEH: I see. Try and see whether I'm putting the
10	wheelhouse?	10	matter fairly to you. Basically even though you have
11	A. I didn't look backwards, so I wouldn't know whether he	11	the title of "coxswain", you think that unless the
12 13	walked there or not.	12 13	company had expressly told the other members of the crew, you regard them to be basically on a similar level
13 14	Q. Was that a rather usual pattern of conduct or behaviour in the wheelhouse? That is to say, shortly after	13	to you? You're all colleagues, and you didn't feel able
14	commencement of the voyage, everybody would go back to	14	to give orders to them; is that a fair way of putting
16	the wheelhouse, engineer stood in front of the panel,	16	it?
17	looked at the display, and then they all retreated to	17	A. No. I would say that for cleaning and then manning
18	the back of the wheelhouse and sat there?	18	their stations are concerned, these I can give orders,
19	A. Yes.	19	instructions to them. But regarding look-out but
20	Q. So if one were to pay a casual visit to the wheelhouse,	20	I did not instruct them, or anybody, to keep a look-out.
21	let's say at the turning point when you turned port to	21	THE CHAIRMAN: Because you didn't have the power to do so;
22	approach turned port into I think the Western	22	is that what you are saying?
22	approach turned port into I timik the Western		
22 23	Fairway	23	A. No. In ordinary times, when the weather is bad, then
	**		A. No. In ordinary times, when the weather is bad, then I will ask them to have look-out. If the weather is

	Page 25		Page 27
1			-
1	look-out. But when the weather is bad, then I will ask	1	A. Correct.
2	them to do it.	$\begin{vmatrix} 2 \\ 2 \end{vmatrix}$	Q. Could I now move to paragraph 45 of your statement:
3	THE CHAIRMAN: So you had the power, but you chose not to		"As we were almost abeam of the beacon off Shek Kok
4	use it on that night because the weather was good; is	4	Tsui, the engineer and two sailors left the wheelhouse
5	that it?	5	to prepare for our arrival at Yung Shue Wan. This was
6	A. Correct.	6	the routine they usually followed."
7	THE CHAIRMAN: Thank you.	7	A. Yes.
8	MR SHIEH: And the company had not installed any system of	8	Q. Can I backtrack a bit. About the fog light, did you
9	encouragement of vigilant look-out by particular members	9	lodge any complaint to your superiors about the fog
10	of the crew in the wheelhouse?	10	light from Hongkong Electric hampering your vision?
11	A. No.	11	A. I heard from my colleagues that this fog light had been
12	Q. So to put the matter rather bluntly, on 1 October, for	12	there for a long time. For myself, I only worked in the
13	all you know the three members of the crew could have	13	company for a few years. I for myself had not lodged
14	been sleeping behind you and you were the only person	14	any complaint.
15	paying any degree of attention to things around you	15	Q. So basically even though it might cause you some
16	after the vessel had turned port?	16	inconvenience in look-out, you thought, well, if nothing
17	A. I don't know whether they are sleeping or they are doing	17	has gone wrong in the past, nothing would go wrong, you
18	the look-out. I didn't see them.	18	could handle it and therefore life goes on as usual.
19	Q. But because there was no company requirement that they	19	That's the sort of mentality, is it?
20	should do look-out, or any one of them should do	20	A. Correct.
21	look-out, and because you didn't tell them to carry on	21	Q. When the other three members left the wheelhouse, they
22	any look-out, you are not in a position to tell us	22	left together; correct?
23	whether in fact there was any look-out behind you?	23	A. Yes.
24	A. Yes.	24	Q. When you said when you were almost abeam, they left the
25	Q. Actually, what was the atmosphere in the wheelhouse?	25	wheelhouse so you are not quite it was not quite
	Page 26		Page 28
1	Was there any chatting going on, eating?	1	on your port side, right? It was ahead on the port
2	A. Occasionally they would exchange a few remarks.	2	side, was it, when they left? Or was it actually abeam?
3	Q. Did you take part in the chat?	3	Paragraph 45.
4	A. Seldom, because I was paying my attention on navigating.	4	A. A little ahead. Not really abeam.
5	Q. Let's talk about the chair on your left, on your port	5	THE CHAIRMAN: At what angle did it lie ahead?
6	side. In the evening of 1 October, nobody ever sat	6	A. (Indicates).
7	there; right?	7	THE CHAIRMAN: Are you able to tell us in degrees off the
8	A. Correct.	8	bow?
9	Q. Actually, as a matter of habit, did any one member of	9	THE INTERPRETER: 30 degrees, right?
10	the crew habitually sit there during voyages?	10	A. I don't know. I don't know what degree.
11	A. No particular person. Whoever wanted to sit there, he	11	THE CHAIRMAN: You don't know how to tell us in degrees?
12	can sit up there.	12	A. I didn't notice what degrees it was.
13	Q. But the position of that chair is especially helpful in	13	THE CHAIRMAN: Well, tell us in the best way you can. You
14	terms of keeping a look-out; right? It's close to the	14	can only do it by demonstrating; is that it?
15	window.	15	MR SHIEH: 10 o'clock?
16	A. It should be.	16	A. More or less.
17	Q. Are you able to offer any explanation why nobody	17	THE CHAIRMAN: And at what distance was it when they got up
18	particularly wanted to sit there?	18	and left the wheelhouse?
19	A. That, I don't know.	19	A. I don't remember.
20	Q. Is it because sitting there connotes some degree of	20	THE CHAIRMAN: Yes, Mr Shieh.
21	responsibility and nobody wanted to be in that position?	21	MR SHIEH: "Once we were abeam of the beacon, I started
22	A. I don't really know why they didn't like to sit up there	22	slowly altering course to port, heading to pass off the
23	or why occasionally there will be somebody seated up	23	beacon O Tsai Pai."
24	there.	24	That's paragraph 46.
25	Q. So basically it's random?	25	A. It should not be "pass off", it should be "pass toward"

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1	-	1	-
1	O Tsai Pai.		A. Yes. MR SHIEH: In your language, "very close"?
2	Q. Yes, I was about to ask you. O Tsai Pai is actually	2	A. Correct.
3	nearer Yung Shue Wan; it's immediately before Yung Shue	3	
4	Wan.	4	Q. "The black shadow appeared in the very bright light
5	A. That's right, yes. It was nearer Yung Shue Wan.	5	shining from the Lamma Power Station typhoon shelter."
6	Q. Can I have expert bundle 1, page 361.	6	A. Yes.
7	We can O Tsai on the right-hand side. There's	7	Q. "I knew at once it must be a small boat."
8	a star there. That's the beacon at O Tsai Pai; correct?	8	Correct?
9	A. Yes, I can see it.	9	A. Yes.
10	Q. So that's what was guiding you in terms of your steering	10	Q. "I do not recall seeing any navigation lights on the
11	direction when you wanted to approach Yung Shue Wan?	11	other vessel."
12	A. I will navigate, drive down to the south, west of O Tsai	12	A. Yes.
13	Pai, and then I will be looking at lights, at Yung Shue	13	Q. It was at a time when you were still turning port; yes?
14	Wan, to guide me.	14	A. No, I was sailing straight.
15	Q. All right. You corrected paragraph 46 of your statement	15	Q. But you were, as you say but you were already abeam
16	and instead of "pass off" it's "heading towards";	16	of the beacon. Starting to turn port.
17	correct?	17	A. I have already made my turn already, and that's why
18	A. Correct.	18	I was sailing straight ahead.
19	Q. At that point in time, you did not notice any approach,	19	Q. I see. You've made your turn already?
20	approaching vessel ahead of you?	20	A. Correct.
21	A. No, I did not see any ship I did not see ships,	21	THE CHAIRMAN: That's the turn that you make at the Shek Kok
22	vessels, approaching me.	22	Tsui beacon?
23	Q. Paragraph 47:	23	A. That's right, after I already made my turn and then
24	"My normal approach is to pass about 400-500 metres	24	I was sailing straight ahead.
25	west of O Tsai Pai, and I adjust my course from the Shek	25	MR SHIEH: Could I have the expert bundle 1, page 361.
	Page 30		Page 32
1	Kok Tsui beacon as necessary. I usually start slowing	1	This is the result of plots made by an expert,
2	the engines once the vessel is abeam of O Tsai Pai."	2	a master mariner, based on the radar echoes of the two
3	A. Yes.	3	vessels detected in the Marine Department radar system.
4	Q. Paragraph 48:	4	You may be able to see, very finely, that actually
5	"As I was still making my turn to port, towards	5	there are two lines, one red and one black.
6	O Tsai Pai, I suddenly saw a black shadow almost right	6	A. Yes.
7	ahead, and very close, about 2-3 ship's lengths."	7	Q. But that is because of the different data captured by
-	Correct?		
8	A. Correct.	8 9	the Marine Police and the Marine Department. But let's
9	Q. When you say "ship's lengths", you are having	-	leave that difference to one side, because that is
10		10	relatively immaterial for our purposes.
11	a reference to the length of the Sea Smooth?	11	A. I understand.
12	A. Yes.	12	Q. Now, the top part obviously relates to the track of Sea
13	Q. Sea Smooth was about 28 metres in length?	13	Smooth. Could the cursor move along the track of the
14	A. Yes.	14	top part, yes, move down.
15	Q. So let's say three ship-lengths would be 80-odd metres.	15	This is the track of the Sea Smooth.
16	A. You see, it's between it's about 2-3 ship-lengths, so	16	A. You mean the red one?
17	only a rough figure.	17	Q. Yes, just stick to the red one.
18	Q. It's less than a cable, or at most one cable, on your	18	A. Okay.
19	estimate?	19	Q. There's objective evidence that the collision took place
20	THE CHAIRMAN: His estimate is nothing to do with a cable.	20	around about 8:20:17.
21	It's 2-3 ship-lengths. That's 56-84 metres.	21	A. I didn't pay attention to my watch.
22	MR SHIEH: Yes, but I was about to translate that into	22	Q. I understand. But I'm trying to work backwards as to
23	cables. But anyway, he didn't use	23	the possible position when your colleagues left you and
24	THE CHAIRMAN: Let's not trouble with cables. 2-3	24	when you first sighted the black shadow.
25	ship-lengths, a black shadow.	25	You can see Shek Kok Tsui beacon here, right, being

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1	the star a little bit 10 o'clock off Shek Kok Tsui?	1	A. After I have seen the black shadow and then after the
2	A. Yes.	2	moment of collision, that's when I saw it.
3	Q. Now, whether you look at the black line or the red line,	3	MR SHIEH: Mr Chairman, I can see the time.
4	you see that the Sea Smooth that is, your vessel	4	THE CHAIRMAN: Yes, we'll take our morning break now.
5	actually had already turned slightly to port a little	5	Mr Lai, we're going to take a break for 20 minutes.
6	bit before it got abeam of the Shek Kok Tsui beacon?	6	Please be back in your seat to resume in 20 minutes'
7	A. Yes.	7	time.
8	Q. Even before the Sea Smooth was strictly abeam of even	8	A. I understand.
9	before the vessel was abeam the beacon, you had already	9	THE CHAIRMAN: 20 minutes.
10	taken steps to turn port; correct?	10	(11.36 am)
11	THE INTERPRETER: Can the cursor point up to the circle.	11	(A short break)
12	Here, the circle. The witness said, "Here. It should	12	(11.55 am)
13	be around here, then the vessel start to turn port."	13	THE CHAIRMAN: Mr Lai, may I remind you that you continue to
14	THE CHAIRMAN: So that's at approximately 20:19:30 or	14	testify according to your original affirmation.
15	thereabouts? Do you see the times written on the chart,	15	A. I understand.
16	black and red, there?	16	MR SHIEH: Mr Lai, could I just come back to the point in
17	A. More or less.	17	time when you obviously, you say you first saw that
18	MR SHIEH: If we look at the corresponding position at	18	dark shadow or black shadow about 2-3 ship-lengths away,
19	20:19:20 of Lamma IV I would ask you to look down.	19	right, when you first saw it?
20	On the right-hand side, you can see an arrow, 20:19:29.	20	A. Yes.
21	That's it, yes.	21	Q. But at the time when you first turned port, you hadn't
22	That was the position of the Lamma IV at around	22	seen it yet; right?
23	about the corresponding time. Because if you look up,	23	A. Yes.
24	the red bit says 20:19:32. Do you see?	24	Q. But let's look at the expert's plot. Let's look at
25	Move down the cursor to the right-hand side. Yes,	25	20:19:32. 20:19:32, looking at your vessel so it was
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1	20:19:29. So around about that time Lamma IV was in	1	around about the time when you were turning port; yes?
2	that position.	2	A. Yes.
3	A. I understand.	3	Q. And the equivalent position, if we move down the cursor,
4	Q. At that position, Lamma IV was already quite a way from	4	is around about 20:19:29.
5	the fog light at the power station.	5	I know nothing can be exactly exact, but that is the
6	A. Yes.	6	sort of distance that we are talking about. But just to
7	Q. In other words, even if the fog light might have had	7	confirm with you, that is not the sort of distance when
8	some effect on your ability to detect objects close to	8	you first saw the other vessel, right? When you first
9	it, Lamma IV was already, in a way, quite away from the	9	saw the other vessel, it was much, much closer than that
10	zone whereby the fog light would have an impact?	10	shown in relation to 20:19:32?
11	A. Because there were no navigation lights. Therefore I was unable to see the vessel.	11	A. I don't understand your question.
12		12	Q. Let me try again.
13	Q. So you couldn't see navigation lights, whether port or	13	Look at the position of your vessel at 20:19:32.
14 15	starboard, red or green, or even the masthead light? None whatsoever?	14 15	THE CHAIRMAN: Mr Shieh, this is, with respect, perfectly
15	A. Yes. I didn't see any lights.	15	obvious. There's a difference between 2 boat-lengths and any of these calculated positions on the chart.
10	THE CHAIRMAN: Did you see any lights at all on the other	17	MR SHIEH: Yes. Perhaps I'll skip this question and I'll
17	vessel, the Lamma IV?	17	move on to deal with the use of radar and the 0.75-mile
19	A. It was only after the collision and then it was at	10	range.
20	the point of colliding with it that I saw that there	20	THE CHAIRMAN: Please.
20	were lights on it. There were lights on it, on its	20	MR SHIEH: Mr Lai, I'll put it differently. If you look at
$\frac{21}{22}$	lower deck.	$21 \\ 22$	20:19:32, and you look at 20:19:29, being the position
22	THE CHAIRMAN: The lower deck cabin was lit?	22	of Lamma IV at around about that time. Now, if you move
23	A. Correct.	23	the two positions to the left-hand side, you will see
25	THE CHAIRMAN: But you only noticed that as you collided?		that the expert had actually done a "one nautical mile"
			sonpere had actually done a "one hadded hille

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1	scale. Can you see? Can the cursor point to that	1	Q. Right. Can I now move on to paragraph 49:
2	vertical line which denotes "one nautical mile"?	$\begin{vmatrix} 1\\2 \end{vmatrix}$	"I immediately put the engines to full astern, and
3	THE CHAIRMAN: I take it, Mr Shieh, all of this leads up to	$\begin{vmatrix} 2\\ 3 \end{vmatrix}$	the rudders to hard to starboard."
4	the question as to when it was that the vessels were	4	Correct?
5	within 0.75 of a nautical mile?	5	A. Yes. As soon as I spotted the vessel, I turned my wheel
6	MR SHIEH: Yes.	6	and then I pulled down the control lever, pulled it as
7	THE CHAIRMAN: Can we not get to that point?	7	hard as I can. I pulled it down all the way.
8	MR SHIEH: Yes.	8	Q. Pulling it down all the way, that is to put it to full
9	THE CHAIRMAN: Can we not put that to the witness?	9	astern so as to decelerate; correct?
10	MR SHIEH: Mr Lai, at that point in time, let's say	10	A. My left hand was pushed the wheel to the right, and
11	20:19:32, the two vessels, looking at this chart, would	11	then my right hand pulled the lever down as much as
12	have been well within the range of your radar, which is	12	possible.
13	0.75 nautical miles.	13	Q. You turned starboard by using the helm; right?
14	A. Because on that evening, I will just glance at the radar	14	A. I used the joystick.
15	only. I did not really look squarely at the radar.	15	Q. "The vessel's speed reduced rapidly, and we started
16	THE CHAIRMAN: We understand that. But what's being put to		altering course to starboard. Seconds later the
17	you is that at 20:19:32, when you began to make your	17	collision occurred. The bow of our port hull collided
18	move to turn to port, Lamma IV was within the 0.75	18	with the port side of the other vessel, close to her
19	nautical miles radar range set on your radar set, was it	19	stern."
20	not?	20	A. Yes.
21	A. I didn't see it.	21	Q. Paragraph 50:
22	THE CHAIRMAN: You're just being asked about distances, not	22	"The angle of blow was about 45 degrees, with the
23	whether you looked at it on the radar. But you accept,	23	port bow of Sea Smooth leading astern on the other
24	do you not, that at that time, which is about 50 seconds	24	vessel."
25	before the collision, the two vessels were within 0.75	25	A. Yes.
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1	nautical miles and Lamma IV would have been on your	1	Q. "Both bridge wing doors were shut. I did not hear any
2	radar screen?	2	whistles, or any warnings on the VHF before the
3	MR SHIEH: Looking at the screen, looking at the matter now.	3	collision."
4	Not talking about then. Then, of course, you didn't	4	A. Yes.
5	see. But looking at the screen now, and looking at the	5	Q. "I did not have time to sound whistle signals after
6	relative positions.	6	I saw the other vessel. I did not notice whether the
7	A. Yes.	7	other vessel was turning or altering her speed at the
8	Q. You described your position that evening as well,	8	time of the collision."
9	it's a careless omission, did you say? Something to	9	A. Yes.
10	that effect?	10	Q. So it would be possible that whistles had been sounded,
11	A. That's right, because that evening the weather was good	11	but because of the enclosed nature of the wheelhouse,
12	and then I did not pay particular attention to the	12	you couldn't hear it?
13	radar.	13	A. It's impossible, because at ordinary times, if there are
14	THE CHAIRMAN: It's not a question of paying "particular	14	any whistles blowing from other ships, the sound would
15	attention", is it? If you'd paid any attention to the	15	be loud. And then as a captain, I'm very sensitive to
16	radar, you'd have seen Lamma IV as the two vessels	16	this kind of sound.
17	closed on each other, from three-quarters of a nautical	17	THE CHAIRMAN: That's the whole purpose of whistles on
18	miles distant.	18	ships, is it not? So that it can be heard at
19	A. I did not pay attention to it.	19	a distance?
20	MR SHIEH: Well, it may be an obvious question: had somebody	20	A. Yes.
21	stood next to you and looked at the radar, then it would	21	MR SHIEH: So in your view, the enclosed nature of the
22 23	have been spotted, correct?	22 23	wheelhouse would not be a factor preventing you from hearing any whistles?
23 24	A. Questions like "if", this kind of question, I don't really know because I would not know that had there been	23	A. Correct.
24 25	somebody there, he would have spotted it.	24	COMMISSIONER TANG: Did you see any searchlight from the
1.75	NUTRABULY THEFE. HE WOTHLINGVE STOTELT.	- 4J	- COMPRESSIONER TAINE. THE YOU SEE ANY SEARCHIPPIL HOID THE

