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<p>1 Monday, 4 March 2013 2 (10.00 am) 3 THE CHAIRMAN: We've received a message that Mr McGowan will 4 be attending later, if that's what your enquiry is 5 about. 6 MR SHIEH: Mr Chairman, I was turning around to check the 7 whereabouts of Hongkong Electric's representative, 8 because I'm going to address the Commission on a matter 9 which has come to the counsel team's attention over the 10 weekend, and on which we would wish to call upon 11 Hongkong Electric and also the police to perhaps render 12 some assistance. 13 THE CHAIRMAN: Yes, very well. Deal with it. 14 MR SHIEH: Putting the matter as neutrally as possible, the 15 Commission has retained an electrical engineering 16 expert, Professor Ho of the Polytechnic University, to 17 assist in looking into the question about the various 18 boxes at the back of the Lamma IV wheelhouse and as to 19 the jumping of the circuit breakers and also the 20 operation of the mute switch. 21 Preliminary investigative work has been done over 22 the weekend. As I say, I put it as neutrally and as 23 provisionally as possible, because a good deal of 24 further work may have to be done, but as things 25 initially appeared, once one of the boxes was opened, it</p>	<p>1 not there has been any opening up of any of the boxes 2 since the Commission, and also whether or not before or 3 after the collision there might have been some rewiring 4 of the electrical wires within Lamma IV. 5 THE CHAIRMAN: Yes. 6 MR SHIEH: Because that may impact upon whether or not the 7 wires that had been severed are indeed connected to the 8 green light. 9 THE CHAIRMAN: Yes. Very well. 10 Mr Mok, could I ask you to direct enquiries to the 11 Hong Kong Police as to those issues. 12 MR MOK: Yes. 13 THE CHAIRMAN: As to the integrity of the vessel whilst it's 14 been in police custody, in effect. 15 MR MOK: Yes. We will make some enquiries on that. 16 THE CHAIRMAN: Thank you. 17 MR SHIEH: In respect of Hongkong Electric -- 18 THE CHAIRMAN: I'm going to direct the same enquiry there. 19 Can I ask that enquiries be made of your lay client -- 20 MR LEE: Certainly, Mr Chairman. 21 THE CHAIRMAN: -- as to this issue: prior to the collision, 22 had any work been carried out on the switch boxes that 23 might have had this consequence? 24 MR LEE: Certainly. If it would assist, perhaps our clients 25 could arrange an electrical engineer from in-house to</p>
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<p>1 was discovered that two wires had actually been severed, 2 cut off within the box. The wires that have been cut 3 off were connected to something called "number 3". 4 "Number 3" happens to be the number for the starboard 5 navigation light of Lamma IV. 6 Certain consequences would follow, including whether 7 or not the severing of the wiring inside that box to the 8 starboard light would mean that it is not possible that 9 the green light could have been on that evening. 10 Now, no concluded views, as I understand it, have 11 been formed yet, because the professor wishes to do 12 further investigative work, including, for example, 13 perhaps opening up parts of the vessel. 14 I would not wish to prematurely reveal the course of 15 the investigation, although in due course these may have 16 to come out in the open anyway. But because of the time 17 factor involved -- because if any intrusive tests, if 18 I may put it that way, have to be done to Lamma IV to 19 open up any electrical wiring, then perhaps some kind of 20 orders or directions may have to be issued by the 21 Commission. 22 THE CHAIRMAN: Yes. 23 MR SHIEH: But, first things first. Perhaps it is something 24 that either the Hong Kong Police or Hongkong Electric 25 would be able to assist on, in the sense of whether or</p>	<p>1 assist the investigation. We can liaise with counsel. 2 THE CHAIRMAN: At the moment all we're asking you to do is 3 to make enquiries as to whether or not at some stage 4 some work had been done, that Hongkong Electric is aware 5 of, on these switch boxes. 6 MR LEE: Yes, certainly. 7 THE CHAIRMAN: Thank you. 8 Yes, Mr Shieh. 9 MR SHIEH: Mr Chairman, on Friday Mr Wong Wing-chuen 10 technically completed re-examination, but as 11 I understand it, some further documentation has been 12 supplied. 13 THE CHAIRMAN: I'm going to come to him in a moment. 14 There's another matter I want to deal with now. It 15 involves Sea Smooth this time, and it is this. 16 The Commission has received a letter which bears the 17 date 1 March, and it is in these terms, that following 18 the comments made by the Commission on Friday, "leading 19 counsel is of the view that it is unnecessary to call 20 Captain Browne to give oral evidence. 21 Accordingly, we would be grateful if the Commission 22 would kindly confirm that we can withdraw the 23 application to call Captain Browne which was previously 24 made on 7 February 2012." 25 You confirm that to be your position today?</p>

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<p>1 MR CHAN: Yes, Mr Chairman. 2 THE CHAIRMAN: Mr Shieh, do you have anything to say as to 3 that, the withdrawal of the application to call Captain 4 Browne? 5 MR SHIEH: We obviously don't have any application on that 6 because it is entirely a matter for Holman Fenwick in 7 respect of -- 8 THE CHAIRMAN: Thank you. Does anyone else have any 9 submission to make? I see heads being shaken. 10 In which case the Commission will permit the 11 application to call Captain Browne to be withdrawn. 12 MR CHAN: Thank you, Mr Chairman. 13 THE CHAIRMAN: Now, Mr Shieh. Coming to Mr Wong. We were 14 waiting for some material on Friday that Mr Wong was to 15 produce for us. Has that been produced? 16 MR SHIEH: The full text of the relevant standard by 17 reference to the latest contract with Lloyd's, which 18 will be conducted, has been produced, as I understand 19 it. It should have been scanned. 20 THE CHAIRMAN: Where do we find that? 21 MR SHIEH: Marine bundle 13, it's the last document there, 22 and that is page 4968. 23 This, I understand, is the ISO document which sets 24 out the standard by reference to which the contract or 25 the quotation of the proposal with Lloyd's has been</p>	<p>1 that organisation? 2 A. Correct. 3 Q. If I may just take you very briefly to a few of those 4 provisions, to get the gist of this document. Can you 5 first of all turn to page 4974. You see under 6 "General", it is stated: 7 "The adoption of a quality management system should 8 be a strategic decision of an organisation. The design 9 and implementation of an organisation's quality 10 management system is influenced by [altogether six 11 matters]." 12 A. Yes. 13 Q. What is states there is that the six matters are: 14 "(a) its organisational environment, changes in that 15 environment, and the risks associated with that 16 environment ..." 17 A. Yes. 18 Q. The second one is "its varying needs". 19 A. Yes. 20 Q. The third one is "its particular objectives". 21 A. Yes. 22 Q. The next one is "the products it provides". 23 A. Yes. 24 Q. Then "the processes it employs", and "its size and 25 organisational structure"?</p>