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1	other vessel?	1	THE INTERPRETER: I think the Chinese translation is
2	A. No.	2	a little bit different. Okay, I'll read on.
3	COMMISSIONER TANG: Thank you.	3	A. Yes.
4	MR SHIEH: Thank you.	4	MR SHIEH: When you saw the vessel, that dark vessel, when
5	Paragraph 52:	5	you stepped out on the wing bridge, was it tilting? Was
6	"The impact was hard. I was pushed forward into	6	it in a tilted position? The bow turning slightly up at
7	a leaning position by the collision, but I stayed in the	7	an angle?
8	chair and I was not thrown against the wheel or the	8	A. No.
9	console."	9	Q. So it was still floating in a normal position?
10	Correct?	10	A. He was just drifting, drifting, drifting away.
11	A. Yes.	11	THE CHAIRMAN: Could you see any damage on the other vessel?
12	Q. Paragraph 53:	12	A. I didn't notice it.
13	"I was very shocked by what had happened. The other	13	COMMISSIONER TANG: Did it occur to you that you could turn
14	vessel had passed down our port side. I opened the port	14	on your searchlight to see the environment clearer?
15	side bridge wing door. I could see the other vessel	15	A. No, it didn't occur to me because by then, it was very
16	about 2 ship's lengths off our port quarter, slowly	16	chaotic inside the cabin already, and then people were
17	drifting further away. I shouted to them, and asked if	17	screaming already. I had to walk back in to take care
18	everything was okay, but there was no response."	18	of things.
19	A. Yes.	19	MR SHIEH: You said you shouted and asked if anything was
20	Q. Before I move on, I've been reminded by Mr Sussex,	20	okay, and no response. But could you hear people
21	kindly, that I have not put the last sentence of	21	screaming and shouting on the other vessel?
22	paragraph 51 to Mr Lai.	22	A. I didn't hear it. I didn't pay attention to it;
23	Can we look back at paragraph 51.	23	I didn't hear it.
24	"I did not notice whether the other vessel was	24	Q. I don't mean whether you heard anyone responding to you,
25	turning or altering her speed at the time of the	25	saying, "I'm not okay", but after a collision people
	Page 42		Page 44
1	collision."	1	would scream and shout and there would be chaos on the
2	A. Yes.	2	other vessel. Could you hear any screaming or shouting
3	Q. Was it because it really was a matter of a split second	3	noises of that nature?
4	and you were not in a position to pay detailed attention	4	A. There were noises and screaming going on in my vessel,
5	to that sort of matter?	5	but I did not hear screaming or noises from the other
6	A. That's right. That's correct. Because it happened all	6	vessel.
7	of a sudden, therefore I did not have time to notice it.	7	Q. Paragraph 55:
8	Q. And according to you, you were taking steps to turn the	8	"I went into the upper deck passenger cabin, and
9	engine full astern and also to turn hard to starboard?	9	asked if any passengers were hurt. Some passengers on
10	A. That's right.	10	the upper deck told me that they were injured."
11	Q. Coming to the position when you opened the port-side	11	A. I did not walk out into the passenger cabin on the upper
12	wing door. Did you actually walk out to the wing?	12	deck. I just opened my sliding door of the wheelhouse,
13	A. As soon as I opened the door, I started shouting out and	13	poked my head out and asked them if anybody has been
14	asking them whether they are all right, "Are you all	14	hurt.
15	right? Are you all right?"	15	Q. So you would delete the first part of the first sentence
16	Q. Right. Even though it was dark, as you said, and no	16	of paragraph 55, which suggested that you actually went
17	navigation lights, you could still see the shape of the	17	into the main deck passenger cabin?
18	vessel; right?	18	A. Yes, you can delete it.
19	A. Yes.	19	Q. Instead you would say you poked your head out of the
20	Q. Paragraph 54:	20	wheelhouse door and asked if any passengers were hurt?
21	"The other vessel was quite dark. There were no	21	A. (Chinese spoken).
22	lights forward. I could see that she was a ferry boat,	22	Q. Perhaps I will show him the sketch or the plan, for him
23	about the same length as Sea Smooth. She had two decks.		to show us where he poked his head out.
24	The upper deck was dark, but the lower deck had cabin	24	Could we have marine bundle 8, page 1982.
25	lights."	25	Where did you poke your head out and ask whether

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1	anyone was hurt?	1	side and I ordered the passengers to put on their life
2	THE INTERPRETER: The witness please move the cursor up	2	jackets."
3	to the "UP". Here, yes. Then a little to the left.	3	A. Yes.
4	Still a little bit. Yes, here. No, back here.	4	THE CHAIRMAN: What did he actually tell you?
5	This is where the witness was pointing. He said,	5	A. He said there is a big hole in the bow and the seawater
6	"This is where I poked my head out and shouted loudly at	6	is rushing in.
7	them if anybody has been hurt."	7	THE CHAIRMAN: Rushing in where?
8	MR SHIEH: That was the only exit from and entrance to the	8	A. In the passenger cabin, rushing in into the passenger
9	wheelhouse; correct?	9	cabin.
10	A. Yes, only exit to the passenger cabin.	10	THE CHAIRMAN: Into what was this big hole, did he tell you?
11	Q. Right, okay. So you did not actually leave the	11	A. On the port bow position.
12	wheelhouse for any time?	12	THE CHAIRMAN: In your statement, it says:
13	A. Correct.	13	" there was water ingress to the port side hull
14	Q. Thank you. Because if I were just to read your	14	spaces forward."
15	paragraph 55, I might have understood it to mean that	15	Do you see that?
16	you had actually left the wheelhouse unattended. But	16	A. Yes.
17	you now say you actually remained in the wheelhouse,	17	THE CHAIRMAN: Is that a reference to watertight
18	although sticking your head out?	18	compartments in the hull?
19	A. No, no, no. I didn't leave the wheelhouse.	19	A. Yes.
20	Q. Thank you.	20	THE CHAIRMAN: Did he tell you how many were breached on the
21	"I ordered the engineer and the two sailers to check	21	port side?
22	whether any other passengers were hurt, and whether	22	A. He said there is a big hole there. He didn't say how
23	there was any damage to Sea Smooth."	23	big.
24	A. Yes.	24	THE CHAIRMAN: Did he tell you how many compartments in
25	Q. Where and when did that take place, your ordering the	25	these watertight compartments in the hull were breached,
	Page 46		Page 48
1	engineer and the two sailors to do that?	1	or had water in them?
2	A. It was after I have asked them about whether there were	2	A. No, he didn't say.
3	passengers that had been hurt. It was after that, then	3	THE CHAIRMAN: Did you ask?
4	I ordered them to look at to check the damage of the	4	A. At that time I was busy speaking in the radio and also
5	vessel and if other passengers had also been hurt.	5	the VHF, talking to the communicating with the
6	THE CHAIRMAN: Were they in your presence when you gave	6	company. I was busy doing that then. I have no time
7	these orders?	7	for other things.
8	THE INTERPRETER: Sorry, can you repeat the question?	8	THE CHAIRMAN: So the answer is "no", is it?
9	THE CHAIRMAN: Were they in your presence when you gave	9	A. That's right.
10	those orders?	10	THE CHAIRMAN: How many watertight compartments are there in
11	THE INTERPRETER: Thank you.	11	each hull, in the hull?
12	A. No. They were not, because I was shouting then. I was	12	A. I don't remember how many.
13	shouting these orders.	13	MR SHIEH: So this conversation with the engineer whereby he
14	MR SHIEH: So the three of them did not come back to the	14	made a report to you took place at around about the time
15	wheelhouse to see you; you just shouted from the	15	when you were on the radio with the Marine Department;
16	wheelhouse, hoping that any one of them would be able to	16	is that what you're saying?
17	hear you?	17	A. Yes.
18	The three of them did not come back to the	18	Q. Because earlier, you mentioned "the company". Do you
19	wheelhouse to see you; you simply shouted from the	19	mean the Marine Department or the ship company, or you
20	wheelhouse, hoping that any one of them would be able to	20	can't recall, it's simply that you were speaking to
21	hear your orders?	21	someone?
22	A. That's right.	22	A. It was very chaotic then, but I did speak to the Marine
23	Q. "The engineer told me that the port bow was damaged and	23	Department and also I did speak to the company.
24	there was water ingress to the port side hull spaces	24	Q. Anyway, so in a state of chaos, the engineer came in,
25	forward. The vessel also started listing to the port	25	you were speaking into a radio, and he reported to you

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1 the damage. That's regulty speaking, what happened? 1 actually Lamma IV and not Lamma II? 2 A. Yes, that's right. Twas doing the communication 2 A. Yes, that's right. Twas doing the communication 3 Q. Didy out club the engineer thaty our vessel had collided 2 A. Yes, 4 A. Because I recognised the captain in weight the sensel. 6 6 Q. Pangraph 57: 4 A. Because I recognised the captain in weight the sensel. 7 Pandemaph 57: The passenger calin was chaotic. The passengers 7 8 were very search and infightened. They said we might simple and demanded that we should said to the prior at 10 9 10 Pung Shue Wan in order to make sure that my passengers. Not the prior at Yung Shue 13 I had to look after Sea Sinooth and her passengers son taid search and the sense baces. 14 14 I Recture I were staid were staid were search and the maine passengers. Lasked the Marine Department, search and the maine passengers. Lasked the Marine Department, search were search and the there was water coming into my vessel. The said actual were search were search and then there was water coming into my vessel. The passengers, list the scene. 15 14 14 14 14 14 14 14 14 14 14<		Page 49		Page 51
 A. Yes, thar's right. I was doing the communication. Q. Dargor tell the engineer that your vessel had collided with another vessel? A. I don't remember whether I had told him that. Q. Paragrah 57: The passenger cabin was chaotic. The passengers were very scared and frightened. They said we might sink and demanded that we should sail to the pier at Yong Shoe Wan immediately which is no far away as the interpretation. M. Before I left the secne, tasked the Marine Department, a before I left the scene, Tasked the Marine Department, a before I left the scene. Q. Did you say in the comming ittom you resear. The The Department you actually asked for their permission for you say in the conversation with the Marine Department you actually asked for their permission for you say in the conversation with the Marine Department you actually asked for their permission for A. I don't remember. I just said – because it was very A. I don't remember. that script of the actual recording in my worksen. Department you actually asked for their permission for you to reave the scene? A. I don't remember. I just said – because it was very A. I don't recognise the captain. The CHAIRMAN: Whan you say you'd driven the fore, were you A. I don't recognise the captain. The CHAIRMAN: Whan you say you'd driven the fore, were you thave to return to the pier. a called the Marine Department, you referred to youn C. I'm ot going to trouble you with looking at the actual The CHAIRMAN: Was it an 2012? A. The fashing fight of TShck Kok Tsui. A. Tree fashing the of Shck Kok Tsui because?	1	the damage. That's, roughly speaking, what happened?	1	actually Lamma IV and not Lamma II?
3 Q. Did you tell the engineer that your vessel had collided 4 With another vessel? 5 A. I don't remember, whether 1 had told him that. 6 Q. Paragraph 57: 7 The passenger cabin was chaotic. The passengers 8 were very scared and frightened. They said we might 9 sink and demanded that we should soil to the pirat 10 Yang Shue Wan immediately which is not far away as they 11 can see it through the safety of the other vessel, but 13 I had to look after Sa Smooth and her passengers, so 14 detect to continue solvely to the pire at Yung Shue 15 Wan, in order to make sure that my passengers, so: 14 asking them if I might leave the scene because at Yung Shue 15 Wan, in order to make sure that my passengers, so: 14 attick the scene. 21 or may may the scail actually. 17 A. Before Heft the scene. 22 O. Did you say in the conversation with the Marine 23 A. I don't remember. J just said because it was very 24 J or more going to trobule you with looking at the actual 3 O. Tinn to going to trobule you with looking at t	2		2	A. Yes.
4 with mother vessel? 4 A. Because Incognised the captain to avigate that vessel. 5 A. John Treember Vhether I had told him that. 6 Q. Paragraph 57: 7 The passenger cabin was chaotic. The passengers 8 9 8 were very scared and frightened. They said we might 9 9 sink and demunded that we should sail to the jier at 10 MR SHIEH: Yes, that was the interpretation but I wish to 10 rung that seed in the scanse i through the passengers cabin windows, I was 10 MR SHIEH: Yes, that was the interpretation but I wish to 13 I had to look after Sca Smooth and her passengers, so 11 14 I decided to continue slowly to the pier at Yung Shue 16 safe." 14 I decided to continue slowly to the pier at Yung Shue 16 safe." 14 I decided to continue slowly to the pier at Yung Shue 17 A. Before I left the scene. saked the Marine Department, i 20 Did you say in the conversation with the Marine 23 21 off Mark Max and driven the scene. 22 O. Did you say in the conversation with the Marine 23 23 Q. Tun togoing to trouble yona with looking at the actua			3	Q. How did you know that?
6 Q. Paragraph 57:	4		4	A. Because I recognised the captain. Because the company
7 "The passenger cabin was chaotic. The passengers 8 were very scared and frightened. They sid we might 9 interpretation. 10 Yung Shue Wan immediately which is not far away as they 11 inder basenger cabin was chaotic. The passengers with indows. Tway 12 concerned about the safety of the other vessel, but 13 Inda to look after Sea Smooth and her passengers, were 14 Idecided to continue slowly to the pier at Yung Shue 15 Wan, in order to make sure that my passengers were 16 safe, them if 1 might leave the scene. 17 A. Before I left the scene, I asked the Marine Department, a sking the leave th scene? 12 O. If you say in the conversation with the Marine Department, a sking the scene? 12 O. Did you say in the conversation with the Marine Department, you catually asked for their permission for yasengers were all agriated. So to ensure the safety you to leave the scene? 13 O. Than to going to trouble you with looking at the actual recording unless it is ab absenger on you so as you'd driven it before, the costaset on the actual recording unless it is stable being next to - think the ference is called. 14 An torigo to trouble you with looking at the actual recording unless it is simply Dang Fo Pai, And the English translation is - it's simply Dang Fo Pai, M. Chairman. <t< td=""><td>5</td><td>A. I don't remember whether I had told him that.</td><td>5</td><td>assigned the captain to navigate that vessel.</td></t<>	5	A. I don't remember whether I had told him that.	5	assigned the captain to navigate that vessel.
8 Were very scared and frightened. They said we might 9 interpretation. 9 sink and demunded that we should sail to the pier at 10 Yung Shue Wan immediately which is no far away as they 11 concerned about the safety of the other vessel, but 12 THE CHAIRMAN: "I recognised the captain" was the 13 I had to look after Sea Smooth and her passengers, sere 14 I decided to continue solwly to the pier at Yung Shue 15 Wan, in order to make sure that my passengers were afle, stafe." 16 safe." 17 A. Before Heft the scene, I asked the Marine Department, or wasket coming in tory vessel. The 19 time, there was water coming in tory vessel. The 20 Did you say in the conversation with the Marine 21 Ohd you say in the conversation with the Marine 22 Obid you say in the conversation with the Marine 23 Department, you actually asked for their permission for 24 the doarwer because it was very 25 A. I don't remember. Jist staid because it was very 26 Did you usay in the conversation with the Marine 25 absolutely necessary,	6	Q. Paragraph 57:	6	Q. What did you recognise? Can you repeat that? Because
9 sink and demanded that we should sail to the pier at 10 Yung Shue Wan immediately which is not far away as W 12 interpretation. 10 Wan Shue Wan immediately which is not far away as W 12 concerned about the safety of the other vessel, but 13 Inda to look after Sea Smooth and ther passengers, so 14 I blad to look after Sea Smooth and ther passengers, so 14 I blad to look after Sea Smooth and ther passengers, so 14 I blad to look after Sea Smooth and ther passengers, so 15 II Blad to look after Sea Smooth and ther passengers, so 16 II Blad to look after Sea Smooth and ther passengers, were 17 II Blad to look after Sea Smooth and ther passengers, so 16 II Blad to look after Sea Smooth and ther passengers, were all agitated. So to ensure the safety 16 II Blad to look after Sea Smooth and ther ther was water coming in to 16 II Blad to leok after Sea Smooth and ther there was water coming in passengers, lift the scene. 10 II dail to conguise the capain, 10 20 Did you say in the conversation with the Marine 23 Department you actually asked for their permission for 24 11 I dail transcript or the actually asked for their permission for 24 11 I dail transcript or the actual recording unless it is 3 26 A That's right, Because on previous occasions the company 25 Page 50 Page 50 Page 50 1 Dang Fo Pai, and the engishin tradiation is - ui's 3 30 II mat's right. So the state of the visso is that you were even 3 10	7	"The passenger cabin was chaotic. The passengers	7	I might have missed it.
 Yung Shue Wan immediately which is not far away as they find existing the interpretation but I wish to incare with through the passenger cabin windows. I was concerned about the safety of the other vessel, but if decided to continue slowly to the prier at Yung Shue Wan, in order to make sure that my passengers were if safe." A. Before Lift the scene, I asked the Marine Department, a asking them if I might leave the scene because at that if me, there was water coming into my vessel. The passengers were all agitated. So to ensure the safety of my passengers, lift the scene. Q. Did you say in the conversation with the Marine 20 Department you actually asked for their permission for you to leave the scene? A. I don't remember. I just said – because it was very absolutely necessary, but do you remember that when yas absolutely necessary, but do you remember that when you called the Marine Department, you referred to your vessel being next to -1 think the reference is called a "Dang Fo Pai, off Lamman. Q. Fund tis Dang Fo Pai? A. The flashing light off Shek Kok Tsui. Q. Were you aware of what resel you had hir? Page 50 Page 50<td>8</td><td>were very scared and frightened. They said we might</td><td>8</td><td>THE CHAIRMAN: "I recognised the captain" was the</td>	8	were very scared and frightened. They said we might	8	THE CHAIRMAN: "I recognised the captain" was the
11 can see it through the passenger cabin windows. I was 11 get the Chinese phrase. 12 concerned about the safety of the other vessel, but 13 I Mat O look after Sea Smooth and ther passengers, so 14 I decided to continue slowly to the pier at Yung Shue 13 I Mat MSHIE: Because 1 know he said "(Chinese spoken)". Whom 15 War, in order to make sure that my passengers were 15 THE CHAIRMAN: Yes, certainly. 16 softer 1 left the scene, I asked the Marine Department, or assengers were all agitated. So to ensure the safety 16 because 1 now heard what he said actually. 17 A. Before 1 left the scene. 20 Did you say in the conversation with the Marine 20 20 Did you say in the conversation with the Marine 20 Did you say in the conversation with the Marine 21 O. I more going to trouble you with looking at the actual 4 I didn't recognise the captain, but I recognised the 22 O. I'm not going to trouble you with looking at the actual Fuel State State 1 3 Q. I'm not going to trouble you with looking at the actual 4 I ast year? 4 that assigned me to navigate to Hongkong Electric, to 2 5 absolutely necessary, but do you remember that	9	sink and demanded that we should sail to the pier at	9	interpretation.
12 concerned about the safety of the other vessel, but 13 I Had to look after Sea Smooth and her passengers, so 13 I had to look after Sea Smooth and her passengers, so 13 MR SHIEH: Because I know he said "(Chinese spoken)". Whom 14 Chief and C." 13 MR SHIEH: Because I know he said "(Chinese spoken)". Whom 15 Wan, in order to make sure that my passengers, were 16 safe." 17 HIE CHAIRMAN: Yes, certainly. 16 safe." 16 most in the pier at Yung Shue Ha 17 A. Before I left the scene, Lasked the Marine Department, sou actually asked for their permission for 17 A. I don't remember. I lust said - because it was very 16 17 20 Did you say in the conversation with the Marine 20 A. I don't remember. I just said - because it was very 21 A. I don't remember. 23 HIE CHAIRMAN: Yes, were you the coarding unless it is 26 A. I don't remember. 12 Had assigned me to navigate to Hongkong Electric, to 27 A. I don't remember. 12 had assigned me to navigate to Hongkong Electric, to 27 I have to return to the pier. 13 HE CHAIRMAN: Yes, at in 2012? 3 Q. Tim not going to trouble you with looking at the actual 13 <	10	Yung Shue Wan immediately which is not far away as they	10	MR SHIEH: Yes, that was the interpretation but I wish to
 13 I had to look after Sea Smooth and her passengers, so 14 I decided to continue slowly to the pier at Yung Shue 15 Wa, in order to make sure that my passengers were 16 safe." 17 A. Before I left the scene, I asked the Marine Department, 19 passengers were all agitated. So to ensure the safety 21 of my passengers, I left the scene. 22 Q. Did you say in the conversation with the Marine 23 Department you actually asked for their permission for 24 you to leave the scene? 25 A. I don't remember. I just said because it was very 26 A. I don't remember. I just said because it was very 27 A. That's right. Because I Lanow he said "(Chinese spoken)". Whom 14 or what did you recognise? 30 Upartment you actually asked for their permission for 24 you to leave the scene? 25 A. I don't remember. I just said because it was very 26 A. I don't remember. 27 A mot going to trouble you with looking at the actual 4 transcript or the actual recording unless it is 3 absolutely necessary, but do you remember that when you 6 called the Marine Department, you referred to your 7 vessel being next to - 1 think the reference is called 8 "Dang Fo Pai," and the English translation is it's 9 simply Dang Fo Pai? 31 A. Yes. 32 What is Dang Fo Pai? 33 Q. What is Dang Fo Pai? 34 A. The fashing light off Shek Kok Tsui. 35 Q. View you were of what vessel you had hit' Apart from 19 the fact that it is, in your language, "a ferry boat. 34 A. A the point of colliding, I knew that it was Lamma IV. 34 A. A the point of colliding, I knew that it was a ferry 34 boat, you were extually able to know that it's 35 Q. So not only were you able to tell that it was a ferry 34 boat, you were extually able to know that it's 35 A. I the point of colliding, I knew that it was a ferry boat. 36 A. The point of colliding, I knew that it was a ferry boat.	11		11	get the Chinese phrase.
14 I decided to continue slowly to the pier at Yung Shue 15 Wan, in order to make sure that my passengers, were 16 Safe." 17 A. Before I left the scene, I asked the Marine Department, 18 asking them if I might leave the scene because at that 19 me, there was water coming into my vessel. The 20 passengers, were all agitated. So to ensure the safety 21 of my passengers. Heit the scene. 22 Q. Did you say in the conversation with the Marine 23 Department you actually asked for their permission for 24 A. I don't remember. I just said because it was very 25 A. I don't remember. I just said because it was very 26 A angerous then, and then there was water coming in 3 Q. I'm not going to trouble you with looking at the actual 4 transcript or the actual recording unless it is 3 absolutely necessary, but do you remember that when you 6 called the Marine Department, you referred to your 7 vessel being next to I think the reference is called 8 "Dang Fo Pai', and the English translation is - it's 9 simply Dang Fo Pai', and the English translation is - it'		concerned about the safety of the other vessel, but	12	•
15 Wan, in order to make sure that my passengers were is safe." 15 THE INTERPRETER: I'm sorry, I must correct my translation, 16 16 safe." A. Before I left the scene, I asked the Marine Department, 19 asking them if I might leave the scene because at that 19 16 because I now heard what he said actually. 17 A. Before I left the scene, I asked the Marine Department, you actually asked for their permission for 20 0. I'd you say in the conversation with the Marine 20 Department you actually asked for their permission for 24 you to leave the scene? 21 A. I don't recognise the captain, but I recognised the essel. Not the captain. 20 Did you say in the conversation with the Marine 20 Department you actually asked for their permission for 24 you to leave the scene? 21 A. I don't recognise the captain, but I recognised the essel. Not the captain. 21 A I don't remember. 1 just said because it was very 22 25 A. That's right, Cause on previous occasions the company 23 Q. Trm not going to trouble you with looking at the actual transfit or the actual recording unless it is absolutely necessary, but do you remember that when you referred to your vessel being next to -1 think the reference is called the Marine Department, you referred to your vessel's position as being near 1 1 had assigned me to navigate to Hongkong Electric, to 2 1 3 Q. What is Dang Fo Pai', off Lamma Island? 1 </td <td>13</td> <td>I had to look after Sea Smooth and her passengers, so</td> <td></td> <td></td>	13	I had to look after Sea Smooth and her passengers, so		
16 safe," 16 because I now heard what he said actually. 17 A. Before I left he scene, I asked the Marine Department, 1 asking them if I might leave the scene because at that 19 time, there was water coming into my vessel. The 17 20 passengers, I left the scene. 18 21 of my passengers, I left the scene. 20 20 Did you say in the conversation with the Marine 17 21 of my passengers, I left the scene. 21 23 A. I don't remember. I just said because it was very 25 25 A. I don't remember. I just said because it was very 26 26 That cont remember. I just said because it was very 26 27 A iddn'the me fore control to pier. 27 30. Fm not going to trouble you with looking at the actualt transcript or the actual recording unless it is 3 3 absolutely necessary, but do you remember that when you 26 A. I don't remember. 6 called the Marine Department, you referred to your 4 last year? 7 vessel being next to1 think the reference is called 7 A. That's right. 8 8 <	14	I decided to continue slowly to the pier at Yung Shue	14	
17 A. Before I left the scene, I asked the Marine Department, asking them if I might leave the scene because at that 17 A. I recognised the vessel because I had driven the 18 asking them if I might leave the scene because at that 18 Lamma IV before. I had driven that vessel before. 20 passengers were all agitated. So to ensure the safety 0 MR SHIEH: Not the captain. 20 passengers, I left the scene. 20 MR SHIEH: Not the captain. 21 of you say in the conversation with the Marine 20 MR SHIEH: Not the captain. 23 Department you actually asked for their permission for yout leave the scene? 23 THE CHAIRMAN: When you say you'd driven it before, were you you'd driven it before, were you with looking at the actual recording unless it is 3 dangerous then, and then there was water coming in - 1 had assigned me to navigate to Hongkong Electric, to 2 1 had assigned me to navigate to Hongkong Electric, to 1 3 Q. Trun tog going to trouble you with looking at the actual 1 had assigned me to navigate to Hongkong Electric, to 4 transcript or the actual recording unless it is absolutely necessary, but do you remember that weny you 5 A. I don't remember. 5 simply Dang Fo Pai', Mr Chairman.		••••		
18 asking them if I might leave the scene because at that 19 time, there was water coming into my vessel. The 20 passengers were all agitated. So to ensure the safety 21 of my passengers, I left the scene. 22 Q. Did you say in the conversation with the Marine 23 Department you actually asked for their permission for 24 you to leave the scene? 25 A. I don't remember. I just said because it was very 26 A. I don't remember. 27 A. I don't remember. 28 A. I don't remember. 29 passengers were all agitated. So to ensure the safety 21 A. I didn't recognise the captain, but I recognised the 29 boat itself. 21 A. I didn't recognise the cantal recording unless it is 30 Q. Th not going to trouble you with looking at the actual transcript or the actual recording unless it is 3 absolutely necessary, but do you remember that when you 4 transcript or the actual recording unless it is 3 absolutely necessary, but do you or remember that when you 4 "The CHAIRMAN: Ma when was that in relation to 1 October of a simply Dang Fo Pai, Mr Chairman.			16	•
 19 time, there was water coming into my vessel. The passengers were all agitated. So to ensure the safety 21 of my passengers, 11eft the scene. 20 Did you say in the conversation with the Marine Department you actually asked for their permission for you to leave the scene? 23 A. I don't remember. I just said because it was very 24 A. I don't remember. I just said because it was very 25 A. I don't remember. I just said because it was very 26 A. I don't remember. I just said because it was very 27 A. I don't remember. I just said because it was very 28 A. I don't remember. I just said because it was very 29 Page 50 20 dangerous then, and then there was water coming in 21 I have to return to the pier. 30 Q. I'm not going to trouble you with looking at the actual recording unless it is absolutely necessary, but do you remember that when you called the Marine Department, you referred to your 21 A. I don't remember. 22 J. That's right. 32 Muat is Dang Fo Pai, Mr Chairman. 30 What is Dang Fo Pai? 4. A. The flashing fight off Shek Kok Tsui. 31 Q. What is Dang Fo Pai? 4. A. The flashing fight off Shek Kok Tsui. 32 Q. Ware you aware of what vessel you had hit? Apart from the fact that it is, in your language, "a ferry boat." 31 MR SHIEH: A two-deck ferry boat. 32 What is Ding Fo Pai, I. Know-deck ferry boat. 33 Q. So not only were you able to tell that it was a ferry 34 boat, you were actually able to know that it's 		-		-
20 passengers were all agitated. So to ensure the safety 20 MR SHIEH: Not the captain? 21 of my passengers, I left the scene. 21 A. I dich T recognise the captain, but I recognised the 22 Q. Did you say in the conversation with the Marine 23 bepartment you actually asked for their permission for you to leave the scene? 24 A. I dich T recognise the captain, but I recognised the 23 A. I don't remember. I just said because it was very 25 A. I don't remember. I just said because it was very 25 24 angerous then, and then there was water coming in 1 had assigned me to navigate to Hongkong Electric, to 25 absolutely necessary, but do you remember that when you 7 reactait is for the actual recording unless it is 3 absolutely necessary, but do you remember that when you 7 A. Tha's right. 4 transcript or the actual recording unless it is 5 5 5 absolutely necessary, but do you remember that when you 6 relet the vission is that you were even 8 mong po Pai, and the English translation is it's 8 MR SHIEH: So the state of the vision is that you were even 9 simply Dang Fo Pai, of Lamma Island? 1 A. Yees. 14				
21 of my passengers, I left the scene. 21 A. I didn't recognise the captain, but I recognised the 22 Q. Did you say in the conversation with the Marine 23 Department you actually asked for their permission for 23 Department you actually asked for their permission for 24 the conswain of the Lamma IV on some earlier occasion? 25 A. I don't remember. I just said because it was very 25 A. That's right, because on previous occasions the company Page 50 1 dangerous then, and then there was water coming in 1 had assigned me to navigate to Hongkong Electric, to 2 urive the vessel. 1 had assigned me to navigate to Hongkong Electric, to 2 dirive the vessel. 1 had assigned me to navigate to Hongkong Electric, to 4 transcript or the actual recording unless it is 5 absolutely necessary, but do you remember that when you 5 absolutely necessary, but do you remember that when you 5 A. I don't remember. 6 called the Marine Department, you referred to your 7 A. That's right. 8 "Dang Fo Pai, Mr Chairman. 9 abelor recognise the vessel as one which you had driven 10 10 <td< td=""><td></td><td>e .</td><td></td><td></td></td<>		e .		
 22 Q. Did you say in the conversation with the Marine 23 Department you actually asked for their permission for 24 you to leave the scene? 25 A. I don't remember. I just said because it was very 26 A. I don't remember. I just said because it was very 27 A. That's right, because on previous occasions the company 28 Page 50 29 Deg 50 20 Deg 50 21 Deg 50 22 A. That's right, because on previous occasions the company 23 THE CHAIRMAN: When you say you'd driven it before, were you 24 the coxswain of the Lamma IV on some earlier occasion? 24 Deg 50 25 A. That's right, because on previous occasions the company 26 Deg 50 27 Page 50 28 Deg 50 29 Deg 50 20 Deg 50 20 Deg 50 21 Deg 50 Deg 50 22 Deg 50 23 Deg 50 24 Deg 50 25 A. That's right, because on previous occasions the company 25 A. That's right, because on previous occasions the company 20 Deg 50 Deg 50 21 Deg 50 Deg 50 22 Deg 50 23 Deg 50 Deg 50 24 Deg 50 Deg 50 25 Deg 50 Deg 50 26 Deg 50 Deg 50 27 Deg 50 Deg 50 Deg 50 28 Deg 50 Deg 50 Deg 50 29 Deg 50 Deg 5				
23 Department you actually asked for their permission for you to leave the scene? 23 THE CHAIRMAN: When you say you'd driven it before, were you were you to consume arrite occasion? 24 X I don't remember. I just said because it was very 24 THE CHAIRMAN: When you say you'd driven it before, were you were you were actually asked for the Lamma IV on some earlier occasion? 25 A. I don't remember. I just said because it was very 25 A. That's right, because on previous occasions the company Page 50 Page 52 1 dangerous then, and then there was water coming in if sa absolutely necessary, but do you remember that when you 1 had assigned me to navigate to Hongkong Electric, to 3 UP the actual recording unless it is 3 THE CHAIRMAN: And when was that in relation to 1 October of 4 last year? 5 absolutely necessary, but do you remember that when you 6 THE CHAIRMAN: Was it in 2012? 7 vessel being next to I think the reference is called 7 A. That's right. 8 map Fo Pai, MC Chairman. 9 able to recognise the vessel as one which you had driven 10 You described your vessel's position as being near 11 A. Yes. At the moment of collision, right away 12 A. Yes. 13 Q. What is Dang Fo Pai? </td <td></td> <td>• • •</td> <td></td> <td></td>		• • •		
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25 a Hongkong Electric ferry and you were able to tell it's 25 own passengers. But did you take any action yourself,	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 called the Marine Department, you referred to your vessel being next to I think the reference is called "Dang Fo Pai", and the English translation is it's simply Dang Fo Pai, Mr Chairman. You described your vessel's position as being near Dang Fo Pai, off Lamma Island? A. Yes. Q. What is Dang Fo Pai? A. The flashing light off Shek Kok Tsui. Q. I see. So that was a colloquial term for the Shek Kok Tsui beacon? A. Among us, yes, it is. Q. Were you aware of what vessel you had hit? Apart from the fact that it is, in your language, "a ferry boat"? THE CHAIRMAN: A two-deck ferry boat. M. At the point of colliding, I knew that it was Lamma IV. Q. So not only were you able to tell that it was a ferry 	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 A. I don't remember. THE CHAIRMAN: Was it in 2012? A. That's right. MR SHIEH: So the state of the vision is that you were even able to recognise the vessel as one which you had driven before? A. Yes. At the moment of collision, right away I recognised that it was Lamma IV. Q. Was it because of any words painted? A. No, it's the look of the vessel itself that helped me recognise it. Q. Was it different from Lamma II, for example? A. Yes. Q. Thank you. I ask this because actually when you reported to Marine Department, you expressly said you hit "Hongkong Electric 4", and that's why I asked you. And you confirm that you knew it's Lamma IV? A. That's right. That's correct. Q. But in paragraph 57, you were explaining your decision