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<p>1 concluded. 2 THE CHAIRMAN: Thank you. 3 MR SHIEH: But it may be a matter for Mr Wong to explain in 4 detail as to how the various items of work done by 5 Lloyd's are to be interlinked with the various 6 requirements in this document, because it's rather 7 technical and rather detailed. And it's full of jargon 8 such as quality management systems and matters of that 9 nature. 10 THE CHAIRMAN: Mr Mok, is this a matter that you can, 11 through this witness, assist us with? 12 MR MOK: Yes, I'll try. 13 THE CHAIRMAN: Thank you. 14 MR WONG WING-CHUEN, SAM (on former oath in Punt) 15 (All answers via interpreter unless otherwise indicated) 16 Further examination by MR MOK 17 MR MOK: Mr Wong, good morning. 18 A. Good morning. 19 Q. In the contract that you provided to us on Friday, 20 there's a reference to this document which you have now 21 produced. 22 A. Yes. 23 Q. Do I understand that this is a document which sets the 24 standard to how quality management systems should be 25 provided by an organisation regardless of the nature of</p>	<p>1 A. Yes. 2 Q. Now, if you turn over a few pages to page 4678, internal 3 page 1, we will see what are the requirements for that 4 system or those systems. 5 A. It should be page 4978. 6 Q. Yes, thank you. Page 4978. 7 A. Yes. 8 Q. You will see under "General": 9 "This International Standard specifies requirements 10 for a quality management system where an organisation 11 (a) needs to demonstrate its ability to consistently 12 provide product that meets customer and applicable 13 statutory and regulatory requirements ..." 14 A. Yes. 15 Q. And then: 16 "(b) aims to enhance customer satisfaction through 17 the effective application of the system, including 18 processes for continual improvement of the system and 19 the assurance of conformity to customer and applicable 20 statutory and regulatory requirements." 21 A. Yes. 22 Q. So, having regard to these provisions, was it regarded 23 by the Marine Department that those standards are 24 applicable to the processes of the plan approval process 25 and the vessel inspection processes conducted by the</p>

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<p>1 Department? 2 A. Yes. 3 Q. We now come to some requirements under these standards 4 on the following page. If you look under "General 5 requirements", the second paragraph states: 6 "The organisation shall 7 (a) determine the processes needed for the quality 8 management system and their application throughout the 9 organisation (see paragraph 1.2) ..." 10 That is on page 4979. 11 A. Yes. 12 Q. The second requirement is that the organisation shall: 13 "(b) determine the sequence and interaction of these 14 processes ..." 15 A. Yes. 16 Q. The third one is that the organisation shall: 17 "(c) determine criteria and methods needed to ensure 18 that both the operation and control of these processes 19 are effective ..." 20 A. Yes. 21 Q. The next one is that the organisation shall: 22 "(d) ensure the availability of resources and 23 information necessary to support the operation and 24 monitoring of these processes ..." 25 A. Yes.</p>	<p>1 standards, then it is expected that Lloyd's Register 2 would make recommendations as to how those shortcomings 3 could be rectified? 4 A. Yes, that's right. And this is also our objective too. 5 MR MOK: Mr Chairman, I think it should be sufficient 6 without going into the specific details of the document. 7 THE CHAIRMAN: Thank you for that, Mr Mok. 8 MR MOK: Mr Chairman, while I am on my feet, can I ask the 9 witness one more question in relation to a matter which 10 I probably should have dealt with, but I have not done 11 so. 12 THE CHAIRMAN: Yes. What is the topic? 13 MR MOK: The topic is this. In Mr Beresford's questioning, 14 he referred several times to whether or not there were 15 any conflicting indications in the 1995 plans, and 16 Mr Wong's interpretation of it. I just wish to -- may 17 I just backtrack a little bit, Mr Chairman? 18 THE CHAIRMAN: Yes. 19 MR MOK: It was the contemporaneous officer's evidence, 20 particularly Mr CK Wong, that he did not regard those 21 plans to be conflicting, because it was clear to him -- 22 I think that's the gist of his evidence -- that the 23 bulkhead at frame 1/2 should be watertight, reading the 24 documents as a whole. 25 THE CHAIRMAN: Yes.</p>
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<p>1 Q. Fifthly, the organisation shall: 2 "(e) monitor, measure where applicable, and analyse 3 these processes ..." 4 A. Yes. 5 Q. Finally, the organisation shall: 6 "(f) implement actions necessary to achieve planned 7 results and continual improvement of these processes." 8 A. Yes. 9 Q. Then it is stated underneath that: 10 "These processes shall be managed by the 11 organisation in accordance with the requirements of this 12 International Standard." 13 A. Yes. 14 Q. So the rest of this document actually spells out the 15 particular details in relation to these requirements and 16 other related matters? 17 A. Yes. 18 Q. Without going into them, can I just ask you to comment 19 on this generally. Was Lloyd's Register engaged under 20 the contract to vet the systems which are presently 21 engaged by the Marine Department in accordance with and 22 by reference to the standards set out in this document? 23 A. Yes. 24 Q. And in the event that there are any shortcomings being 25 found by Lloyd's Register by reference to these</p>	<p>1 MR MOK: Mr Wong in the witness box said that in this 2 interpretation, there might be some conflicting 3 indications or ambiguity. 4 THE CHAIRMAN: Yes. 5 MR MOK: I just wish to clarify that in fact Mr Wong is not 6 speaking on behalf of the officers who were vetting the 7 plans in 1995; he is only speaking on future improvement 8 measures. And that Mr CK Wong's continues to be, as he 9 had said, that there is no conflict in the plans. 10 THE CHAIRMAN: I understand that to be the case. It's not 11 for Mr Wong to speak on this issue, other than for 12 himself. 13 MR MOK: Yes. If that is clear, maybe the only matter which 14 perhaps Mr Wong could be asked is he should accept that 15 what he told the Commission is only his own 16 interpretation, and by no means the only one or the 17 proper interpretation of those plans. 18 THE CHAIRMAN: That's certainly the way in which we approach 19 the evidence of all witnesses. 20 MR MOK: Yes. 21 THE CHAIRMAN: It's for the Commission to determine whose 22 evidence it accepts. 23 MR MOK: Yes. Mr Chairman, so long as this is clear and 24 there's no misunderstanding, then perhaps I can dispense 25 with asking him further questions.</p>