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1	Page 53		Page 55
1	or order the crew members to at least find out what had	1	to the pier at Yung Shue Wan.
2	happened to the other vessel?	2	59. I also called the company by SSB radio, and
3	A. Because it was very chaotic then, and then there were so	3	reported the incident to them. I told the company
4	many noises, and I myself was talking, and then the	4	similar to what I told Mardep."
5	radio was sounding, the telephone was ringing. I was	5	A. This is more or less what I did.
6	very busy then.	6	Q. Thank you. Can I ask you about a photograph which is in
7	THE CHAIRMAN: So is the answer "no"?	7	the police album at page 115. Do you see a steamer in
8	A. Correct.	8	that photograph?
9	MR SHIEH: And according to you, it was because of the	9	A. Yes, I can see it.
10	chaotic situation at that time and those were	10	Q. That was yours; right?
11	preoccupying your mind?	11	A. Yes.
12	A. That's right, okay, preoccupied with my own passengers	12	Q. At the time of the collision, was it placed at that
13	and also our own situation.	13	position?
14	Q. But if your vessel was damaged so badly you know,	14	A. No, it was on the floor.
15	hull damage, water ingress, tilting did it occur to	15	Q. It was used for heating up meals; correct?
16	you that the same thing or maybe something worse could	16	A. Yes. Sometimes I used it, that's right. And also
17	have been happening to the other vessel?	17	sometimes I used it to cook instant noodles with.
18	A. No, it didn't occur to me because the passengers were	18	Q. Did you use it that day?
19	all in a panic. So my priority then was to take care of	19	A. I used it in the afternoon.
20	my own passengers first.	20	Q. To heat up your lunch?
21			A. Yes.
22 23	vessel than Lamma IV? A. I don't know.	22	Q. Did you use it in the wheelhouse?A. Yes.
23 24	Q. Anyway, you said the passengers were scared and	23 24	Q. Did you eat your lunch whilst the vessel was underway,
24 25	frightened and they said, "we might sink." How did you	24	in the wheelhouse?
25	Page 54	25	Page 56
1	hear all that? Were you in the wheelhouse when the	1	A. No.
1 2	passengers made the request and demand, or did you stick	$\begin{vmatrix} 1 \\ 2 \end{vmatrix}$	Q. So where did you eat after heating it up with this
3	your neck out into the cabin, or were you told by the	3	steamer?
4	engineer or other crew members that these were the	4	A. After the ship had berthed, and then I would make use of
5	demands and reactions of the passengers?	5	the window of time and then to finish my meal as soon as
6	A. I was speaking into the radio then and I heard that	6	possible. Because I've been in this trade for a long
7	there were screams and then there's water coming in.	7	1 0
	there were screams and then there's water coming in.	/	time. This is how it was.
8	That's how I know.	8	Q. So you would heat it in the wheelhouse, but in terms of
	-	8	
8	That's how I know.	8	Q. So you would heat it in the wheelhouse, but in terms of
8 9	That's how I know. COMMISSIONER TANG: But did any passenger from Sea Smootl ask you to stay on to help Lamma IV? A. No.	8 19	Q. So you would heat it in the wheelhouse, but in terms of eating you would wait until the vessel had berthed and then you would squeeze in as much time as you could to eat your meals?
8 9 10 11 12	That's how I know.COMMISSIONER TANG: But did any passenger from Sea Smooth ask you to stay on to help Lamma IV?A. No.MR SHIEH: Did any passenger walk into the wheelhouse and	8 19 10 11 12	Q. So you would heat it in the wheelhouse, but in terms of eating you would wait until the vessel had berthed and then you would squeeze in as much time as you could to eat your meals?A. Yes.
8 9 10 11 12 13	That's how I know.COMMISSIONER TANG: But did any passenger from Sea Smooth ask you to stay on to help Lamma IV?A. No.MR SHIEH: Did any passenger walk into the wheelhouse and make demands of you in respect of where you should go	8 19 10 11 12 13	Q. So you would heat it in the wheelhouse, but in terms of eating you would wait until the vessel had berthed and then you would squeeze in as much time as you could to eat your meals?A. Yes.Q. Would you eat at the pier or would you eat somewhere on
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	Page 57		Page 59
1	Hongkong Electric vessels in the past? Near misses?	1	MR GROSSMAN: And the Chinese is at page 3352-17.
2	A. No.	2	You eventually declined to answer, as was your
3	Q. You have been seconded to Hongkong Electric to navigate	3	right, but I just want to ask you about a couple of the
4	their vessels before; yes?	4	questions that you did answer.
5	A. Yes.	5	First of all, the police had arrested you or were
6	Q. So you would know some of the crew members or masters of	6	investigating you for a case of endangering the safety
7	Hongkong Electric?	7	of others; do you remember that?
8	A. Yes.	8	THE INTERPRETER: I'm sorry. Hold on. Let me get all the
9	Q. Do you know Chow Chi-wai, the coxswain of Lamma IV?	9	documents. The English one.
10	A. Yes, I know him.	10	MR GROSSMAN: The police said that they were investigating
11	Q. In what context?	11	a case of endangering the safety of others, and you were
12	A. When the company seconded me to drive Hongkong Electric		told that you didn't have to answer any questions if you
13	vessels, I knew him when I was doing the night shift,	13	didn't want to. And after explaining what they were
14	I being the captain, he also being a captain.	14	going to do, they asked you a few background questions.
15	Q. Did you have any interaction or encounter with him in	15	We can look first of all at paragraph 39, which is at
16	your past working experience?	16	page 3352-88 in the English.
17	A. No. No, nothing much, except for a few remarks	17	The question that you were asked was:
18	exchanged between me and him concerning shift relief,	18	"(Your) education level.
19	things like that. Other than that, nothing much.	19	Answer: Had never received education."
20	Q. Do you come from a seafaring family or fishing family?	20	Is that correct?
21	A. I was born into a fishing family.	21	A. No, that was not the answer that I gave. My answer
22	Q. So effectively you grew up with the sea, yes?	22	I gave was, I did not receive any official education but
23	A. Yes, for the last few decades I have been living with	23	I did attend evening schools. And then I finished
24	the sea.	24	you see, come winter time, then there would be a the
25	MR SHIEH: Thank you, Mr Lai. I have no further questions	25	trade would be slackening. Then I would have time to
	Page 58		Page 60
1	for you.	1	attend school for one to two months, or two to three
2	Mr Chairman.	2	months.
3	THE CHAIRMAN: Thank you. Mr Grossman, do you have	3	THE CHAIRMAN: That may be the fact, but what you're being
4	an application?	4	asked is, is that what you said in this interview? This
5	MR GROSSMAN: I do, Mr Chairman. There are four areas. I'd	5	was a video-recorded interview, was it not?
6	like to ask the witness a few questions about his	6	MR GROSSMAN: Yes, it was.
7	background; secondly, about the wheelhouse; thirdly,	7	A. Yes.
8	about the trip itself; and fourthly, about the aftermath	8	THE CHAIRMAN: So did you say that you'd never received
9	of the collision.	9	education? Is that the answer you gave?
10	THE CHAIRMAN: Yes. Please proceed.	10	A. I did not receive formal education.
11	MR GROSSMAN: Thank you.	11	THE CHAIRMAN: No, you're being asked about this answer.
12	Examination by MR GROSSMAN	12	Because otherwise we're going to listen to a video. Did
13	MR GROSSMAN: Mr Lai, can you tell us a bit about your	13	you say this or not, that you'd never received
14	education?	14	education?
15	A. I did not receive any official education. But	15	A. No, I didn't say that.
16	I attended evening school before, and then I attended	16	THE CHAIRMAN: Very well.
17	evening school up to primary 1, to primary 2. Primary 1	17	MR GROSSMAN: Can you read and write Chinese?
18	and primary 2. And then I enrolled the course on and	18	A. I can read a lot. I mean, I can understand a lot. But
19	off.	19	for writing it, only a little bit.
1	Q. You see, there's one document that you haven't been	20	Q. Do you speak or understand any English?
20			A. No.
20 21	•	21	11. 110.
21	referred to yet. That's a recording of a statement you	21 22	MR GROSSMAN: I want to go on to another topic, Mr Chairman.
21 22	referred to yet. That's a recording of a statement you made to the police on 16 October 2012. The translation		MR GROSSMAN: I want to go on to another topic, Mr Chairman
21	referred to yet. That's a recording of a statement you	22	

	Page 61		Page 63
1	Mr Lai, we're going to take the lunch break now.	1	MR GROSSMAN: Yes, indeed.
2	Let me remind everyone that this afternoon, we'll resume	2	THE CHAIRMAN: That's the audio then, not the screen. The
3	at not before 3 o'clock. So as close to 3 o'clock as	3	audio. Listen to what's said.
4	we're able to, we'll resume.	4	(Video played)
5	Do you understand, Mr Lai?	5	THE CHAIRMAN: Thank you.
6	A. Yes.	6	THE INTERPRETER: Okay. The question is:
7	THE CHAIRMAN: Thank you.	7	"First of all, I would like to ask your academic
8	(1.02 pm)	8	qualification."
9	(The luncheon adjournment)	9	Then the answer is:
10	(3.01 pm)	10	"I [not clear] did not study for."
11	THE CHAIRMAN: Mr Lai, may I remind you that you continue to	11	MR GROSSMAN: Thank you very much.
12	testify according to your affirmation.	12	Mr Lai, this morning I asked you if you had told the
13	A. I understand.	13	police that you had no education, and you said no, that
14	THE CHAIRMAN: Mr Grossman?	14	was incorrect.
15	MR GROSSMAN: Thank you.	15	A. Because when I was making my statement at the Queen
16	Mr Lai, when was the last time you had a medical?	16	Elizabeth Hospital, I told the police officer that my
17	THE CHAIRMAN: If you're moving on to another topic, we have	17	education level was at primary 2.
18	this video of the record of interview.	18	Q. No, you told the police you had no education. We've
19	Mr Lai, you deny saying, do you, to the police that	19	heard it. We've seen it transmitted. Why did you say
20	you'd never received education?	20	that?
21	A. Yes.	21	A. I understand, but my meaning is different. That's not
22	THE CHAIRMAN: Very well. Watch this video, please. We're	22	what I mean.
23	starting, apparently, at item 36.	23	Q. All right. Let me ask you this question: when did you
24	(Video played)	24	last have a medical check?
25	THE CHAIRMAN: Thank you.	25	A. Year 2000.
	Page 62		Page 64
1	Yes, Mr Grossman?	1	Q. When did you last have your eyesight checked?
2	MR GROSSMAN: Perhaps, Mr Interpreter, you could translate	2	A. I don't remember.
3	the last question and answer that were given on the	3	Q. Before 2000?
4	screen.	4	A. I don't recall.
5	A. Yes.	5	Q. After you joined Hong Kong Ferries, or before?
6	MR GROSSMAN: Could you translate it to English.	6	THE CHAIRMAN: By that you mean Hong Kong & Kowloon Ferry
7	THE CHAIRMAN: We have the English at counter 40,	7	MR GROSSMAN: I beg your pardon. Hong Kong & Kowloon Ferry.
8	Mr Grossman. You read it out earlier.	8	A. Before I joined it.
9	MR GROSSMAN: The witness has denied that he said it. I'd	9	Q. I'd like you to look at some other documents, please.
10	just like the interpreter to confirm that he did say	10	Holman Fenwick Willan bundle.
11	what is reported.	11	These, Mr Chairman, are the crew's responsibilities.
12	THE CHAIRMAN: Would you like it played again?	12	THE CHAIRMAN: Thank you.
13	THE INTERPRETER: No need.	13	MR GROSSMAN: Holman Fenwick Willan bundle. The Chinese is
14	THE CHAIRMAN: The key point is this, that he said that he'd	14	at page 14, and the English is at page 19. Do you have
15	never received education.	15	it?
16	THE INTERPRETER: That's right, I understand. But I would	16	In the English, at the bottom of page 19, it talks
17	like to translate direct from the Chinese script.	17	of the responsibilities of the coxswain. Do you see
18	THE CHAIRMAN: Yes.	18	that?
19	MR GROSSMAN: Mr Interpreter, I think it's better if you	19	A. Yes, I'm looking at the Chinese version of it.
20	just look at the screen and interpret what is said on	20	Q. Yes. Have you ever seen it before?
21	the screen, because the witness says what is recorded is	21	A. Even if I had, I wouldn't remember it.
	the serverit, because the writess suys what is recorded is		
22	not correct.	22	Q. So you don't know whether you've seen it?
22 23	not correct. THE INTERPRETER: Okay. Then could it be rewound?	22 23	A. You can put it that way.
	not correct.		

7 A. No. 7 is tharright? 8 Q. Have a look, please, a little further on at what is 7 is tharright? 8 Q. Have a look, please, a little further on at what is 7 is tharright? 8 Q. Have a look, please, a little further on at what is 7 is tharright? 8 A. Yes, T 9 Q. And prior to that, you'd served on other ferries as 10 service standard?. The Chinese is at page 17; the 11 A. Yes, 13 A. Yes, I have seen it before, but 1 don' remember is the only ou show? 14 A. I don't remember. 16 Q. Where is it kept? 20 And where is it kept? 20 No. is should not be. 17 A. Was given to me. 20 Q. So use unfortunate incidents have only happened since 17 A. I don't remember. I don't remember its still 21 particularly vigilant because it was the fireworks right 21 Q. Doy us till have it? 20 Vers well. You've told us that you knew on this 22 Q. Very well. There's another document 10 like you to 23 A. Yes. 23 Mr Chairman, these are records of incidents that 23 A. Yes. 34 <th></th> <th>Page 65</th> <th></th> <th>Page 67</th>		Page 65		Page 67
2 work and various other things. Thave been in this 3 happened. 3 industry for a long time. That's about the kind of 4 Ves. 4 things that I do responsible for. 9 Q. Were you disciplined for any of these incidents? 5 Q. Has anyone ever explained to you on Hong Kong & Kowloon Ferries specifically what you duites are? 6 Q. You joined Hong Kong & Kowloon Ferry in 2008, I thin is that right? 8 A. No. Q. Ware a look, please, a little further on at what is 9 Q. And prior to that, you'd served on other ferries as 10 service standard", The Chinese is at page 17; the 11 A. Yes. 12 A. Had you been involved in any collisions or near misses 12 A trading there were solid dor tremember its 14 A. I don't remember there here in a long tremember its 15 Q. But it's possible? 16 Q. Where is it kept? 10 A. No, it is dould not be. 17 A. When I start start dowrking for the company, I was 18 20 Q. Very well. You've told us that you had to be 19 20 Q. Very well. You've told us that you had to be 12 A. I don't remember whether it's still 20 Q. Very well. You've told us that you had to be 21 22 <t< td=""><td>1</td><td>the vessel and then instruct the crew to do the cleaning</td><td>1</td><td>Q. I understand. You were reporting an incident that had</td></t<>	1	the vessel and then instruct the crew to do the cleaning	1	Q. I understand. You were reporting an incident that had
3 industy for a long time. That's about the kind of things that Tab responsible for. 3 A. Yes. 5 Q. Has anyone ever explained to you on Hong Kong & Kowloon 6 Gerey ou disciplined for any of these incidents? 6 Ferries specifically what your duites are? 7 A. No. 7 A. No. 6 Q. You joined Hong Kong & Kowloon Ferry in 2008, I thin 7 8 Q. Have a look, please, a little further on at what is 9 9 A. And prior to that, you'd served on other ferries as 10 10 service standard?. The Chinese is at page 17; the 11 Fangish is at page 23. 12 Q. Had you been involved in any collisions or near misses 13 13 A ves. 9 Q. And a you were seen it before, but I don't remember is 14 A. I chair remember. 14 Content very clearly. The company dig type me this 15 10 A. Was given to me. 12 Q. Netwere is it kept, do you know? 17 A. Was given to me. 13 Powere were is the for member whether it's still 20 A. I was given to me. 20 12 O. Very well. Thre's another document 12 21 particularly vigilant because it was the fireworks night and there were going to be loss of snail craft around 21	2	work and various other things. I have been in this	2	
5 Q. Has anyone ever explained to you on Hong Kong & Kowloon 5 Å. No. 6 ferries specifically what your duties are? 6 Q. Ua joined Hong Kong & Kowloon Ferry in 2008, I thin is that righ? 8 Q. Have a look, please, a little further on at what is 6 Q. Ou joined Hong Kong & Kowloon Ferry in 2008, I thin is that righ? 8 Q. Have a look, please, a little further on at what is 9 Q. And prior to that, you'd served on other ferries as 10 service standard?. The Chinese is at page 17; the 11 A. Yes. 12 Have you ever seen this document before? 14 A. I don't remember. 13 A. Yes. I have seen it before, but I don't remember when I read it. 16 A. No, is should not be. 15 Q. bank where is it kept, do you show? 16 A. No, oi tshould not be. 17 A. When I start stanted working for the company. I was given the is one along with other documents. 17 Q. So these unfortunate incidents have only happened since is kept, do you would book inst at the Holman Ferwick Willan 20 Q. Very well. There's another document I d like you to? 20 Very well. You've told us this inorning that in fact you were'n facturality vigilant, you didn't bo in normal routes. 21 bourdle. 2 A. Yes. <tr< td=""><td>3</td><td>industry for a long time. That's about the kind of</td><td>3</td><td></td></tr<>	3	industry for a long time. That's about the kind of	3	
6 9. You joined Hong Kong & Kowloon Ferry in 2008, 1 thin 7 7 A. No. 8 O. Have a look, please, a little further on at what is 9 called the "regulations for maintaining discipline and 10 7 9 called the "regulations for maintaining discipline and 10 8 A. Yes. 9 called the "regulations for maintaining discipline and 10 9 0. And prior to that, you'd served on other ferries as 10 11 English is ar page 23. 1 A. Yes. 10 captain? 12 Have you ever seen this document before? 13 prior to joining Hong Kong Ferry? 14 content very clearly. The company did give me this 15 document before, but 1 don't remember whent reatit. 16 A. No, it should not be. 17 A. When I start start working for the company, 1 was 18 given this one along with other documents. 10 Q. So these unfortunate incidents have only happened since 18 12 O. Yery well. There's another document Pather it's still 20 Very well. There's another document Pather it's still 23 hu' kay inpened, miror incidents that 34 M' Chairman, these are records of incidents that 35 So did you keep up this vigilance all the way to Yang 35 24 M' Chairman, these are necords of incidents tha	4	things that I'd be responsible for.	4	Q. Were you disciplined for any of these incidents?
7 A. No. 7 is thar right? 8 Q. Have a look, please, a little further on at what is 7 is thar right? 8 Q. Have a look, please, a little further on at what is 7 is thar right? 8 Q. Have a look, please, a little further on at what is 9 Q. And prior to that, you'd served on other ferries as 10 service standard? The Chinese is at page 17. the 14 A. Yes. 12 Have a look, please, a little further on at what is 9 Q. And prior to that, you'd served on other ferries as 12 Have a look, please, a little further on at what is 14 A. Yes. 13 A. Yes, Itaw seen it hefore, but I don't remember when it is it is 14 A. I don't remember. 14 O. Wore well. Works gibt 16 A. No, it should not be. 15 Q. Do you still have it? 2 Q. Very well. There's another document be'it's still 24 Q. Very well. There's another document Paritics with 2 2 25 Iook at, and that is in the Holman Ferwick Willan 2 3 A. Yes. 26 Were well. You've told us this morning that in fact you weren't 3 4	5	Q. Has anyone ever explained to you on Hong Kong & Kowloon	5	A. No.
8 0. Have a look, please, a little further on at what is 9 0. And prior to that, you'd served on other ferries as 9 Called the "regulations for maintaining discipline and 9 0. And prior to that, you'd served on other ferries as 11 English is at page 23. 11 A. Yes. 12 Have you ever seen this document before? 11 A. Yes. 13 A. Yes., have seen it before, but 1 don't remember when I real it. 0. Hore is it kept, do you know? 14 A. Idon't remember. 16 Q. Where is it kept, do you know? 15 Q. So these unfortunate incidents have only happened since 18 given this one along with other documents. 19 Q. So these unfortunate incidents have only happened since 19 Q. And where is it kept? 20 Q. Very well. You've told us that you had to be 21 A. I don't remember whether it's still 21 particularly vijellant because it was the fireworks night 22 A. I don't remember. I don't remember weick Willan 22 Yes. 9 23 Marchairman, these are records of incidents that 16 10 0. So did you keep up this vigilance all the way to Yung 24 Mr Lai when he was in charge of a vessel. 10	6	ferries specifically what your duties are?	6	Q. You joined Hong Kong & Kowloon Ferry in 2008, I think;
9 Called the "regulations for maintaining discipline and 10 service standard". The Chinese is at page 17; the 11 English is at page 23. 9 Q. And prior to that, you'd served on other ferries as 10 captain? 11 English is at page 23. 11 A. Yes. 12 Q. Had you been involved in any collisions or near misses 10 prior to joining Hong Kong Ferry? 12 Output to point op sint laws can it before, but 1 don't remember when 1 read it. 13 A. Yes. 13 A. Yes. 1 don't remember when 1 read it. 14 A. No, it should not be. 14 Content very clearly. The company did give me this 15 13 Q. But it's possible? 14 A. When 1 start started working for the company, I was 18 17 A. No, it should not be. 17 A. It was given to me. 20 Q. Very well. There's another document I'd like you to 24 A. Yes. 26 A. I don't remember. I don't remember whether it's still 23 20 Q. Very well. There's another document I'd like you to 24 24 Yery well. 26 I don't remember. 10 oh there were going to bo lats of small craft around which wouldn't be on normal routes. 27 I don't remember. 23 A. Yes. 28 The ChAIRMAN: Thank you. 24 Yes.	7	A. No.	7	is that right?
10 service standard". The Chinese is at page 17; the 10 captain? 11 English is at page 23. 11 A. Yes. 12 Have youe verseen this document before? 13 A. Yes. I have seen it before, but I don't remember when I real it. 13 document before, but I don't remember when I real it. 10 Captain? 14 content very clearly. The company did give me this 13 A. I don't remember. 16 Q. Where is it kept? 10 So these unfortunate incidents have only happened since 17 A. When is it kept? 19 A. I don't remember. I don't remember whether it's still 21 Q. Do you still have it? 20 Very well. You've told us that you had to be 22 A. I was given to me. 20 Very well. You've told us that you had to be 22 A. I was given to me. 20 Very well. You've told us that you had to be 23 and there were going to be lots of small craft around which wouldn't be on normal routes. 24 Very well. There's another document I'd like you to 25 A. Yes. 7 There was an innic onicidents that 10 2 So did you keee up this vigilance all the way to Yung	8	Q. Have a look, please, a little further on at what is	8	A. Yes.
11 English is at page 23. 11 A. Yes. 12 Have you ever seen this document before? 12 Q. Had you been involved in any collisions or near misses 13 A. Yes. I have seen it before, but I don't remember its is content very clearly. The company did give me this 12 Q. Had you been involved in any collisions or near misses 14 content very clearly. The company did give me this 14 A. I don't remember. 15 document before, but I don't remember when I read it. 15 Q. But it's possible? 16 Q. Where is it kept? 14 A. I don't remember. 15 Q. But it's possible? 17 A. I was given to me. 20 O. Yery well. You've told us that you knew on this 12 Q. Doy ustilh ave it? 20 A. Yes. 24 Q. Very well. There's another document I'd like you to 21 and there were going to be lots of small craft around 24 Q. Very well. There's another document Kerike Page 6 1 Mr Chairman, these are records of incidents that Page 6 1 Mr Chairman, these are records of incidents that Page 6 2 Mr Chairman, these you copt a minor incident where there A. Yes. Q. You've told us t	9	called the "regulations for maintaining discipline and	9	Q. And prior to that, you'd served on other ferries as
12 Prace you ever seen this document before? 12 Q. Had you been involved in any collisions or near misses 13 A. Yes, I have seen it before, but I don't remember its 13 prior to joining Hong Kong Ferry? 14 Content before, but I don't remember when I read it. 15 Q. But it's possible? 16 Q. When i start started working for the company, I was 15 Q. But it's possible? 16 Q. When i start started working for the company, I was 16 Q. Not where is it kept? 17 A. When I start started working for the company, I was 16 Q. So these unfortunate incidents have only happened since 19 Q. And where is it kept? 10 A. Yes. 10 A. Yes. 20 Do you still have it? 10 Yes. 10 A. Yes. 21 Q. I don't remember. I don't remember whether it's still 21 and there were going to be lots of small craft around 24 A. I don't remember. 21 Pareical 2. A. Yes. 25 look at, and that is in the Holman Fenwick Wilan 25 A. Yes. 25 A. Yes. 26 Mr Chairman, these are records of incidents that 3 A. Yes.	10	service standard". The Chinese is at page 17; the	10	captain?
 A. Yes, I have seen it before, but I don't remember its content very clearly. The company did give me this content very clearly. The company did give me this do comment before, but I don't remember when I read it. Q. Where is it kept, do you know? A. When I start started working for the company, I was given this one along with other documents. Q. And where is it kept? A. I don't remember. I don't remember whether it's still With me or not. Q. Overy well. There's another document I'd like you to so or not. Q. Very well. There's another document I'd like you to so or not. Q. Very well. There's another document I'd like you to so of an diner document I'd like you to so or not. M. Chairman, these are records of incidents that a have happened, minor incidents, I should say, concerning the may incident specific that you would look first at the Holman Fenvick M. GROSSMAN: If you would look first at the Holman Fenvick M. RGROSSMAN: If you would look first at the Holman Fenvick M. RGROSSMAN: If you would look first at the Holman Fenvick M. Fuar wene it. Q. And at page 211 in the Chinese; page 215 in the English, there you report an intor collision with a ararber tyre on the pier which caused damage. Do you is a argort by you of a minor collision with a a rubrer tyre on the pier which caused damage. Do you is a a an intor collision with the argue scalled - Tm sorry. You were sailing the on a vessel called - Tm sorry. You were sailing the on a vessel called - Tm sorry. You were sailing the Chino Choy No 3 vessel. X. I wasn't sauling bes as Smooth, and you sere in the Chinicking at the rubry on grassing the concentrate on, 23 A. I wasn't sauling thes as Smooth, and you were in the collision with the cont bow of a	11	English is at page 23.	11	A. Yes.
14 content very clearly. The company did give me this 15 document before, but I don't remember when I read it. 16 Q. Where is it kept, do you know? 17 A. When I start started working for the company, I was 18 given this one along with other documents. 19 Q. And where is it kept, do wh	12	Have you ever seen this document before?	12	Q. Had you been involved in any collisions or near misses
15 document before, but I don't remember when I read it. 15 Q. But it's possible? 16 Q. Where is it kept, do you know? 16 A. No, it should not be. 17 A. When I start started working for the company, I was given this one along with other documents. 19 Q. Near were given this one along with other documents. 19 Q. Very well. You've told us that you knew on this 21 Q. Do you still have it? 20 Q. Very well. You've told us that you knew on this 22 A. I don't remember. I don't remember whether it's still 21 particulard y sigliant because it was the fireworks night 23 With me or not. 23 and there were going to be lost of small craft around 24 Q. Very well. There's another document I'd like you to 24 which wouldn't be on normal routes. 25 look at, and that is in the Holman Fenwick Willan 25 A. Yes. Page 6 1 bundle. 2 Shue Wan, or until the collision? Until work out dut to bow in a consection with a sam there going to be lost of small craft around y yes. 3 HE CHAIRMAN: Thank you. 10 Q. So did you keep up this vigilance all the way to Yung yes. 4 M CROSSMAN: If you would look first at the Holman Fenwick? 10 10 <td>13</td> <td>A. Yes, I have seen it before, but I don't remember its</td> <td>13</td> <td>prior to joining Hong Kong Ferry?</td>	13	A. Yes, I have seen it before, but I don't remember its	13	prior to joining Hong Kong Ferry?
16 Q. Where is it kept, do you know? 16 A. No, it should not be. 17 A. When I start started working for the company, I was 16 A. No, it should not be. 17 Q. And where is it kept? 10 So these unfortunate incidents have only happened since 20 A. It was given to me. 20 Q. Very well. You've told us that you knew on this 21 Q. I don't remember. I don't remember whether it's still 20 Q. Very well. You've told us that you knew on this 22 A. I don't remember. I don't remember whether it's still 20 Q. Very well. There's another document I'd like you to 24 Q. Very well. There's another document I'd like you to 23 and there were going to be lots of small craft around 24 Q. Very well. There's another document I'd like you to 24 which wouldn't be on normal routes. 25 look at, and that is in the Holman Fenwick Willan 25 A. Yes. 2 Mr Chairman, these are records of incidents that 3 sub was no charge of a vessel. 3 have happened, minor incidents, I should say, concerning 4 A. Yes. 5 THE CHAIRMAN: Thank you. 5 Q. You've told us this morning that in fact you werent 6 <td>14</td> <td>content very clearly. The company did give me this</td> <td>14</td> <td>A. I don't remember.</td>	14	content very clearly. The company did give me this	14	A. I don't remember.
17 A. When I start started working for the company, I was 17 Q. So these unfortunate incidents have only happened since 18 given this one along with other documents. 19 Q. And where is it kept? 20 A. It was given to me. 20 Q. Very well. You've told us that you knew on this 21 Q. Do you still have it? 20 Q. Very well. You've told us that you knew on this 23 A. I don't remember. I don't remember whether it's still 20 Q. Very well. You've told us that you knew on this 24 Q. Very well. There's another document I'd like you to 24 and there were going to be lots of small craft around 24 Q. Very well. There's another document I'd like you to 24 A. I don't memember. 25 look at, and that is in the Holman Fenwick Willan 25 A. Yes. 2 Mr Chairman, these are records of incidents that 3 yes. 3 THE CHAIRMAN: Thank you. 7 A. Yes. 5 THE CHAIRMAN: Thank you. 7 radar, and you said you were distracted. 6 Mr Lai when he was in charge of a wessel. 7 14 A. Yes. Can at apage 211 is the Chinese; page 215 in the English. 15	15	document before, but I don't remember when I read it.	15	Q. But it's possible?
18 given this one along with other documents. 18 you joined Hong Kong Ferry? 19 Q. And where is it kept? 19 A. Yes. 20 Q. Very well. You've told us that you knew on this 21 Q. Do you still have it? 20 Q. Very well. You've told us that you knew on this 22 A. I don't remember. I don't remember whether it's still 21 particulard ay, 1 October, that you had to be 23 A. I twas given to me. 21 particulard ay, 1 October, that you had to be 24 Q. Very well. There's another document I'd like you to 25 how the work of mail craft around 24 Q. Very well. There's another document I'd like you to 25 A. Yes. 25 look at, and that is in the Holman Fenwick Willan 25 A. Yes. 2 Mr Chairman, these are records of incidents that 3 swe happened, minor incidents, I should say, concerning 4 A. Yes. 4 Mr Lai when he was in charge of a vessel. 5 Q. You've told us this morning that in fact you weren't 5 THE CHAIRMAN: Thank you. 6 Particularly vigilant, you didn't book at the 6 that' na those arinor contact with another vessel. Do you see <t< td=""><td>16</td><td>Q. Where is it kept, do you know?</td><td>16</td><td></td></t<>	16	Q. Where is it kept, do you know?	16	
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22 A. I don't remember. I don't remember whether it's still 23 particularly vigilant because it was the fireworks night 23 with me or not. 24 Q. Very well. There's another document I'd like you to 24 Q. Very well. There's another document I'd like you to 24 and there were going to be lots of small craft around 24 Q. Very well. There's another document I'd like you to 25 A. Yes. 25 Ibundle. 25 A. Yes. 26 Mr Chairman, these are records of incidents that 3 have happened, minor incidents, I should say, concerning 4 Mr Lai when he was in charge of a vessel. 5 Q. So did you keep up this vigilance all the way to Yung 5 THE CHAIRMAN: Thank you. 5 Q. You've tod us this morning that in fact you weren't 7 Willan bundle. Page 211 is the Chinese; page 214 is the 7 radar, and you said you were distracted. 8 English. There you report a minor collision with 7 A. Yes. 9 10 that? 1 A. Yes. 1 12 Q. And at page 212 in the Chinese, page 215 in the English, 13 the arbother incident where your starboard bow 13 you were sailing th	20	-	20	
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24 already. It was Chun Choy, when he was backing up, he 24 MR GROSSMAN: Yes.	24	already. It was Chun Choy, when he was backing up, he		MR GROSSMAN: Yes.
25 hit me at the stern. 25 On that evening you said you were probably				

	Page 69		Page 71
1	complacent and hadn't kept a proper look-out.	1	THE CHAIRMAN: By that do you mean were the conditions such
2	A. I did not do the proper look-out by means of radar, with		that he would have expected to have seen the other
3	the help of radar. But I did do a look-out with my	3	vessel's lights if it had lights?
4	naked eye.	4	MR GROSSMAN: You put it more elegantly than I, as always.
5	Q. Tell me this. Why did you not say to one of the crew,	5	A. Normally speaking, I would have.
	"Come and stand next to me and look at the radar,	6	Q. At the distance that you were shown this morning, the
6 7	because we have to be extra-vigilant this evening"?	7	other vessel would have been dead ahead of you, would it
8	A. Well, as to why, I was just doing what I would be doing		not?
0 9		9	A. Yes, according to this chart.
9 10	at any ordinary time. And I would be the one who will concentrate extra for the look-out.	10	Q. Yes. Now, I have to suggest to you that in fact the
10	Q. But you were not concentrating extra. You could have	11	navigation lights were all on.
11		12	THE CHAIRMAN: On Lamma IV.
	had another pair of eyes looking at the radar. And you	12	MR GROSSMAN: On Lamma IV. I beg your pardon. Yes, on
13 14	knew you had to be very vigilant. A. It didn't occur to me.	14	Lamma IV.
		14	A. You see, what I saw that there were no navigation
15	Q. Did it occur to you to say to any of the three crewmen	16	lights.
16	in the wheelhouse, "Look, this evening, just help me by	17	-
17	keeping a particularly good look-out"? A. No.	18	Q. You see, we've had evidence not only from the crew of the Lamma IV but from passengers on the Sea Smooth.
18		19	We've had evidence from policemen who saw the lights.
19	Q. Mr Lai, you're a very experienced seaman. We can see	20	We've had evidence, scientific evidence, to indicate the
20	that. Surely it must have occurred to you that you		
21	needed just a little bit of extra help that evening to	21 22	lights were on. I suggest to you that they certainly were on.
22	ensure that there was no problem with other vessels,	22	
23	small craft et cetera.	23 24	MR SUSSEX: I hesitate to interrupt my learned friend, but my recollection is that there's no evidence from Sea
24	A. It didn't occur to me. It didn't enter my thought		Smooth passengers of navigation lights being on the
25	because I thought that with my own experience, it would	23	
	Page 70		Page 72
1	be enough for me to do a look-out with my naked eye, and	1	Lamma IV.
2	therefore I didn't ask anybody else to help me.	2	MR SHIEH: I believe so too.
3	Q. Was it any part of the duties of the other crew members	3	THE CHAIRMAN: Certainly no evidence as to sidelights.
4	to keep a look-out when they were in the wheelhouse?	4	MR SUSSEX: Yes, that's right.
5	A. They would also carry out the look-out most of the time.	5	MR SHIEH: A fireman saw the starboard lights, but not Sea
6	Q. How do you know?	6	Smooth passengers.
7	A. Because sometimes they would remind me that, "Hey, there	7	THE CHAIRMAN: But in any event, this is an argumentative
8	is a vessel there at some bearing". Sometimes they	8	way of putting the question. This witness can only say
9	would do that.	9	what he saw.
10	Q. So you knew that their assistance might be valuable?	10	MR GROSSMAN: He says what he said he saw. I am suggesting
11	A. Yes, it should be.	11	to him
12	Q. On this particular day, when there was need to be	12	THE CHAIRMAN: Yes, by all means suggest that, but I don't
13	extra-vigilant, you didn't even know if any of them were	13	see how it helps by making the question argumentative.
14	keeping a look-out.	14	MR GROSSMAN: If you don't think so, then I'm going to pass
15	A. But then I wouldn't be turning my head backward to check	15	on. Manha taldus shout this black shadow that and an h
16	whether they are dozing off or they are doing the	16	You've told us about this black shadow that suddenly
17	look-out.	17	crossed your bow.
18	Q. Exactly. You just didn't know, and you didn't care?	18	A. This should be Sea Smooth (indicates). This was the
19	A. Yes.	19	approaching vessel.
20	Q. I want to get to the situation that was shown on the	20	MR GROSSMAN: He was coming across your bow, you say, as
21	plotting, on the chart, this morning by Mr Shieh. I'm	21	I understood it?
22	not going to go through it again, but I want to ask you	22	A. Yes.
23	this. When you say you started to turn to port, if the	23	Q. But you recognised it as the Lamma IV as soon as you hit
24	other vessel had had lights, navigation lights, would	24	it?
25	you have seen it?	25	A. Yes.

	Page 73		Page 75
1	Q. I think you accept that if you had been looking at the	1	that's right, isn't it?
2	radar, or anyone else had been looking at it, you would	2	A. I'm not clear about it.
3	have seen this vessel a long time ago, navigation lights	3	Q. When you shouted out, presumably you were hoping they
4	or not?	4	would hear you on the other vessel?
5	A. Yes.	5	A. Well, that didn't enter my thinking. All I was doing
6	THE CHAIRMAN: And by "a long time ago", you would have seen	16	then was just shouting out, "Anything the matter? Are
7	Lamma IV at 0.75 nautical miles range on your radar, at	7	you okay? Are you okay?" That's what I did.
8	about one minute and 10 seconds before the collision,	8	Q. And when there was no response, you went back inside,
9	would you not?	9	did you?
10	A. Yes, if I had been looking at the radar. If I had	10	A. Yes. I went back in and then I opened the sliding door
11	looked at the radar.	11	and then I shouted, asking if anybody had been hurt.
12	THE CHAIRMAN: And that was ample time in which to take	12	Q. When nobody responded to you from the Lamma IV, did you
13	avoiding action, was it not?	13	assume that they were okay, they didn't need any help?
14	A. Correct.	14	A. No. The situation on my vessel has already become very
15	MR GROSSMAN: Thank you.	15	chaotic and very noisy. And then I also had to talk to
16	You told us that when you saw it suddenly and you	16	my company and talk to the Marine Department.
17	wanted to turn very suddenly, you used the joystick.	17	Q. Yes, but when they didn't reply, you then went inside.
18	A. Yes.	18	Did you not wait for some kind of shout or response?
19	Q. Why did you use the joystick rather than the wheel?	19	A. Because it was very noisy and chaotic in my own
20	A. I always use joysticks instead of the steering wheel.	20	passenger cabin.
21	Q. Why is that?	21	Q. The evidence has been that everybody not everybody,
22	A. Easy to manoeuvre and easy to turn directions.	22	dozens of people on the Lamma IV were screaming with
23 24	Q. Thank you. When the vessels collided, there must have	23	fear and with anger and with pain. How could you
24 25	been an enormous sound, enormous crash? A. Yes.	24 25	possibly not hear anything?
23		23	A. I have gone inside. Of course I couldn't have heard it.
	Page 74		Page 76
1	Q. Do I understand it that the first thing you did was to	1	Q. When you went outside, there must have been lots of
2	rush out to the port wing on the bow?	$\begin{vmatrix} 2 \\ 2 \end{vmatrix}$	screaming and shouting. You must have heard something
3 4	A. Only after when I turned the gear to off, to neutral, and then I stepped down, left my chair, and then	3	if you went outside. A. I didn't hear it.
4 5	I walked out.	4 5	Q. I suggest to you that's simply a lie. You did hear
6	THE CHAIRMAN: So you put the engines in neutral; is that	6	them. If you went outside, you must have heard them
7	what you're trying to say?	7	screaming.
8	A. That's right.	8	A. If you say I'm lying, okay, I'm lying. But all I
9	MR GROSSMAN: So that would have been a few seconds after	9	what I said is true.
10	the collision?	10	Q. When you went outside, you saw that your vessel had been
11	A. I don't remember how long, how many seconds after.	11	very badly damaged?
12	Q. I'm not asking you to be precise about that. But you	12	A. I didn't look and I didn't know how much my vessel had
13	put the engine in neutral, then you rushed out onto the	13	been damaged.
14	port side; am I right?	14	Q. It must have been damaged if there was water coming in
15	A. Correct, yes.	15	and everybody was screaming and shouting.
16	Q. And you saw the Lamma IV. How far away from you was it,	16	A. (Chinese spoken).
17	can you estimate?	17	Q. Do you want to look at the photographs?
18	THE CHAIRMAN: He's told us already that it was two	18	THE INTERPRETER: Yes, the witness wants to look at the
19	boat-lengths from the port quarter.	19	photographs.
20	A. As far away as the length of two ships. Two	20	MR GROSSMAN: Have a look, please, at page 67 of police
21	ship-lengths.	21	photo album I.
22	MR GROSSMAN: Yes. And when you shouted out to them, were		THE INTERPRETER: The witness was referring to the police
	you confident your voice would carry that far?	23	bundle, the photograph on page 66 and 69.
23			
23 24 25	A. That didn't occur to me.Q. Well, noises sound louder, carry further at night;	24 25	MR GROSSMAN: Have a look at A. On page 66.