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<p>1 THE CHAIRMAN: There's no doubt in the Commission's mind as to how to approach this matter.</p> <p>2</p> <p>3 MR MOK: Thank you very much, Mr Chairman.</p> <p>4 THE CHAIRMAN: Are there any questions arising from the evidence that has been led as to this ISO 9001:2008 material?</p> <p>5</p> <p>6 Hongkong Electric?</p> <p>7</p> <p>8 MR LEE: No.</p> <p>9 THE CHAIRMAN: Hong Kong & Kowloon Ferry?</p> <p>10 MR CHAN: No, Mr Chairman.</p> <p>11 THE CHAIRMAN: Mr Yeung?</p> <p>12 MR YEUNG: No, Mr Chairman.</p> <p>13 THE CHAIRMAN: Mr Beresford?</p> <p>14 MR BERESFORD: There's one question, Mr Chairman, about the definition of "top management".</p> <p>15</p> <p>16 THE CHAIRMAN: Yes.</p> <p>17 Further examination by MR BERESFORD</p> <p>18 MR BERESFORD: Mr Wong, at page 4980 of marine bundle 13, the ISO standard says:</p> <p>19</p> <p>20 "Top management shall provide evidence of its commitment to the development and implementation of the quality management system and continually improving its effectiveness by [taking certain measures]."</p> <p>21</p> <p>22 Do you see that?</p> <p>23</p> <p>24 A. Yes, I can see it.</p> <p>25</p>	<p>1 responsibility or the power over them.</p> <p>2 Q. So should he not be listed here?</p> <p>3 A. Yes, we can put it down here but in terms of our management, we don't think it is necessary.</p> <p>4</p> <p>5 Q. Well, I'd suggest to you that something as important as safety needs to come from the top, and when the ISO refers to "Top Management", it means "top".</p> <p>6</p> <p>7 A. You see, we have six assistant directors at the Marine Department and they hold weekly briefings, at which improvements and enhancements of relevant questions and problems would be discussed, and that would --</p> <p>8</p> <p>9 A. (In English) Discussed in the top management meeting.</p> <p>10</p> <p>11 THE INTERPRETER: "And discussed in top management meetings".</p> <p>12</p> <p>13 A. That's all, yes.</p> <p>14</p> <p>15 MR BERESFORD: Well, I suggest to you, Mr Wong, that the top top management is not giving this sufficient importance, if they're not included in this quality system manual.</p> <p>16</p> <p>17 A. If you feel that this is necessary, then we can consider putting it in.</p> <p>18</p> <p>19 MR BERESFORD: Yes, all right. Thank you, Mr Wong.</p> <p>20</p> <p>21 THE CHAIRMAN: Thank you, Mr Wong, for providing us with that additional information and thank you for your evidence, but that's now complete and you're free to</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 14</p> <p>1 Q. Then if you take up, please, marine bundle 12 and turn to your exhibit -- I think it's WWC-5.</p> <p>2</p> <p>3 THE CHAIRMAN: The page number?</p> <p>4 MR BERESFORD: The exhibit starts at page 4197, Mr Chairman.</p> <p>5</p> <p>6 A. Yes, I can see it.</p> <p>7</p> <p>8 Q. This is the draft quality manual that you prepared, is it not?</p> <p>9</p> <p>10 A. This is only a copy of it.</p> <p>11</p> <p>12 Q. If you turn to page 4230 --</p> <p>13</p> <p>14 A. Yes.</p> <p>15</p> <p>16 Q. -- you have defined "Top Management" in section 3.0(i) there as:</p> <p>17</p> <p>18 "The assistant Director of Marine/shipping responsible for overseeing all operations related to the Shipping Division including Local Vessels Safety Branch."</p> <p>19</p> <p>20 A. Yes.</p> <p>21</p> <p>22 Q. Does the Director of Marine not accept managerial responsibility for the Local Vessels Safety Branch?</p> <p>23</p> <p>24 A. You see, we have -- all our different divisions, all of them have their own quality management systems. For this, each respective quality management system, they will be overseen by the assistant director of the respective divisions. But of course the director of the Marine Department, of course he or she has the</p> <p>25</p>	<p>Page 16</p> <p>1 leave if you wish. You may of course stay and listen to the evidence that is led.</p> <p>2</p> <p>3 A. (In English) Thank you, Mr Chairman.</p> <p>4</p> <p>5 (The witness withdrew)</p> <p>6</p> <p>7 MR YEUNG: Mr Chairman, may the Commission be advised that I shall be leaving the hearing for the time being until I'm further required.</p> <p>8</p> <p>9 THE CHAIRMAN: Thank you for the information, Mr Yeung.</p> <p>10</p> <p>11 MR YEUNG: Thank you.</p> <p>12</p> <p>13 THE CHAIRMAN: Mr Mok?</p> <p>14</p> <p>15 MR MOK: Yes. Our next witness will be Mr Chung Siu-man.</p> <p>16</p> <p>17 THE CHAIRMAN: Thank you.</p> <p>18</p> <p>19 MR CHUNG SIU-MAN (affirmed in Puntì)</p> <p>20</p> <p>21 (All answers via interpreter unless otherwise indicated)</p> <p>22</p> <p>23 Examination by MR MOK</p> <p>24</p> <p>25 MR MOK: Mr Chung, you are the assistant director of the Port Control Division of the Marine Department?</p> <p>1</p> <p>2 A. Yes.</p> <p>3</p> <p>4 Q. This division is responsible for marine traffic safety and operations of the port and the delivery of vessel traffic and search and rescue services?</p> <p>5</p> <p>6 A. Yes.</p> <p>7</p> <p>8 Q. You have provided for the purposes of this Inquiry a witness statement which we find at page 4616 of marine bundle 12.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>1 A. Yes, I can see it.</p> <p>2 Q. In paragraph 4, you explain:</p> <p>3 "The purpose of this witness statement is to explain</p> <p>4 the existing regime of vessel traffic services offered</p> <p>5 by Mardep through its Vessel Traffic Centre and its role</p> <p>6 in vessel traffic management within the port of</p> <p>7 Hong Kong ..."</p> <p>8 A. Yes. Yes, I can see it.</p> <p>9 Q. "... and to address specifically the question of issuing</p> <p>10 warnings in potential collision or grounding situations</p> <p>11 and the equipment requirement that entails ..."</p> <p>12 A. Yes.</p> <p>13 Q. May I ask you now to identify your own signature, which</p> <p>14 appears on page 4628, please.</p> <p>15 A. Yes, I can see it.</p> <p>16 Q. Do you confirm here what you have stated in</p> <p>17 paragraph 34: that the contents of the witness statement</p> <p>18 are true to the best of your knowledge, information and</p> <p>19 belief?</p> <p>20 A. I agree.</p> <p>21 Q. Yes. May I now ask you to provide the information that</p> <p>22 the Chairman asked of you, which relates to</p> <p>23 paragraphs 30 and 31 of your witness statement. You</p> <p>24 will remember that the Chairman enquired about the death</p> <p>25 rate in relation to all vessels while those vessels were</p>	<p>1 MR MOK: The contents of your witness statement, Mr Chung,</p> <p>2 are self-explanatory, but I would like you to explain</p> <p>3 one matter orally. Perhaps it's not clearly presented</p> <p>4 in the witness statement. That relates to</p> <p>5 paragraph 23(2) on page 4622.</p> <p>6 I understand that what you are doing there is to</p> <p>7 give to the Commission an example by reference to</p> <p>8 a single trip of a passenger ferry on the Yung Shue</p> <p>9 Wan-to-Central route, to demonstrate the number of</p> <p>10 alerts that may be generated on a day-to-day basis.</p> <p>11 A. Yes, yes.</p> <p>12 Q. Backtracking a little bit, you have explained in</p> <p>13 paragraph 18:</p> <p>14 "... the VTS system is [normally] set to eliminate</p> <p>15 the generation of collision alerts for non-participating</p> <p>16 vessels which are less than 35 metres in length ..."</p> <p>17 A. Yes, that's correct.</p> <p>18 Q. By "non-participating vessels", generally what this</p> <p>19 means is vessels which are neither ocean-going vessels</p> <p>20 nor river-trade vessels; correct?</p> <p>21 A. That's correct.</p> <p>22 Q. So the effect of this setting is that where you have two</p> <p>23 non-participating vessels which are less than 35 metres</p> <p>24 in length near to each other, there won't be any alert</p> <p>25 being generated in that situation?</p>