	Page 77		Page 79
1	THE INTERPRETER: The witness is pointing at the missing	1	dealing with whether or not he'd realised that it was
2	parts.	2	a serious collision.
3	A. It was down below, so I would be unable to see it.	3	MR GROSSMAN: At no time, Mr Lai, did it occur to you, as
4	MR GROSSMAN: What about the parts that were missing on the	4	I understand it, that you should at least see what had
5	bow?	5	happened to the other vessel.
6	A. Yes, I can see the missing part on the ship's bow. And	6	A. All I saw was the two vessels collide, and then the
7	also	7	other vessel bounced off and then started drifting away.
8	THE INTERPRETER: I'm translating what the witness had just	8	Q. My question was, should you not at least have had a look
9	said, in answer to your question, counsel, that "Noises	9	to see what happened to the other vessel?
10	and screaming were happening down below."	10	A. I have shouted at them and then there was no response
11	THE CHAIRMAN: Were you able to see that part of the	11	from them. And it was already very chaotic in my vessel
12	superstructure in the bow area had been lost in the	12	then, and then I had to take care of my passengers.
13	collision on the port side, when you looked out from the	13	Q. When you were in the wheelhouse on the telephone, did
14	port side wing bridge?	14	you look through the windows to see if you could see the
15	A. Yes.	15	other vessel?
16	THE CHAIRMAN: From the sound that emanated from the	16	A. I was fully occupied then with the radio and then with
17	collision, were you able to judge how serious this	17	the telephone. I could not there was no time for me
18	collision was?	18	to look through the window, look out the window.
19	A. It was very chaotic then. I was unable to judge how	19	THE CHAIRMAN: So is the answer "no"?
20	serious it was.	20	A. That's right, I didn't look outside.
21	MR GROSSMAN: You may not have been able to judge the full	21	THE CHAIRMAN: Because you were too busy doing other things?
22	extent of it, but you knew there had been a very serious	22	A. That's right.
23	collision indeed?	23	MR GROSSMAN: Being on the radio and the telephone, why
24	A. Because it all happened in a matter of moments. The	24	couldn't you turn your head to look round, to see
25	passengers it's very noisy among the passengers. It	25	whether you could see the other vessel?
	Page 78		Page 80
1	is an occurrence of a matter of a moment.	1	A. You see, if I had looked, it would have distracted my
2	Q. I know it must have been a great shock to you. I'm not	2	attention, you know, talking to the radio and telephone.
3	saying it wasn't. But you must have realised the vessel	3	Q. Why?
4	of which you were in charge had had a very major and	4	A. But I also was in a panic then.
5	serious collision at sea.	5	Q. Why? Why would it distract
6	A. Yes. Yes, I realised it.	6	MR SHIEH: I think he also said "very confused", "(Chinese
7	Q. And if your vessel was damaged, to whatever extent,	7	spoken)".
8	there was also a fine possibility, a good possibility	8	A. Very nervous. And also I was very nervous then, and
9	the other vessel was also, the Lamma IV?	9	confused.
10	A. At that split second, it didn't occur to me to think	10	THE CHAIRMAN: I think you've exhausted this topic,
11	about these things.	11	Mr Grossman.
12	Q. How could it not occur to you what you'd driven into,	12	MR GROSSMAN: Yes, I think I have, indeed.
13	especially as you seem to indicate it wasn't your fault;	13	You said that you decided to sail away because you
14	this other vessel had no navigation lights?	14	had to look after your passengers?
15	A. I didn't say that it was a fault of the other vessel.	15	A. That's right, because there was water coming into my
16	All I said was that there was no navigation lights	16	vessel, and I had on my hands over 100 passengers. And
17	there.	17	therefore I requested to leave the scene and then go
18	Q. Well, that was the reason you say you didn't see it.	18	back to Yung Shue Wan.
19	MR SHIEH: "(Chinese spoken)".	19	Q. You see, the engineer has told us that he told you you
20	A. And then I can't vouchsafe, I can't guarantee to say	20	had to move because you were drifting too close to the
21	which side is at fault.	21	reef.
22	MR GROSSMAN: It doesn't matter. You were saying that you	22	A. I was to the Marine Department, then I did not hear
23	didn't see this vessel because it had no navigation	23	what he was shouting about.
24	lights like it should have done.	24	THE CHAIRMAN: Was there a time when you were close to rocks
25	THE CHAIRMAN: We've got that bit, Mr Grossman. You were	23	or a reef, without the engines turning, just in neutral?

1 A. Idiah' look out. 1 asked me for my liceaces. And then 1 idiah' feel well. 2 THE CHAIRMAN: You didn' look out of your wheelhouse to see so. accompanied by the police and the Marine Department, 3 Nake TSC SSMAN: Did it occur to you to perhaps throw lifebuos. Taksen hy the Marine Police to another place. 6 overboard just in case somebody from the other vessel Taksen hy the Marine Police to another place. 7 THE CHAIRMAN: So to well thave throw out lifebuos. Taksen hy the Marine Police to another place. 7 THE CHAIRMAN: So to well thave throw out lifebuos. Taksen hy the Marine a marine incident report to the company. 9 was. How could like to set if Mark Way outlike to set if Mark Way and Place. THE CHAIRMAN: So ther place. 10 THE CHAIRMAN: Why mo? THE CHAIRMAN: So that right. Mr Shich? 14 A. Because it was very choric then and I was very nervous. THE CHAIRMAN: So that right. Mr Shich? 15 myself. So it didn't occur to me that -1 can't just Sa aneque the place. THE CHAIRMAN: So that make a port to the company. 16 Mr Lai, kat you simply paneide and that Wy you THE CHAIRMAN: So that make a port to the company it would be in Mardep. THE CHAIRMAN: So that make a port to the company it would be in Mardep. 17 MR ROROSSMAN. Would it be true		Page 81		Page 83
2 THE CHAIRMAN: You didn't look out of your wheelhouse to see so, accompanied by the police and the Marine Department, 3 Where you were? so, accompanied by the police and the Marine Department, 4 A. No. staken by the Marine Police to another place. 5 MR GROSSMAN: Did is occur to you to perhaps throw lifebuoys for any the Marine Police to another place. 6 O. Didy ou ever make a formal report as to what had 7 might need them? 8 A. I didn't see where the vessel 9 was. How could I have thrown out lifebuoys to them? 10 THE CHAIRMAN: Did you have a look at radar to see where the 11 other vessel was? 12 A. No. 13 THE CHAIRMAN: Bo id didn't court one that - 1 cart just 14 A. Because it was very chaotic then and I was very nervous 15 mark Lai, day ou simply panicked and tha's why you 14 A. Because it was very chaotic there to say now, looking back, 15 mark Lai, day ou simply panicked and tha's why you 14 Mark Lai, day ou simply panicked and tha's why you 15 mixer coming into the vessel. 16	1	A. I didn't look out.	1	asked me for my licences. And then I didn't feel well,
3 Where you were? 3 I went to a Yung Shue Wan clinic, An ad afterwards, I was 4 A. No. taken by the Marine Device to another place. 5 MR GROSSMAN: Did it occur to you to perhaps throw lifebuoys 6 O verboard just in case somebody from the other vessel 6 Q. Did you ever make a formal report to the 6 overboard just in case somebody from the other vessel 8 A. No. But I did write a marine incident report to the 7 wew could have throw out lifehows to them? 10 THE CHAIRMAN: Did you have a look at radar to see where the 10 order vessel was? 10 THE CHAIRMAN: Bid you have a look at radar to see where the 11 but we would like to would be in throw ould be in hour bease in such 12 12 A. No. THE CHAIRMAN: Why not? 13 THE CHAIRMAN: Would in be may every nervous 13 the you were you down any things. 14 MK BRGOSSMAN: Would in be may every nervous 15 mayself. So it didn'to ceur to me that - I cari just 15 mayself. Ano, necause the passengers were screaming then, "We are 14 MK SRIDEH: I don't believe so, but if there has been such 13 so neart the pir. My don'to terum toit? And alse	2	THE CHAIRMAN: You didn't look out of your wheelhouse to see		
5 Idisembarked, and then I vashopitalised. 6 overboard just in case somebody from the other vessel 6 Q. Did you ever make a formal report as to what had 7 might need them? 8 A. Ididn't see the vessel. 6 Q. Did you ever make a formal report as to what had 8 A. Ididn't see the vessel. 6 Q. Did you ever make a formal report as to what had 10 THE CHAIRMAN: Did you have a look at radar to see where the 10 MC RCOSSMAN: I mention incident report to the 10 THE CHAIRMAN: By you? 11 In we would like to see it, MC Chirman. I don't think 12 A. Bocause it was very chootic then and I was very nervous 14 MR SHIEH: I don't believe so, but if there has been such 15 myself. So it ddin't occur to me hat -1 can't just 15 a report, then it should - this witness is 16 there you paincked and that's why you 15 a report, then it should - this witness is 17 MC RCOSSMAN: Would it be true to say now. looking back, 17 THE CHAIRMAN: Would we return in it?' And also 20 A. No. Because the passengers were screaming them, We ar 2 THE CHAIRMAN: It will the fust screaming in the was a draft Marine Department report, which has been 2 Q. M Li, is in't	3			
6 Q. Did you ever make a formal perior as to what had 7 might need them? 8 A. I didn's see the vessel. 9 was. How could Thave throw out lifebuys to them? 10 THE CHAIRMAN: Did Thave a look at radar to see where the 11 other vessel was? 12 A. No. 13 THE CHAIRMAN: Did the true to as a not a loak at radar to see where the 14 A. Because it was very chaotic then and I was very nervous 15 arbort, the it should - this witness is 16 finit of too many things. 13 17 THE CHAIRMAN: Boil did to court on that - 1 can'l just 15 16 finit o, too many things. 16 17 MR GROSSMAN: Would it be true to say now, looking back, 16 18 mstand off? yes, but also if hef and ac a report to the 19 seamed off? 20 MR SHEEH: In Mr Sussex's possession. 20 A. No. Because the passengers were screaming then, "We are 20 MR SUSSEX: Yes, stress instructions. 21 mistake, and you panicked? 21 Mr Sussex, is here such a document? 23 mistake, and you panicked? 25	4	-	4	
6 Q. Did you ever make a formal perior as to what had might need them? 8 A. I din't see the vessel. I didn't see where the vessel was. How could have horw out lifehusys to them? 8 A. No. But I did write a marine incident report to the company and submitted it to the company. 10 THE CHARMAN: Did You have a look at radar to see where the in other vessel was: twas very choric then and I was very nervous 10 MR GROSSMAN: Would like to see it, MC Chirman. I don't think it is the bundles. 13 THE CHARMAN: Did You on the true to say now, looking back, mike lack and the rule to say now, looking back, it is other vessel, vas: 13 THE CHARMAN: Is that right. Mr Shieh? 14 A. Because it was very choric then and I was very nervous 14 MR SHIEH: I cloart believes so, buil if there has been such is argort, then it should — this writness is umerpresented, but it would be in Mardep. 17 THE CHARMAN: By cloare argort to the company it would be in Hong Kong & Kowloon Ferry's ip possession. 10 A. No. Because the passengers were screaming then, "We are is on eart the pier. Why don't we return to it?" And also the vessel, there's water oroning into the vessel. 20 A. No. Because the passengers were screaming then, "We are is on her the rue position that as soon as you hit is other vessel, you knew that you'd made a dreadful is mixtace, and you particket? 20 20 A. No. because that was the assant apped that I was at. And is then for therey trips, that is just the usaal amount is	5	MR GROSSMAN: Did it occur to you to perhaps throw lifebuoys	5	I disembarked, and then I was hospitalised.
8 A. No. Bit A. No. Bit A. No. Bit A. No. 9 was. How could I have throw no utilifebuoys to them? Io MR GROSSMAN. I mention in passing that we haven't seen it, but we would like to see it, MC Chairman. I don't think 11 other vessel was? Io MR GROSSMAN. I mention in passing that we haven't seen it, but we would like to see it, MC Chairman. I don't think 12 A. No. THE CHAIRMAN: Bit More throw on the three has been such 13 THE CHAIRMAN: Why not? III the two would like to see it, MC Chairman. I don't think 14 A. Because it was very chaoic them and I was very nervous Ifis in the bundles. Ifis in the bundles. 14 A. Because it was very chaoic them and I was very nervous Ifis in the true nois in the very set. (In the true to sen y now, looking back, and for to mamy things. Ifis in the true possion them is in the as one passession. 10 A. No. Because the passengers were screaming then, "We are the pice. Why don't we return to it?" And also Ifis in the two possion. Ifis instructions. 21 his other vessel, you have that you't made a dreadful Ifis instructions. Ifis instructions. 23 Q. Mr Lai, isn'th the true position that as one as you bit Ifis instructions. Ifis instructions. 24 his other vessel, you haven you reached haru Bar andra in base asto th	6	overboard just in case somebody from the other vessel	6	-
9 was. How could I have thrown out lifebuoys to them? 9 company and submitted i to the company. 10 THE CHAIRMAN: Did you have a look at radar to see where th 10 MR GROSSMAN: I mention in passing that we haven't seen it, but we would like to see it, Mr Chairman. I don't thick 12 A. No. 13 THE CHAIRMAN: Why not? 13 THE CHAIRMAN: Why not? 14 A. Recause it was very chaotic them and I was very nervous 14 MR SHIEH: I don't believe so, but if there has been such 15 myself. So it didn't occur to me that - I can't just 15 a report, then it should - this witness is 17 MR GROSSMAN: Would it be true to say now, looking back, 16 unrepresented, but it would be in Mardep. 18 Mr Lai, that you simply panicked and that's why you 18 company it would be in Hong Kong & Kowloon Ferry's 19 steamed off? 20 MR SHIEH: In Mr Sussex's possession. Mr Sussex and/or 20 A. No. Because the piser. Why don't we return to it?' And also 21 Mr Mok. 21 the vessel, dner's water coming into the vessel. 22 THE CHAIRMAN: I think Mr Sussex's possession. Mr Sussex's possession. 22 THE CHAIRMAN: Mr	7	might need them?	7	happened, to the Marine Department?
10 THE CHAIRMAN: Did you have a look at radar to see where the 10 MR GROSSMAN: I mention in passing that we haven't seen it. 11 other vessel was? 11 bit we would like to see it, Mr Chairman. I don't think 13 THE CHAIRMAN: Why not? 13 THE CHAIRMAN: Is that right, Mr Shich? 14 A. Rocause it was very chaotic then and I was very nervous 14 MR GROSSMAN: Would it be true to say now, looking back, 16 minite CHAIRMAN: St hat right be in Mardep. 14 MR GROSSMAN: Would it be true to say now, looking back, 17 THE CHAIRMAN: Yes, but also if the dr made a report to the 16 a report, then it should this witness is 16 marepresented, but it would be in Mardep. 17 THE CHAIRMAN: Yes, but also if the dr made a report to the 17 MR GROSSMAN: Would it be true to say now, looking back, 17 THE CHAIRMAN: St that metare or the the 18 seamed off? 20 MR SHIEH: I har Sussex's possession. Mr Sussex and/or 21 so near the pier. Why don't we return to it?' And also 21 Mr Mak. 22 the work the true position that as soon as you hit 23 mstructions. 24 this other vessel, and you panicked? 24 Mr Sussex, is there such a do	8	A. I didn't see the vessel. I didn't see where the vessel	8	A. No. But I did write a marine incident report to the
11 other vessel was? 11 but we would like to see it, Mr Chairman, I don't think 12 A. No. 13 THE CHAIRMAN: Why not? 13 THE CHAIRMAN: Is that right, Mr Shich? 14 A. Because it was very chaotic then and I was very nervous 14 MR SHIEH: I don't believes on, but if there has been such 15 THE CHAIRMAN: So it duft occur to me that – I can't just 15 areport, then it should – this witness is 16 think of too many things. 17 THE CHAIRMAN: Yes, but also if he'd made a report to the 17 MR GROSSMAN: Would it be true to say now, looking back, 18 compary it would be in Mardep. 17 THE CHAIRMAN: Y they subscit and that's why you 18 compary it would be in Mardep. 19 steamed off? 20 Mr Lai, that you simply paincked and that's why you 18 compary it would be in Hong Kong & Kowloon Ferry's 20 Ar. No. Because the passengers were screaming then, "We are 20 MR SHIEH: I for M Sussex's possession. Mr Sussex and/or 21 may trips to fill? A. No. 22 THE CHAIRMAN: I think Mr Sussex is perhaps taking 23 may trips to fill? 3 THE CHAIRMAN: This appears to be an incident report. 4	9	was. How could I have thrown out lifebuoys to them?	9	company and submitted it to the company.
12 A. No. 12 it's in the bundles. 13 THE CHAIRMAN: Why not? 13 14 A. Because it was very chaotic then and I was very nervous 13 THE CHAIRMAN: Is that right, Mr Shieh? 15 myself. So it didn't occur to me thatI can't just 13 THE CHAIRMAN: Yes, but also if held made a report to the 15 myself. So it didn't occur to me thatI can't just 16 areport, then it should be in Mardep. 16 more seened, but it would be in Hong Kong & Kowloon Ferry's possession. 17 THE CHAIRMAN: Yes, but also if held made a report to the 18 on are the pier. Why don't we return to it?" And also 14 this other vessel. 20 20 A. No. Because the passengers were screaming then, "We are 21 mistake, and you panicked? 21 22 mistake, and you panicked? 23 23 Q. Mr Lai, isn't the true position that as soon as you hit 24 24 nis stake, and you panicked? 24 25 mistake, and you panicked? 24 26 A. No. 29 Page 84 1 A. No. 5 5	10	THE CHAIRMAN: Did you have a look at radar to see where the	10	MR GROSSMAN: I mention in passing that we haven't seen it,
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7THE CHAIRMAN: But when you reached Yung Shue Wan, you were going to stay there, were you not, until the fireworks7THE CHAIRMAN: But I think what the witness is describing is a report to his own company.9ended? There was no hurry, was there?9MR SUSSEX: Yes.10A. Yes.10THE CHAIRMAN: Let's clarify that with Mr Lai.11MR GROSSMAN: What happened to the passengers? Were any of them taken to hospital?11Mr Lai, can you help us as to the nature of the 1213A. After I had berthed and then all the passengers13company?14disembarked, and they all left. And then I asked the pier officer that there were two passengers that had 1615THE CHAIRMAN: Who?16been hurt, but by that time, police officer approached 1716A. I don't know who that person was. All that happened to 1718THE CHAIRMAN: So is the answer you don't know what happened 1918report and then I signed on it and then I gave it to 1219to passengers being taken to hospital from Sea Smooth?19them.20A. Yes.20THE CHAIRMAN: When did you do that?21MR GROSSMAN: We've seen that you were interviewed by the 2221A. I don't remember.22police. Did you make a statement to Mardep, to the 2322THE CHAIRMAN: Well, how soon after the collision?23A. At the initial interview that they asked me for my24THE CHAIRMAN: Days or weeks?			-	
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			25	A. I can't really recall.