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<p>1 underway?</p> <p>2 A. I remember that. For that matter, I had put in my</p> <p>3 witness statement at the relevant paragraph, 30,</p> <p>4 table 1, where it provides the death rates involved in</p> <p>5 collisions and accidents involving ocean-going vessels</p> <p>6 and river-trade vessels.</p> <p>7 Q. Are you saying that you sent a new document to us?</p> <p>8 A. That's right. I am putting forward, if I may,</p> <p>9 a one-sheet document in elaboration of table 1. In this</p> <p>10 one-sheet document, it details, lists, all the death</p> <p>11 rates in collisions for the last five years.</p> <p>12 Q. Mr Chung, do you have a copy with you here?</p> <p>13 A. No.</p> <p>14 Q. You don't have a copy yourself?</p> <p>15 A. I have only one for myself.</p> <p>16 THE CHAIRMAN: Do we have a copy, Mr Mok?</p> <p>17 MR MOK: I don't have a copy myself, even.</p> <p>18 THE CHAIRMAN: Are you going to share it with us, Mr Chung?</p> <p>19 MR MOK: I believe he said he sent it to Lo & Lo, but I'm</p> <p>20 not sure whether it's been received yet.</p> <p>21 MR BERESFORD: It's just now been received by Lo & Lo,</p> <p>22 Mr Chairman.</p> <p>23 MR MOK: Perhaps we can continue with the questioning while</p> <p>24 this document is being prepared?</p> <p>25 THE CHAIRMAN: Certainly, yes.</p>	<p>1 A. Correct. There won't be any alerts generated.</p> <p>2 Q. But on the other hand, where such a vessel is near</p> <p>3 a participating vessel, there would still be an alert</p> <p>4 generated so far as the participating vessel is</p> <p>5 concerned?</p> <p>6 A. That's correct.</p> <p>7 Q. What you are trying to do in paragraph 23(2) is to</p> <p>8 demonstrate what might happen if this filter, which</p> <p>9 filters out non-participating vessels of less than</p> <p>10 35 metres in length, is removed.</p> <p>11 A. That's correct. I agree.</p> <p>12 Q. If I may just take you through this paragraph, starting</p> <p>13 at the second sentence. You first of all refer to the</p> <p>14 route which you have taken as an example, and the date</p> <p>15 on which you took that example was 10 February 2013,</p> <p>16 which I understand was the day of the Chinese New Year.</p> <p>17 A. That's correct.</p> <p>18 Q. The reason you took that date is to show that that was</p> <p>19 a date when the traffic normally should have been very</p> <p>20 light.</p> <p>21 A. That's correct. That's right. With an additional</p> <p>22 consideration: for the choosing of the date to be my</p> <p>23 example, that consideration being that that day actually</p> <p>24 would experience very little vessel traffic, and this</p> <p>25 would allow me to conduct an experiment, as described in</p>

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<p>1 this paragraph 23, to show the Commission a real-life 2 instance that even given such minimal vessel traffic, 3 the number of alert signals that would be generated 4 between the small boats. That's also my purpose. 5 Q. In other words, Mr Chung, you are saying that another 6 reason you chose this date was because, on a normal 7 date, there would be many more alerts and it would be 8 much more difficult to perform such an exercise? 9 A. That's right. I agree. Because in a normal day, the 10 vessel traffic flow simply would preclude me from 11 adjusting, changing my settings in order to provide 12 a real-life instance, example of it. 13 Q. In the next sentence, you tell us the time when you 14 conducted this exercise. You say that it deals with 15 a vessel which departed from Yung Shue Wan pier at 16 22:32 hours and arrived at Central Pier at 22:55 hours. 17 In other words, you were only taking one single trip as 18 your example here. 19 A. That's right. 20 Q. What you found is that during this 23-minute passenger, 21 already six collision alerts had been generated by the 22 system on the basis that the 35-metre restriction was 23 removed. 24 A. Yes. 25 Q. This is illustrated in your exhibit CSM-4, which is</p>	<p>1 A. I cannot answer to you, confirm to you what caused it, 2 but I believe there should have been some small vessels 3 nearby that caused it. But wait for me, and I can 4 provide confirmation and provide it to you later. 5 THE CHAIRMAN: Thank you. 6 So, as one would expect, the number of collision 7 alerts in the harbour far exceeds those out in the more 8 open waters? 9 A. I agree. 10 MR MOK: Thank you. If you go back to your witness 11 statement on page 4622, please, on the last line, you 12 say: 13 "Had vessel traffic services been provided to this 14 vessel, the VTSO ..." 15 That is, the vessel traffic services operator; is 16 that correct? 17 A. Correct. 18 Q. "... would have to call up the coxswain and alert him of 19 the collision risk six times [during this trip alone]." 20 A. Yes. 21 Q. Then you say: 22 "Taking into account that there are 11 local 23 passenger ferries underway in the harbour sector [that 24 is, at the same time] the VTSO is potentially required 25 to interpret over 66 collision alerts and communicates</p>
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<p>1 found on page 4636-1. 2 A. Yes, correct. But you can see that there is a table in 3 the document on page 4636-2. On the first page of it, 4 there it shows also the collision alerts in a matter of 5 10 seconds, and these alerts have been excluded from the 6 six alerts that I listed in my witness statement. 7 Q. Going back to the previous page, the red line represents 8 the single trip which was taken by this particular 9 vessel on that day? 10 A. Correct. 11 Q. And then you have drawn along this line several boxes, 12 I think altogether five boxes. 13 A. There are five boxes in the harbour zone and then there 14 is one more in the East Lamma Channel. 15 Q. Yes. I omitted that one. That's the small one at the 16 bottom of this page. I just ignored that one before, 17 but I should have referred to that one as well. 18 These six boxes represent the six instances of 19 collision alerts which were generated during this trip? 20 A. That's correct. 21 Q. Now, if we go back to your witness statement, you 22 explain the implication of this in the same paragraph. 23 THE CHAIRMAN: Before we do that, looking at page 4636-1, 24 the collision alert in the Western Fairway of the Lamma 25 Channel, what caused that?</p>	<p>1 with the coxswains of the various ferries within the 2 span of half an hour." 3 A. Yes. 4 Q. Those 11 ferries you have set out in a table which we 5 find on page 4636-17. Those 11 vessels were captured by 6 screen capture, which we see at pages 4636-12 to 7 4636-16. 8 A. Yes. 9 Q. Going back to your statement again, you say: 10 "The sample trip was taken at 22:30 hours on 11 10 February 2013, the Chinese New Year's day, when the 12 traffic is significantly less than a normal working day. 13 The task of handling the collision alerts for local 14 passenger ferries on a normal day would be considerably 15 more substantial and would impose a very heavy 16 additional burden on the VTSOs." 17 A. This is correct. I agree with that. In addition, 18 I would say that the heavy additional burden on the VTS 19 operators, that one is an understatement because 20 continuous alerts generated, if these alerts are being 21 generated continuously, it would just mean -- overall, 22 it means the overall monitoring service would mean 23 nothing, would amount to nothing. It would not achieve 24 its objective. 25 THE CHAIRMAN: Mr Mok, I apologise for interrupting, but as</p>

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<p>1 I indicated on Friday, we're going to have to adjourn 2 now, since we've reached 11 o'clock. 3 Mr Chung, although we've only been underway for 4 a short time, I'm going do have to adjourn now and ask 5 you to come back to resume your testimony at 2 o'clock 6 this afternoon. 7 A. (In English) I understand, sir. You said it very 8 clearly last week. 9 THE CHAIRMAN: Thank you. 10 Mr Shieh? 11 MR SHIEH: Mr Chairman, perhaps before we deal with the 12 adjournment, there is one point about Mr Kwok, the naval 13 architect in Cheoy Lee, who did the 2005 damage 14 stability calculations, following Mr Cheung Fook-chor. 15 THE CHAIRMAN: Yes. 16 MR SHIEH: He has been contacted and he will be able to come 17 and give evidence this afternoon at 2 o'clock. 18 THE CHAIRMAN: Are you suggesting that we interpose him? 19 MR SHIEH: Perhaps interpose Mr Kwok, and he shouldn't take 20 too long because he only deals with one discrete aspect. 21 THE CHAIRMAN: Very well. 22 Any objection, Mr Mok? 23 You've heard that, Mr Chung. We have another 24 witness and we're going to accommodate his availability 25 by interposing him so it will be a little after</p>	<p>1 making yourself available at short notice. I understand 2 it may have inconvenienced you, but thank you. 3 MR KWOK HING-YIN (affirmed in Puntì) 4 (All answers via interpreter unless otherwise indicated) 5 Examination by MR SHIEH 6 MR SHIEH: Mr Kwok, good afternoon. 7 A. Good afternoon. 8 Q. The reason we have asked you to come to give evidence 9 this afternoon, to assist the Commission, is in relation 10 to certain damage stability calculations that you have 11 done for a vessel called the Lamma IV back in 2005. 12 A. (Witness nods). 13 Q. Mr Kwok, could I ask you that in case -- this is not 14 a question just now, so it's all right. Later on, if 15 I ask you questions and ask for a response of "yes" or 16 "no", it would be helpful if you were to actually utter 17 the answer and speak into the microphone, because 18 microphones can't pick up a nod. 19 A. I understand. 20 Q. In due course I'm going to show you some calculations 21 which bear your initials. To start with, I would like 22 to ask you some questions about your training and 23 educational background. 24 Can you go ahead and tell us about your professional 25 training in terms of naval architecture?</p>
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<p>1 2 o'clock when we reach you again. 2 A. (In English) I've got that, Mr Chairman. Thank you. 3 (The witness stood down) 4 THE CHAIRMAN: We'll adjourn then until 2 o'clock this 5 afternoon. 6 (11.04 am) 7 (The hearing adjourned until 2 pm) 8 (2.00 pm) 9 THE CHAIRMAN: It was proposed that we interpose Mr Kwok, as 10 I understood, Mr Shieh? 11 MR SHIEH: Yes. 12 MR MOK: Yes. Mr Chairman, I was going to report back to 13 you on the instructions from the Marine Police. Both 14 they and the Marine Department have confirmed that they 15 have not cut or otherwise tampered with the wiring of 16 Lamma IV. 17 THE CHAIRMAN: Yes. 18 MR MOK: They still would like, just out of caution, to ask 19 the experts who had been instructed to do work and see 20 whether or not they confirm the same. 21 THE CHAIRMAN: Yes. Thank you very much for that. 22 Mr Shieh? 23 MR SHIEH: Yes, Mr Chairman. We now call Mr Kwok, formerly 24 of Cheoy Lee. 25 THE CHAIRMAN: Good afternoon, Mr Kwok. Thank you for</p>	<p>1 A. I graduated from Guangzhou Polytechnic University -- 2 A. (In English) Not Guangzhou. South China University of 3 Technology. 4 A. South China University of Technology, I graduated there 5 in shipping design -- 6 A. (In English) Ship design. 7 A. In ship design. And then after -- 8 Q. In 1991? 9 A. (In English) 1991, graduated. 10 A. In 1991 -- I graduated from that university in 1991, and 11 then I worked for six years at the A5 Ship Company. 12 A. (In English) Yes. 13 A. And then after that as a designer. Also after that 14 I worked for Cheoy Lee Shipyard for six years. 15 A. (In English) Approximately six years, yes. 16 A. Approximately six years. 17 Q. So could you tell us when you joined Cheoy Lee? 18 A. (In English) 1998, December, I think. 1999, January. 19 MR SHIEH: Mr Chairman, I don't know whether or not we're 20 getting into the same problem as in court proceedings. 21 Sometimes in court, if a witness has taken the oath in 22 a particular dialect, he sticks to that dialect without 23 really switching. 24 THE CHAIRMAN: Unless it's inconvenient, please keep to the 25 language you've chosen to speak in. If for some reason</p>