	Page 85		Page 87
1	THE CHAIRMAN: And you can't recall who you gave it to	1	warned you after the collision that there were reefs on
2	either?	2	the port side of the vessel and you should sail away
3	A. No, I don't remember which particular person that	3	from them. That's what the engineer has told us.
4	I gave I just gave it to the company, anyway.	4	A. (Chinese spoken).
5	THE CHAIRMAN: Did you write out this report in your own	5	THE CHAIRMAN: Mr Shieh, before you go any further, I've
6	hand?	6	been helpfully reminded that Mr Yeung has returned to
7	A. No. They had it the company had it written out. All	7	the hearing room and I haven't asked him if he has any
8	I did was signed on it.	8	application to make.
9	THE CHAIRMAN: Well, had you given the account which was in	9	Mr Yeung, do you have any application?
10	the writing?	10	MR YEUNG: I do not have any application.
11	A. Yes.	11	THE CHAIRMAN: Thank you.
12	THE CHAIRMAN: When did you do that, in relation to signing	12	I'm sorry, Mr Shieh.
13	the written version?	13	MR SHIEH: You have told us just now that in that state of
14	A. I can't remember.	14	chaos and when you were speaking with Mardep and dealing
15	THE CHAIRMAN: Was it the same day?	15	with different things, you did not hear the engineer say
16	A. No. No.	16	this; is that what you're saying?
17	THE CHAIRMAN: Very well.	17	A. Yes.
18	Perhaps you'll pursue that, Mr Sussex.	18	Q. So you say that you didn't hear the engineer warn you
19	MR SUSSEX: Mr Chairman, we will, yes.	19	about the reefs on the port side of the Sea Smooth?
20	THE CHAIRMAN: Thank you.	20	A. That's right.
21	MR GROSSMAN: Finally, I just want to ask you two questions	21	Q. But this morning when you were giving evidence
22	about the rice cooker that was seen on the console in	22	Mr Chairman, the [draft] transcript reference is
23	front of you. Why was it kept in the wheelhouse?	23	page 11, lines 15 and 16 you told us that when the
24 25	A. I don't really know why this steam cooker is in that	24	collision occurred, "the ship, the vessel edged towards the reefs."
23	position in this photograph. But if you ask me that	25	
	Page 86		Page 88
1	this steamer is on the floor, then I know why.	1	THE INTERPRETER: The witness wants to have the transcript
2	Q. All right. Why is it kept in the wheelhouse at all?	2	shown to him.
3	A. Easy for me to cook rice with, to cook noodles with.	3	MR SHIEH: The transcript will be in English. But if you
4	Q. All right. When did you have your dinner that night?	4	wish to be assisted by the actual wording then maybe
5	A. On that particular night, from afternoon all the way	5	the can the transcript be projected? No.
6	down when the incident happened, and all the way when	6	THE CHAIRMAN: Well, we have a computer with it on, do we
7	I was in hospital, I never had my dinner.	7	not?
8	MR GROSSMAN: I have no further questions. Thank you.	8	(Interpreter translates portion of transcript).
9	THE CHAIRMAN: Thank you. Mr Sussex?	9 10	MR SHIEH: You said that this morning.
10 11	MR SUSSEX: Mr Chairman, I make no application.		A. Yes.Q. So, leaving aside who told you this, after the collision
11	THE CHAIRMAN: Thank you.	11 12	you knew that the vessel was drifting or edging towards
12	Mr Mok?	12	the reefs on the port side, right, near Shek Kok Tsui?
13	MR MOK: I have no questions.	13	A. Because, you see, before I asked permission to leave the
15	THE CHAIRMAN: Mr Shieh?	14	scene, the vessel had already been edging towards O Tsai
16	MR SHIEH: Mr Chairman, I have a few follow-up questions.	16	Pai. And then all sorts of lights my vessel was
17	Further examination by MR SHIEH	17	edging towards them.
18	MR SHIEH: Mr Lai, can I just first ask you about the reefs	18	Q. Your vessel was edging towards the island, right? The
19	on the port side of the vessel.	19	island?
20	THE CHAIRMAN: That is, as one is sailing towards Yung Shue		A. That's correct.
21	Wan?	21	Q. Yes, and near the island there were reefs?
22	MR SHIEH: That's right.	22	A. There should have.
23	THE CHAIRMAN: Yes.	23	Q. Right. So as I said, leaving aside whether anyone has
24	MR SHIEH: Mr Lai, just now Mr Grossman on my left told you	24	warned you about it, by your observation as to the
25	that the engineer, Mr Lo, had given evidence that he	25	circumstances outside the vessel, you were aware that

	Page 89		Page 91
1	the vessel was drifting towards the island and there	1	Q. Although you actually tell us that in fact you have
2	were reefs near the island?	2	received two years of primary education?
3	A. Yes.	3	A. You see, come winter time, when the sea was rough and
4	Q. So was that one of the reasons why you sailed away?	4	then the vessel could not go out to sea, could not be
5	A. No.	5	put out to sea, during that time I would go to school
6	Q. Right. So you sailed away not because you wanted to	6	and study every night for two hours, and study for one
7	stay away from the reefs, but because you wanted to take	7	or two months. I would go to night school and then
8	care of your passengers; that's what you said?	8	study there for two hours every night, like this, for
9	A. Yes.	9	one or two months. And then I would stop. So, have
10	Q. Because if you had wanted to stay away from the reefs,	10	I been educated in this way?
11	you could simply sail away from the reefs without going	11	Q. So in a way what you're really trying to say is perhaps
12	back to Yung Shue Wan; correct?	12	the colloquial Cantonese way of saying almost when
13 14	A. Yes.	13	people say they have no money, when in fact they mean
	Q. Mr Grossman on my left showed you some documents issued by your company about the responsibility of the		they have a little?
15 16	coxswain, and asked you whether you had seen it, and you	15 16	Not quite that sense. It's really a matter of the Cantonese manner of speech. When people say, "I don't
10	said even if you had seen it, you might have forgotten	17	have a lot", they sometimes actually tend to say,
18	about it, or something to that effect.	18	"I have none"?
19	A. Yes.	19	A. Yes.
20	Q. As part of your working routine and because of your	20	Q. In the same way as people actually who are very poor
21	education background, would it be fair to say that you	21	would say, "I have no money", when in fact they might
22	are not the sort of person who would get bogged down in	22	have just a little bit?
23	reading files and documents which people print out and	23	A. Yes.
24	put in a file for you?	24	Q. Coming back to the last point about the seeing of
25	A. If I am given any of those documents, I would take	25	lights. Mr Grossman on my left discussed the question
	Page 90		Page 92
1	a look at it and I would put them away. I wouldn't	1	of whether you have seen lights. I want to ask you this
2	retrieve them and then read them again.	2	question. When you said you have not seen any lights on
3	Q. By the time of the accident on 1 October, just now it	3	the other vessel, do you mean that you have actually not
4	was asked of you that you had already taken many trips,	4	paid attention to whether there was any vessel
5	right, ever since 7.30 that morning?	5	approaching you, therefore you didn't see any lights?
6	A. Yes.	6	Or are you saying that you saw that vessel and you
7	Q. Did you feel tired?	7	positively recall that that vessel had no sidelights?
8	A. No, I wasn't tired because I was used to it. I've been	8	A. I saw that it had no light on it.
9	in this trade for over 30 years.	9	THE CHAIRMAN: By that you mean navigation lights?
10	Q. Even though there was no deadline for you to get to Yung	10	A. Yes.
11 12	Shue Wan in order to start the next journey, was there an aggerrass on your part to get to Yung Shue Wan as	11 12	MR SHIEH: And that was when it was 2-3 ship-lengths away. You knew it was a vessel, and yet you saw no sidelights?
12	an eagerness on your part to get to Yung Shue Wan as soon as possible so you could take a good rest while the	12	A. No navigation lights.
13 14	fireworks went on?	13 14	Q. You must have been saying to yourself, "This is
14	A. No, no, no. I was just doing my usual speed, you know,	14	ridiculous"?
16	whether it's going to Peng Chau, whether it's going to	16	A. No, there's no time for me. The first reaction that
17	Yung Shue Wan.	17	I did was that I have to turn starboard and I have to
18	Q. There was that question about your answer given to the	18	reverse the engine.
19	police when you were asked about your education	19	Q. Right, but you have at no time made any complaints or
20	standard. Do you remember we looked at the video	20	vented your grievance, let's say, to your crew members
21	recording?	21	by way of immediate reaction, you know, saying, "That
22	A. Yes.	22	vessel is ridiculous, it's got no sidelights, rammed
23	Q. From the video, we could see that you actually said you	23	into me or made it ram into it"?
24	had not received any education.	24	A. No.
25	A. Yes.	25	Q. How often do you see vessels, ferries like that,

	Page 93		Page 95
1	carrying no sidelights?	1	MR SHIEH: He was asked?
2	A. Very rare.	2	THE INTERPRETER: No, he asked. He said, "ngor yiu kau".
3	Q. You mean you have encountered ferries like that before	3	That's what he said. That's what I remember.
4	at night, without sidelights?	4	THE CHAIRMAN: That's the import of what the witness's
5	THE CHAIRMAN: You mean a passenger launch?	5	evidence has been.
6	MR SHIEH: A passenger launch.	6	MR SHIEH: Perhaps one neutral way of putting the matter
7	A. No, not with passenger launch, but many times with	7	would be "before I requested to leave", because I think
8	fishing boats. Rare. It's rare with passenger	8	Mr Mok was probably concerned with the implication that
9	launches, but many times with fishing boats.	9	it was Mardep who actually gave them permission to
10	Q. So you were aware that there could be small boats	10	actually
11	without navigation lights?	11	THE CHAIRMAN: No doubt in one of the many box files,
12	A. Very infrequently. It's not like it happened all the	12	someone will refute that. Add another box file, Mr Mok.
13	time very often. It's not like it happened very	13	MR MOK: I don't think so.
14	often.	14	MR SHIEH: But, Mr Chairman, in fairness, I think looking at
15	Q. I know, but in terms of navigation, how do you make sure		the Mardep transcript, which is reasonably accurate, the
16	that you don't ram into a small boat without navigation	16	witness actually did say to the Mardep people he is
17	lights?	17	leaving. Whether that is to be interpreted as asking
18	A. I would steer as far away from them as possible.	18	for permission could simply be a matter of
19	Q. But you would have been able to see them in the first	19	interpretation.
20	place, before you could steer away from them?	20	THE CHAIRMAN: Yes, we take that.
21	A. With my naked eyes, I may see a black shadow.	21	MR SHIEH: He did say to the Mardep people that he is going
22	Q. On this occasion, for this vessel, you only saw the	22	to leave. Whether it's a formal request for
23	black shadow 2-3 ship-lengths away.	23	permission
24	A. Yes.	24	THE CHAIRMAN: Could you give me that reference?
25	Q. Have you ever had close encounters like this before,	25	MR SHIEH: It's marine bundle 1. The Chinese version is
	Page 94		Page 96
1	where you only saw an unlit vessel 2-3 ship-lengths	1	question 40. It's at page 170-6. In fact a number of
2	away?	2	questions and answers. I can refer to the question and
3	A. No.	3	answer number.
4	Q. Because even for small fishing boats, in good	4	THE CHAIRMAN: Yes.
5	visibility, even if it's unlit, you would have been able	5	MR SHIEH: Mr Chairman, the English translation is
6	to see them at a distance further away than the distance	6	page 170-11. Question 34, for example. The coxswain is
7	that you first saw Lamma IV this time; correct?	7	recorded as saying:
8	A. I would have had there not been this bright light	8	"My (vessel) is now flooding. I have to steer (it)
9	affecting me, then with my naked eyes, I would have seen	9	to Yung Shue Wan pier."
10	them coming even from a further distance away.	10	Question 36:
11	MR SHIEH: I have no further questions, Mr Chairman.	11	"My vessel is now flooding. I have to steer (it) to
12	THE CHAIRMAN: Thank you.	12	Yung Shue Wan pier."
13	MR MOK: Mr Chairman, if I may correct one matter of record.	13	And question 40:
14	On the [draft] transcript, page 89, line 17, there's	14	"I am now taking the passengers to
15	a reference to the words "before I asked permission to	15	(indistinct)".
16	leave the scene". I believe the witness did not	16	So in a number of places he did tell the operator at
17	actually say those words. I wonder if Mr Shieh can	17	Mardep that he is doing that. So whether one calls it
18	confirm this with the witness.	18	requesting or asking for permission or informing may
19	THE CHAIRMAN: This is an issue that's come up several	19	simply be a matter of perception.
20	times, that is to say, requesting permission to leave	20	THE CHAIRMAN: Yes.
21	the scene, not just that one occasion.	21	MR SHIEH: But as a matter of objective fact, that's what he
22	MR MOK: This is a matter of translation this time.	22	said.
23	THE INTERPRETER: Counsel, I remember, if my memory didn't	23	THE CHAIRMAN: Was there any response saying, "Yes, Sea
24	fail me, the witness did say "yiu kau", "asked". That's	24	Smooth, you may do that?" I take it there isn't.
25	what I remember. I may be wrong.	25	MR SHIEH: There isn't. There was a request for his mobile

	Page 97		Page 99
1	phone number.	1	control lever and then my left hand, I stretched out my
2	THE CHAIRMAN: That might put Mr Mok's heart at ease.	2	left hand and then pushed it aside to support me
3	MR SHIEH: In the sense that there was no formal response	3	against to prevent myself from falling forward.
4	from anyone at Mardep saying, "Yes, I give you my formal	4	THE CHAIRMAN: So you didn't come into contact with the
4 5	blessing, that you can now go back to Yung Shue Wan."	4 5	microphone?
		5	A. No.
6	Questions by THE COMMISSION		THE CHAIRMAN: So you've no idea what happened to it?
7	THE CHAIRMAN: Mr Lai, was there an internal loudspeaker	7	
8	system on the Sea Smooth so that through loudspeakers	8	A. Yes.
9	someone from the wheelhouse could communicate with the	9	THE CHAIRMAN: Mr Shieh, perhaps you could look if there are
10	rest of the vessel?	10	any other better photographs than this one that might
11	A. Yes.	11	address this issue.
12	THE CHAIRMAN: Was there a control in the wheelhouse so that	12	MR SHIEH: My attention has been drawn to the possible
13	if you wished, you could speak to the main deck, the	13	photograph of the public address system in marine
14	upper deck, the vessel?	14	bundle 8, page 1993.
15	A. Yes.	15	COMMISSIONER TANG: Does this PA system allow you to
16	THE CHAIRMAN: Would you have a look at the photograph that	16	broadcast outside of the ferry?
17	sets out the console side of the wheelhouse. Page 1983	17	A. No.
18	in the marine bundle. Can you tell us where the public	18	THE CHAIRMAN: Yes, that seems to help, Mr Shieh.
19	address system is? From the legend in English, it seems	19	Can you see from this photograph I'm going from
20	to be at item 20, if you have a look at that.	20	the legend that the public address system appears to
21	A. That's right. That is the loudspeaker system there.	21	have been dislodged? Do you see that?
22	THE CHAIRMAN: And when you speak into a microphone then	22	A. Yes, I can see it.
23	your voice is amplified on speakers throughout the	23	THE INTERPRETER: The witness was pointing at the photograph
24	vessel?	24	on the right.
25	A. Yes.	25	THE CHAIRMAN: Is that what you discovered when you went
	Page 98		Page 100
1	THE CHAIRMAN: Did you ever use that after the vessel had	1	looking for it, that it had been dislodged?
2	collided?	2	A. Yes.
3	A. No.	3	THE CHAIRMAN: Staying with the wheelhouse and the console,
4	THE CHAIRMAN: Why not use that, rather than opening up the	4	is there a system of warning lights that gives warning
5	door and shouting?	5	of water entering into the compartments of the hull;
6	A. Because the device was pushed inside. I couldn't find	6	that is, in the waterline part of the boat?
7	where the mic was. And that's why I have to open my	7	A. Yes.
8	door.	8	THE CHAIRMAN: And do you see that displayed in the console?
9	THE CHAIRMAN: Are you saying you looked for it?	9	THE INTERPRETER: The witness said, "That row of red lights,
10	A. Yes. I went back in and then I looked and then I found	10	yes, that's right."
11	the mic was missing.	11	THE CHAIRMAN: The row of red lights that has the arrow
11	THE CHAIRMAN: When had you last used it?	12	pointing at it from the number 14?
12	A. When the ship was about to leave the pier and then	12	A. That's right, yes. Pointed by from number 14.
	· · ·		
14	I would use it to order, instruct the sailors to	14	THE CHAIRMAN: Does that work by illuminating when there is
15	unberth.	15	a problem? Is that it?
16	THE CHAIRMAN: So you'd last used it at 8 o'clock on	16	A. That's right.
17	1 October or thereabouts; is that right?	17	THE CHAIRMAN: Is there one for each compartment?
18	A. Yes.	18	A. That I don't know, which light for which particular
19	THE CHAIRMAN: Do you know what had happened to this	19	compartment. That I don't know. What I know is that
20	microphone?	20	when it is flooded in the compartment, this light will
21	A. No.	21	turn on.
22	THE CHAIRMAN: When the collision occurred, had you been	22	THE CHAIRMAN: But it tells you that one compartment is
23	thrown in the direction of where this microphone was, or	23	flooded?
24	not?	24	A. That's right. If one light turns on, that means one
25	A. When the collision occurred, my right hand was on the	25	compartment is flooded, and then one by one.

	Page 101		Page 103
1	THE CHAIRMAN: And does it tell you the compartments on the	1	meant let me just check the evidence of the engineer.
2	port side and then the compartments on the starboard	2	Can I just have one minute.
3	side?	3	THE CHAIRMAN: Yes. Page 77?
4	A. Yes.	4	MR SHIEH: Yes. Day 40, page 77 of the transcript. Perhaps
5	THE CHAIRMAN: Are there six compartments in each hull?	5	I should actually look at Day 40, page 73.
6	A. I don't really remember it.	6	THE CHAIRMAN: Yes.
7	THE CHAIRMAN: Is it of that order?	7	MR SHIEH: Were you aware that the alarms related to
8	A. Yes, it should be.	8	flooding of the compartments in the hull?
9	THE CHAIRMAN: So, 12 compartments altogether? Two hulls?	9	THE INTERPRETER: That was the question, right?
10	A. Yes, it should be.	10	MR SHIEH: Yes. Were you aware that the alarms related to
11	THE CHAIRMAN: Did you see those lights illuminate after the	11	flooding of the compartments in the hull?
12	collision at any stage?	12	A. Yes.
13	A. I didn't pay attention. I didn't notice it. But I did	13	Q. Because the engineer said he heard the sound of the
14	hear that the alarms sounded.	14	alarm, and you ordered him to check the damage. Do you
15	THE CHAIRMAN: So there's an audio alarm that goes with the	15	remember doing that?
16	light?	16	A. After the collision, I heard from the engineer that two
17	A. That's right.	17	persons had been hurt. After the collision, I shouted
18	THE CHAIRMAN: Did you see the engineer looking at the	18	out, asking if anybody had been hurt, and found that
19	instruments, these warning lights?	19	nobody had been hurt, and then I started checking about
20	A. No, I didn't notice him doing that. I was busy talking	20	the damage.
21	to the Marine Department, to the company and the radio.	21	Q. The engineer recalls that after checking the extent of
22	I had my hands full.	22	the damage, he went back to the wheelhouse and he
23	THE CHAIRMAN: An important issue for you to establish was	23	actually told you that the port hull was damaged and
24	how damaged the vessel was, was it not?	24	there was water ingress. Do you remember him reporting
25	A. I should have, yes, but then it was very noisy then,	25	this to you?
	Page 102		Page 104
1	water was coming in, and then I have to take care about	1	A. I don't remember whether he told me that. All
2	the life jackets with the passengers and then I was	2	I remember was somebody told me that water was coming
3	asking the Marine Department to leave.	3	in, and then there is a big hole there.
4	THE CHAIRMAN: Just thinking back, did the engineer tell you	4	Q. So you did hear somebody saying water was coming in and
5	or did you notice from the console that only two of	5	there was a big hole, but you can't recall whether it
6	these compartments had water ingress in the hull?	6	was the engineer who reported this to you?
7	A. No. The engineer did not tell me that, and I myself did	7	A. Yes.
8	not notice that.	8	Q. And you remember hearing the alarms?
9	THE CHAIRMAN: So when you set sail to Yung Shue Wan,	9	A. Yes.
10	although you knew water was coming in, are you saying	10	MR SHIEH: Thank you.
11	you had no idea how serious the water ingress was?	11	THE CHAIRMAN: Thank you, Mr Lai. Your evidence is complete
12	A. Correct.	12	and you may return to the public gallery if you wish, or
13	THE CHAIRMAN: Thank you, Mr Lai.	13	you may leave. That's a matter for you. Since you are
14	MR SHIEH: There is one point I wish to follow up on, on	14	now representing yourself, of course, if you wish to ask
15	that line of questions.	15	any questions of witnesses, then you'll have to remain
16	THE CHAIRMAN: Yes, please do.	16	in the hearing. Do you understand that?
17	Further examination by MR SHIEH	17	A. Yes.
18	MR SHIEH: Do you remember hearing any alarms go off in the		THE CHAIRMAN: Thank you.
19	wheelhouse, after the collision?	19 20	(The witness withdrew)
20	THE CHAIRMAN: He answered my question by saying that he		THE CHAIRMAN: Yes, Mr Shieh. Where are we now?
21	did.	21	MR SHIEH: Mr Chairman, the next witness or witnesses to
22	MR SHIEH: Yes, but did you have any conversation with the	22 23	testify would be the Mardep witnesses. The Department
23	engineer about the significance of that alarm?		of Justice have helpfully compiled several pages as to how the various statements are going to be "redacted",
24			
24 25	A. No.Q. Have you been told by the engineer that the alarm	24 25	not in the sense of physical redaction but simply by

	Page 105		Page 107
1	informing the Commission as to the paragraphs that will	1	altogether.
2	have to be led and those which have been "spent".	2	THE CHAIRMAN: We'll take 5 minutes then so that can be
3	If we are going to take the mid-afternoon	3	dealt with. Is that long enough, Mr Shieh, for this to
4	adjournment, I suppose one useful way of going about it	4	be copied?
5	would be for the first witness, Mr Wong Wing-chuen, who	5	MR SHIEH: Perhaps we could make it 10 minutes?
6	has a number of statements, we would try to print out	6	THE CHAIRMAN: 10 minutes, then.
7	the relevant table and distribute it to everybody so	7	(4.50 pm)
8	that everybody knows the state of the redaction that has	8	(A short break)
9	been agreed, so as to facilitate easy following.	9	(5.00 pm)
10	THE CHAIRMAN: Yes, very well.	10	THE CHAIRMAN: Yes, Mr Mok.
11	Mr Mok?	11	MR MOK: Thank you, Mr Chairman.
12	MR MOK: Mr Chairman, actually as a result of your	12	Mr Wong Wing-chuen, Sam, is already in the witness
13	indication this morning, I have reconsidered the	13	box.
14	approach.	14	THE CHAIRMAN: Good afternoon, Mr Wong.
15	THE CHAIRMAN: Yes?	15	THE WITNESS: Good afternoon, sir.
16	MR MOK: What I would propose to, do subject to the	16	MR WONG WING-CHUEN, SAM (sworn in Punti)
17	Commission's direction, is this. First of all, if	17	(All answers via interpreter unless otherwise indicated)
18	I would just ask Mr Wong to confirm the accuracy of the	18	Examination by MR MOK
19	various statements, and then ask the Commission to	19	MR MOK: Mr Wong, you have made a number of witness
20	direct that some or all of these statements be made key	20	statements for the purposes of this Inquiry. What
21	documents which can then be put on the website. Then	21	I will first do is to ask you to confirm the correctness
22	instead of me reading out or going through the details	22	of each of these witness statements, and then ask you
23	of each of the individual witness statements with the	23	some top-up questions.
24	witness, I would simply ask that to be placed on record.	24	A. Yes, I understand.
25	Then in my questioning, I would focus on the areas	25	Q. Thank you. The first one is found in marine bundle 11,
	Page 106		Page 108
1	that, Mr Chairman, you indicated it might be more	1	tab 40, page 3927.
2	helpful if the witness were to focus his mind on.	2	A. I can see it.
3	THE CHAIRMAN: That seems to be a very sensible approach.	3	Q. Can you first turn to the page where you find your
4	I'm not suggesting that you should be shut out from	4	signature, which is page 3944.
5	focusing on other areas that you may think are	5	A. Yes, I confirm that is my signature.
6	important.	6	Q. And in paragraph 53, you say:
7	MR MOK: Yes.	7	"I confirm the contents of this witness statement to
8	THE CHAIRMAN: But if they've been dealt with in	8	be true to the best of my knowledge, information and
9	a compendious witness statement, there's no need for it	9	belief."
10	to be gone over twice.	10	Do you so confirm here?
11	MR MOK: They have been, yes.	11	A. Yes, I do confirm.
12	THE CHAIRMAN: But that area I indicated to you is one that	12	Q. The second one is your supplemental witness statement,
13	we would benefit from further help with.	13	and this is found in marine bundle 11, tab 40B,
14	MR MOK: I will certainly ask top-up questions on those.	14	page 3953-5.
15	THE CHAIRMAN: Yes.	15	A. Yes, I can see it.
16	MR MOK: Then if there are any matters which my learned	16	Q. Again, can you turn to page 3953-11 and confirm the
17	friend thinks I have not covered, maybe my learned	17	signature there to be yours?
18	friend can cover it in his questioning.	18	A. Yes, I confirm it.
19	THE CHAIRMAN: Yes. But it seems sensible that we take	19	Q. And again, do you confirm the contents of this
20	a 5-minute break now so that this indication of what	20	supplemental witness statement to be true to the best of
21	remains of the statements that are being advanced should	21	your knowledge, information and belief?
22	be distributed to everyone.	22	A. Yes, I do confirm.
23	MR MOK: Yes. I think the tables are still helpful in the	23	Q. Your second supplemental witness statement is found in marine bundle 12, tab 71A, page 4162
24	sense of focusing attention on the more relevant parts,	24	marine bundle 12, tab 71A, page 4162.
25	whereas there are some parts which can be dispensed with	25	A. Yes, I can see it.

	Page 109		Page 111
1	Q. And your signature is found on page 4195?	1	Standard". You wish to change it to "IMO Standard"?
2	A. Yes, I confirm that is my signature.	2	THE INTERPRETER: You mean change it to "IMO Standard".
3	Q. Do you also confirm the contents of this witness	3	counsel?
4	statement to be true to the best of your knowledge,	4	MR MOK: Is that correct?
5	information and belief?	5	A. Correct. But in the Chinese version, there is
6	A. Yes, it's true.	6	a reference to the definition of "adults" and "infants".
7	Q. Now, the next one is in marine bundle 12, tab 74A,	7	The word "infants" should be changed to "children".
8	page 4638.	8	Q. And also, in the next sentence after the reference to
9	A. Yes, I can see it.	9	"IMO Standard", there is a reference to "15 kg", and
10	Q. Can you turn to page 4646 to confirm that to be your	10	that should be "43 kg"; is that correct?
11	signature?	11	A. That's right.
12	A. Yes, I confirm that is my signature.	12	THE CHAIRMAN: Would you be kind enough to read it out as
13	Q. And do you also confirm that the contents of this	13	amended?
14	witness statement are true to the best of your	14	MR MOK: Yes. If I may read the whole sentence.
15	knowledge, information and belief?	15	THE CHAIRMAN: In English.
16	A. I confirm that it's true.	16	MR MOK: The whole sentence should read:
17	Q. Finally, if you could turn to marine bundle 12,	17	"The Chairman replied that under the IMO Standard
18	page 4927.	18	anyone who was less than 43 kg in weight or [155 cm]
19	A. Yes, I can see it.	19	in height was regarded as a child."
20	Q. Can you please turn to page 4930. Do you confirm the	20	THE CHAIRMAN: Yes, I have it now.
21	signature there to be yours?	21	MR MOK: Do you have that?
22	A. Yes, that's right. It's my signature.	22	A. Yes, correct.
23	Q. Do you also confirm the contents of this witness	23	Q. Mr Wong, I now wish to ask you a number of questions.
24	statement to be true to the best of your knowledge,	24	The focus of these questions mainly concerns the
25	information and belief?	25	problems which have been identified in the course of
	Page 110		Page 112
1	A. That's right. Yes, it's true.	1	this Inquiry, and to ask you for your input on these
2	Q. Mr Wong, I understand that you wish to make a few minor	2	questions.
3	corrections in one of the witness statements; that is,	3	Do you understand?
4	the second supplemental on page 4162, marine bundle 12.	4	A. I understand.
5	A. Yes.	5	Q. The first one relates to the access opening. Can we
6	Q. Now, the first correction is on page 4176, paragraph 46.	6	have the Sections and Bulkheads drawings. This is at
7	In the second line, there is a reference to	7	W&G bundle, page 46. Can we focus on the drawing on the
8	paragraph $41(2)$ -(3). You wish to correct it to read	8	left bottom corner.
9	"paragraph 41(4)"?	9	One of the key issues in this case is whether or not
10	A. That's right.	10	there should be a watertight bulkhead at the place where
11	Q. The second correction is on page 4181, paragraph 64. In	11	we find frame $1/2$.
12	the second line, you want to change the reference to	12	My question is this. At the plan approval stage,
13	"2-week familiarisation training" to "4-week"?	13	would the Marine Department require that this access
14	A. Yes, correct.	14	opening be indicated to be watertight, otherwise the
15	Q. And finally, you wish to make a correction in one of the	15	drawings would not be approved? Would there be such
16	minutes of meeting. This is found on page 4609-3 of	16	a requirement on the part of the Marine Department?
17	marine bundle 12.	17	A. (Chinese spoken).
18	A. That's right.	18	Q. Sorry. Pausing, there the General Arrangement
19	Q. The Chinese original of this minute is the relevant	19 20	THE CHAIRMAN: Just interpret that first, please.
20	page is 4597.	20	MR MOK: I'm sorry.
21	Mr Chairman, the English translation is on	21	A. If there is approval of the drawings concerning the
22	page 4609-3.	22	watertight aspect, then first of all we will have to
23	THE CHAIRMAN: Yes.	23	look up the General Arrangement drawings.
24	MR MOK: I understand that in paragraph 2.4.2, in the third line there's a reference to "Vingwelk him im" "Pritich	24 25	MR MOK: This is at page 43 of the same bundle.
25	line, there's a reference to "Yingwok biu-jun", "British	25	THE CHAIRMAN: Thank you.

	Page 113		Page 115
1	MR MOK: Which drawing do you wish to refer to on this page	1	THE CHAIRMAN: An opening.
2	A. We'll have to look at the profile drawing that is on the	2	A. That's right. That stands for "opening".
3	upper part of it. And there you can see that there are	3	THE CHAIRMAN: We've been through all this, yes.
4	some dotted lines there. They stand for the location of	4	A. If it is a door, there would be a mark indicating that
5	the bulkhead. Then from this location, the bulkheads	5	there is a door.
6	will have to check whether the distance is smaller than	6	THE CHAIRMAN: So all those two triangles mean is that it's
7	0.1L.	7	an opening, not a door?
8	Obviously from looking at this diagram, we can see	8	A. That's right.
9	that the length of the steering gear compartment, its	9	THE CHAIRMAN: Just give me a moment, please.
10	length is smaller than 0.1L. And therefore, whether the	10	If there was intended to be a watertight door there,
11	bulkhead at the frame $1/2$ location is watertight or not	11	what would the markings be?
12	is not relevant, would not have any adverse effect.	12	A. We will look up at the main deck plan now. That marking
13	Plus this bulkhead it is not necessary for this	13	that will look like that, like a swing that would
14	bulkhead to be watertight.	14	stand for a door. That's right.
15	THE CHAIRMAN: So the fact that a drawing describes it	15	THE CHAIRMAN: Thank you.
16	I think one of the other ones as being watertight,	16	MR MOK: If I may just follow up from that, Mr Wong. You
17	and then another drawing has an access opening with no	17	have seen from the drawings that there are various
18	door drawn in it, is irrelevant; is that it?	18	indications that the bulkhead at that position is
19	A. This is what the drawings have not been able to show	19	watertight. You have seen those; right?
20	clearly. This is where the problem is.	20	A. Yes.
21	THE CHAIRMAN: Can I ask that you have a look at the shell	21	Q. However, you say that there is some uncertainty because
22	expansion drawing. There's nothing that's unclear about	22	of the appearance of the access opening in the Sections
23	this bulkhead being described as "watertight bulkhead"	23	and Bulkheads plan. Can I ask you this. As a matter of
24	in that drawing, is there, at frame 1/2? That's what	24	procedure, should the question whether that bulkhead
25	"WT BHD" means, does it not?	25	should be watertight or not be clarified before the
	Page 114		Page 116
1	A. That's right. "WT BHD" does indicate that that is	1	drawings were approved?
2	a watertight bulkhead, but in the Sections drawing, when	2	A. There are two ways of doing it. The first one is that
3	there is an access opening there, that's where it is	3	we will first seek clarifications with the shipyard or
4	unclear.	4	with the designer. And the second way, we will just
5	THE CHAIRMAN: But the drawings are allowed to go forward in	5	seek clarification with their supervisor to ascertain
6	that form because a calculation is made that the	6	whether there should be a door there.
7	steering gear compartment is less than 0.1 of the length	7	THE CHAIRMAN: Whose supervisor?
8	of the vessel, so it's not relevant? Is that what your	8	A. The one that approved these drawings, his supervisor
9	evidence is?	9	would be the surveyor.
10	A. No, that's not what I meant.	10	THE CHAIRMAN: I'm sorry, I don't understand what
11	THE CHAIRMAN: Well, try again, then at least for me.	11	alternative two is. The first alternative is you seek
12	A. At the very earliest stage during the General	12	clarification from the shipyard, that's Cheoy Lee; or
13	Arrangement approval, we can already see that at the	13	the designer, that's Naval-Consult. What's the other
14	frame 1/2 location, we can already know whether it is	14	alternative?
15	the bulkhead, whether it is watertight or not.	15	A. That is, if the inspector would choose not to seek
16	THE CHAIRMAN: And is it or not? Is it watertight or not,	16	clarifications with the designer or the shipyard, then
17	on the General Arrangement plan?	17	he may need to ask his supervisor or he may start, and
18	A. Let's look back at the drawing itself. The underdeck	18	then overall considerations about the drawings to see
19	plan.	19	what this contradiction means.
20	On the right-hand side of it, on the drawing can	20	THE CHAIRMAN: So what you're saying is internally within
21	you put the curser? Yes, that's right. You can see	21	the Marine Department, reference could be made upwards
22	a little butterfly there?	22	for help as to what to do; is that it?
23	THE CHAIRMAN: The two triangles pointing at each other,	23	A. That's right.
24	that's a door, isn't it?	24	THE CHAIRMAN: Very well. If that's not inconvenient,
24 25	A. That's right.	25	Mr Mok, we'll leave it there until tomorrow.

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1 MR MOK: Thank you. 2 THE CHAIRMAN: Mr Wong, we're going to adjourn proceedings now and we'll resume tomorrow at 10 o'clock. May I ask you to be kind enough to be here so that we can do that at 10 o'clock. 4 1 Inderstand. 7 THE CHAIRMAN: 10 o'clock tomorrow. 8 Yes, Mr Zimmern? 9 MR ZIMMERN: I'm sorry, Mr Chairman. Just to inform the 10 10 Commission that the accident report referred to by 11 11 Cosswain Lai has been located and sent to Lo & Lo. 12 THE CHAIRMAN: Right. Was it not in our papers? 13 MR ZIMMERN: It was not, no. 14 THE CHAIRMAN: Very well. Perhaps you can make some 15 15 enquiries as to why it wasn't revealed. 16 MR ZIMMERN: My understanding was it had to do with 17 19 privilege against self-incrimination, Mr Chairman. 18 Because the report had to do with his version of the 19 19 events on the evening in question. 20 THE CHAIRMAN: Perhaps you can deal with that tomorrow. I'm 21 21 not quite sure on what basis you say it was not 22 23 the Commission. 24 16 7 10 o'clock.	1 INDEX 2 MR LAI SAI-MING (on former affirmation4 in Punti) 3 Examination by MR SHIEH (continued)4 4 Examination by MR GROSSMAN