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<p>1 you find it easier to express yourself in another 2 language, then do so. 3 A. I understand. 4 MR SHIEH: So you joined Cheoy Lee in January 1999. Do you 5 remember when you left Cheoy Lee? 6 A. August 2005, towards the end of August. 7 Q. Right. I'm going to show you some documents in marine 8 bundle 4. Could I ask you to look at page 668. 9 A. I can see it. 10 Q. This is the covering page of a stability booklet done 11 for a vessel called the Lamma IV. 12 A. Yes, I can see it. 13 Q. If you look at page 669, look at the top, it says "By: 14 HYK". 15 A. Yes, I can see it. 16 Q. Those are your initials; correct? 17 A. Actually -- 18 Q. "Initials" as in the first letters of the name, not 19 "initial" as in signature. 20 A. These initials are put there by the computer. 21 A. (In English) By me, computer input. 22 A. It's input by me through the computer. 23 A. (In English) Through the computer, yes. 24 Q. Take some time to look at this document, starting at 25 page 669 all the way down to page 674. After that, can</p>	<p>1 booklet to the Marine Department after the exercise of 2 raising the ballast. If we then look at page 668, the 3 cover, and the pages that follow, that would be the 4 stability booklet that was enclosed with that letter. 5 A. Yes, I can see that. 6 Q. Do the matters that I have just taken you to refresh 7 your memory as to the fact that you were involved in the 8 preparation of this stability booklet? 9 A. That's right. I was involved in that calculation. 10 Q. You were aware of the guidelines by reference to which 11 the Marine Department approve damage stability 12 calculations? 13 A. I had contacted the -- 14 MR SHIEH: "I had encountered", "encountered". 15 A. I had read about it previously when I was doing my 16 calculations. But on this particular vessel, Lamma IV, 17 my calculations were based on previous methodology. 18 THE INTERPRETER: Sorry, sorry. The witness disagrees. 19 A. I based my damage stability calculations on the criteria 20 that had been used all along. 21 MR SHIEH: Right. We may be talking at cross-purposes, and 22 it's entirely my fault in using language that is too 23 unspecific. 24 Have you heard of the Blue Book? 25 A. You mean the instructions to surveyors concerning</p>
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<p>1 you tell us whether or not your memory has been 2 triggered as to whether or not you prepared these 3 calculations? Not by writing it out, but by, let's say, 4 doing the relevant input into a computer. 5 THE CHAIRMAN: It might help the witness if you draw his 6 attention to the two letters at page 639 and at 7 page 667, which puts the exercise in context. 8 MR SHIEH: Yes. Page 639 first. 9 Mr Kwok, let me give you a bit of background. The 10 ship Lamma IV was built around about 1995-1996. At that 11 time, you had not yet joined Cheoy Lee; right? 12 A. No. That's correct. 13 Q. And certain ballast had been added to the vessel in 14 1998. Again, you hadn't joined Cheoy Lee yet at that 15 time? 16 A. Correct. 17 Q. As we can see from the letter at page 639 of marine 18 bundle 4, in June of 2005, a proposal was made to raise 19 the existing ballast weight by a height of 10 inches by 20 means of aluminium frame support. The vessel's 21 stability had to be checked after completing this 22 exercise. 23 A. I understand that. I understand it. 24 Q. If you look at page 667, by this letter of September 25 2005, Cheoy Lee Shipyards submitted the stability</p>	<p>1 passenger vessels? I don't recall the exact name of it. 2 Q. The exact name is "Instructions for the Survey of 3 Launches and Ferry Vessels". 4 A. Yes, that's right. I had encountered it before. But 5 I don't know how long -- 6 Q. Can you look at marine bundle 8, page 1761. 7 A. I have seen it before, this booklet. 8 Q. Right. Now, in your day-to-day duties in Cheoy Lee, 9 would you have occasion to apply principles that are 10 contained in the Blue Book? 11 A. (In English) Can you repeat the question? 12 (Question retranslated) 13 A. Can you repeat your question in English again? I'm 14 sorry. 15 Q. Again, it's entirely my fault. I'll go straight to the 16 provision. 17 Can you look at rule 12 at page 1769. Rule 12(v): 18 "When any access opening is fitted in a watertight 19 bulkhead, it is to have an efficient closing appliance." 20 Are you aware of this provision in the Blue Book? 21 Were you aware of this provision in the Blue Book? 22 A. Basically when you are designing a vessel, all the 23 watertight bulkheads -- 24 A. (In English) If you have an opening ... 25 A. If you have an opening on a watertight bulkhead, then</p>

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<p>1 that opening should have a watertight approval. 2 A. (In English) Type approval. 3 A. Watertight type of approval. 4 THE CHAIRMAN: So you were aware of this requirement? 5 A. Yes, I was. 6 MR SHIEH: So, put very simply, if a bulkhead is intended to 7 be watertight, then if there is an opening there, the 8 opening should be fitted with a door which makes the 9 opening watertight when the door is closed? 10 A. By "opening", it doesn't necessarily refer to a door. 11 But if it is a door, then yes, it needs a watertight 12 type of approval. 13 Q. Yes. But without using the language of "a door", if 14 there's an opening, then there must be something to make 15 that opening watertight? 16 A. In principle, it is. 17 Q. Can I then move on to deal with the question of 18 watertight subdivision. 19 A. Yes. 20 Q. Could I ask you to look at the Blue Book at page 1770, 21 rule 15 of the Blue Book. I know that references to 22 numbers in the regulations may not actually mean a lot 23 to you, so if it doesn't mean anything to you, I may go 24 straight to the relevant rule. But if you look at 25 rule 15, it says:</p>	<p>1 lawyers to argue. But can I ask you the straight 2 question: are you aware of what's colloquially called 3 the 0.1L rule in looking at watertight subdivisions? 4 A. I wasn't aware of it at that time. 5 Q. Right. So you were not aware of a rule stipulated by 6 regulations whereby for the purpose of considering 7 floodable length and in applying the margin line test, 8 if a -- could you let me finish my question? Because 9 I know you understand the question. But sometimes if 10 I can't finish the question and then you start 11 answering, then the transcript will come out rather 12 choppy. 13 I'll start again, Mr Interpreter. 14 The 0.1L rule put at its very simplest means that in 15 calculating floodable length and in determining whether 16 or not if one compartment is flooded, the margin line is 17 going to be immersed. 18 Can you interpret this part first? This is a very 19 long question. 20 THE INTERPRETER: Thank you, counsel. 21 Yes, counsel. 22 MR SHIEH: Or, put in a slightly different way, in 23 calculating the maximum length of a watertight 24 compartment. 25 Now, in that case, if you have two adjacent</p>
<p>Page 34</p> <p>1 "All new launches, designed to carry more than 100 2 passengers, must comply with the watertight subdivision 3 requirements. Regulation 5 of the Merchant Shipping 4 (Passenger Ship Construction and Survey) Regulations 5 1984 refers." 6 Are you aware of this rule? 7 A. Yes, I'm aware of the existence of this rule. 8 Q. Thank you. In fact the reference to regulation 5 is 9 a typographical or printing mistake. It should be 10 regulation 6. I'm telling you that regulation 6 in turn 11 refers to a schedule, called schedule 1, of the 12 regulations which I'm going to ask you to look at. 13 Marine bundle 8, page 2082. 14 A. Which particular part are you referring to? 15 Q. Mr Kwok, the actual document that I look at is actually 16 not schedule 1 of the 1984 Instructions, but we don't 17 have to worry about the detailed derivation of the 18 actual piece of paper. The language of the rule that 19 I'm going to ask you to look at is it same as that 20 contained in the 1984 Regulations. So you can take it 21 from me. 22 A. I'm not sure about the document you are going to refer 23 me to, but anyway, ask me the questions. 24 Q. Yes. Because questions about the precise instrument 25 that is incorporated by law, we can leave it for the</p>	<p>Page 36</p> <p>1 compartments but one of which is less than the length of 2 10 per cent of the length of the vessel, then the 3 bulkhead separating this compartment and the next 4 compartment shall be disregarded? I'm not reciting the 5 exact language of the rule, but this is the effect of 6 applying it. 7 So at the time when you were involved in the 8 calculations in 2005, were you aware of this 0.1L rule? 9 A. I'm not clear about this rule that you've been talking 10 to me, but for me, the calculation of floodable length 11 is a way to find out the length of the watertight 12 compartment during the initial design stage. 13 Q. The maximum length of a watertight compartment which, if 14 flooded completely, would not result in the immersion of 15 the margin line; correct? 16 A. That's what it means originally, I think. 17 Q. And for the purpose of identifying the relevant 18 compartment, which you are going to flood for doing the 19 calculation, the 0.1L rule requires the person doing the 20 calculation to disregard any bulkhead -- can you 21 translate that first -- if a bulkhead separates two 22 compartments and the length of one of the compartments 23 is less than 10 per cent of the length of the vessel. 24 Were you aware of this rule at the time? 25 A. (Chinese spoken).</p>

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<p>1 THE CHAIRMAN: Mr Kwok, just pause there and give the 2 interpreter a chance. 3 A. (In English) Okay. 4 THE INTERPRETER: Thank you, Mr Chairman. 5 A. (In English) I'll repeat. Floodable length is the 6 maximum length, because this wording normally is in 7 English, so I'll just repeat it. 8 THE CHAIRMAN: Yes. 9 A. (In English) Floodable length normally is the maximum 10 length you can put in vessels where between this length 11 you can floodable the hull, that means immerse by 12 seawater or freshwater, depending on your vessel where 13 you ply for. So this requirement is only considering 14 the damage stability, but there is other requirement, 15 like collision prevention and pollution prevention and 16 some other safety and strength considerations. So 17 that's not the only criteria you have to consider. 18 0.1 length -- actually, I'm not aware of this 19 because when I calculate, if it's in an initial stage, 20 I will calculate -- if you design a vessel, I will 21 calculate floodable length. If it's an existing vessel, 22 normally, if you don't change the position of watertight 23 bulkhead, you don't need -- normally you don't need 24 a calculation for floodable length unless there is 25 a requirement from an authority or administration.</p>	<p>1 "Damage Case 6", you would agree that these calculations 2 are all done on the basis that each of these cases of 3 damage focus on flooding of six individual compartments? 4 Correct? 5 A. Yes. 6 Q. So going through it very quickly, page 697, "Damage 7 Case 1" is on the basis that only the last compartment, 8 what you call the after peak compartment, had been 9 flooded; correct? 10 A. Correct. 11 Q. Pages 698 and 699, that is on the basis that only the 12 tank space -- in other words, the space next to the 13 after peak compartment -- was flooded. 14 A. Correct. 15 Q. Page 700. "Engine Room damaged", so only the engine 16 room was damaged. 17 A. Correct. 18 Q. And page 702, only the void between frames 9 and 13 are 19 damaged? That actually is called the crew space in 20 other contexts. 21 A. Correct. 22 Q. "Damage Case 5" at page 703 is on the basis that the 23 void between frames 13 and 18 had been damaged; 24 correct? 25 A. Correct.</p>
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<p>1 Thank you. 2 THE CHAIRMAN: It might help to go to the actual calculation 3 so that we can work backwards. 4 MR SHIEH: Yes, I am. I'm going to put to him whether or 5 not he believes the 0.1L rule ought to be applied in 6 circumstances such as that. 7 Mr Kwok, discussing in the abstract may not help. 8 I think the best way is for me to actually show to you 9 the exact calculations that have been done and ask you 10 whether or not, in your understanding of the 0.1L rule, 11 the calculation should be done in this way. 12 Could I ask you to look at the 2005 Stability 13 Booklet. First of all, this booklet was done primarily 14 by you, right, by inputting data into a computer? 15 A. Mainly by me. Yes, I understand that. It was done 16 mainly by me. 17 Q. The software was a software Autohydro Pro. 18 A. Correct. 19 Q. Could I ask you to look at page 697. You can see 20 "Damage Case 1: After Peak damaged", and all the way 21 down to "Damage Case 6" at pages 705 and 706. 22 A. Yes, I can see them. 23 Q. Again, let me start from the back and then decide what 24 documents you have seen in doing this calculation. 25 If you look at "Damage Case 1" all the way down to</p>	<p>1 Q. Finally, "Damage Case 6" at page 705 was on the basis 2 that only the fore peak had been damaged; correct? 3 A. Correct. 4 Q. So standing back, in order to perform calculations on 5 the basis of these six individual cases of damage, the 6 underlying premise is that the bulkheads separating 7 these compartments were all watertight; correct? 8 Because otherwise they won't be individually flooded. 9 A. I agree to your version. 10 Q. Now, the question that I next ask you is, how did you 11 come to the conclusion or why did you apply this premise 12 that all the bulkheads separating these six compartments 13 are watertight? For example, did anyone simply tell you 14 this, or did you conduct your own enquiry by looking at 15 any plans or drawings? 16 A. Usually when we go about these calculations as a design 17 department, there will be several colleagues responsible 18 for it. Now, when it comes to existing ships, that 19 means a ship in operation, the way to go about it is 20 that I would not -- because I have previously not 21 encountered this Lamma IV, this ship, so for me to go 22 about the calculations, I will compare what has been 23 done. 24 (Chinese spoken). 25 Because I had not had contact with this ship, so</p>

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<p>1 when I start my calculation, I would ask my colleagues 2 for the information, for the necessary information. 3 Also, when I encounter areas, things that I didn't 4 understand, then I will ask them about them, because 5 after all, they are in the same room working with me. 6 But for any particular details you want me to answer, 7 then I can't recall. But that would be the usual 8 procedure. 9 THE CHAIRMAN: So in comparing what had been done before, 10 what material would you have been provided with? 11 A. (In English) Depends on what you ask. If you ask 12 a strength calculation, that means you have to have all 13 the detailed information regarding the material used and 14 which rule to apply for. If you are doing the stability 15 book calculation, then you have to ask for the lines 16 plan, general arrangement, and the arrangement of 17 watertight compartments. That means normally we will 18 ask them the position, frame space -- which frame space 19 you arrange a watertight bulkhead. 20 THE CHAIRMAN: So lines plan, general arrangement, and 21 arrangement of watertight bulkheads? 22 A. (In English) Correct. 23 THE CHAIRMAN: Thank you. 24 MR PAO: Mr Chairman, may I just clarify one answer from 25 this witness?</p>	<p>1 Q. Could the witness be shown the Wilkinson & Grist bundle. 2 These are the drawings provided by Cheoy Lee. You 3 mentioned the GA plans, and that is the W&G bundle, 4 page 43. Do you remember seeing this, the General 5 Arrangement for the vessel? 6 A. Yes, I am looking at it. Yes, I can see it. 7 THE CHAIRMAN: Yes, but did you see it for the purposes of 8 doing your calculations in 2005? 9 A. Even before I started the calculation for the ship 10 I should have seen this drawing. 11 THE CHAIRMAN: Thank you. 12 MR SHIEH: So, for the purpose of doing the 2005 13 calculations, you had reviewed this set of drawings; 14 correct? 15 A. Yes, I should have. I probably should have. 16 Q. You also mentioned lines drawings. I don't think we 17 have the lines drawings in the W&G bundle, but they can 18 be found in marine bundle 2, page 176. "Lines Plan"; do 19 you see that? 20 A. Yes. 21 Q. Do you remember seeing this? 22 A. I should have seen it. 23 Q. Right. And then how about Profile and Deck drawings? 24 Would you have seen those also? Wilkinson & Grist 25 bundle, page 44.</p>
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<p>1 THE CHAIRMAN: Yes. 2 MR PAO: He actually retracted the word "compare" in his 3 previous answer. 4 A. (In English) Yes. 5 THE CHAIRMAN: You would call for this previous work? Are 6 we to understand you're saying that? 7 A. (In English) I mean that if you have to handle 8 a calculation the vessel -- which is regarding the 9 vessel you never touched before, so that means all the 10 information, you need it, to input the computer or 11 whatever, you need to get that from your colleague who 12 is familiar with the vessel. 13 THE CHAIRMAN: Yes, but we're dealing with a very specific 14 situation here. You were dealing with a vessel where 15 the lead ballast had been raised by 10 inches. That's 16 the question. So what documents would you have called 17 for to assist you to do your job? 18 A. (In English) Because my main job is calculation, so that 19 means that I have to get the experiment, inclining 20 experiment result and input to the computer software to 21 calculate. 22 MR SHIEH: I think it is best for me to actually show you 23 some documents and then ask you whether these are the 24 type of documents that you had in fact called for. 25 A. I understand.</p>	<p>1 A. I should have seen it. 2 Q. Shell Expansion, page 45, Wilkinson & Grist? 3 A. (In English) Shell Expansion normally is not necessary, 4 but for reference purpose, we normally will have a look. 5 But it's not a main document I refer to. 6 Q. Thank you. How about page 46, Sections and Bulkheads? 7 A. (In English) This drawing is also only for information. 8 Normally if I do calculation, if the position of 9 watertight bulkhead already informed by my colleague -- 10 this is a construction drawing, that means mainly the 11 structure part. So normally I will just for the 12 reference, not mainly a document I work from. 13 Q. So we've looked at the drawings and we know which 14 drawings you probably have looked at. Okay? Let's 15 leave them to one side. Keep them open. But you say 16 you have also asked you colleagues as to the position of 17 the bulkheads just now? 18 A. Yes. 19 Q. Now, doing your best, refreshing your memory about 20 timing and the documents you've looked at, in this 21 particular case, for the 2005 calculations, which of 22 your colleagues had you consulted about the positions of 23 the bulkheads? 24 A. It should have been Mr Cheung Fook-chor. 25 Q. Right. So you would have asked Mr Cheung Fook-chor.</p>

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<p>1 You would have looked at the GA plan, the lines plan and 2 also the Profile and Deck plans; yes? 3 A. Yes, I understand. 4 Q. Would you also have called for the stability 5 calculations done on previous occasions for the same 6 vessel, when it was built and also when ballast was 7 added? 8 A. Normally if these are available, I would take a look at 9 them. But, you see, the calculation would have been 10 based on new criteria. 11 A. (In English) No, not new criteria. New data. New 12 inclining experiment data. 13 THE INTERPRETER: Thank you. "The new calculation would be 14 based on the new result of the inclining experiment". 15 MR SHIEH: Right. So, let's look at the GA plans in greater 16 detail. W&G bundle, page 43. 17 To save time, instead of taking you to each and 18 every of the lines there, could I ask you to identify 19 any particular features in this drawing which inform you 20 as to the nature of the bulkhead which separates what 21 you have called the after peak compartment and the tank 22 compartment; that is to say, the compartment at the very 23 aft of the vessel, and the compartment next to it? 24 A. You mean the feature? What particular features is what 25 you are asking me?</p>	<p>1 watertight bulkhead. 2 Q. "(Chinese spoken)"? 3 A. "(Chinese spoken)", yes. 4 A. Solid line. 5 A. (In English) But thicker. 6 Q. Thick solid line? 7 A. A thick solid line. 8 Q. Thank you. So you would place weight on the vertical 9 dashed lines on the profile plan, and also the thick 10 solid lines on the underdeck plan, to indicate the 11 presence of watertight bulkheads; yes? 12 A. Normally, yes. 13 Q. Right. As far as the lines plan is concerned -- that 14 is, in marine bundle 2, page 176 -- would that contain 15 any information about the watertight nature of any 16 bulkhead? 17 A. No. 18 Q. Right. You can skip that and come back to the Wilkinson 19 & Grist bundle, page 44, Profile and Deck. Again, is 20 there any feature on this plan which would inform you as 21 to the watertight nature or otherwise of the bulkheads? 22 A. (In English) Actually, every part of this, for example 23 side shell profile, you will see there's a small arrow 24 stopped by the watertight bulkhead. That's a solid 25 dashed line. Normally this indicates where a bulkhead</p>
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<p>1 Q. What particular features on this plan inform you as to 2 whether the bulkhead separating the last two 3 compartments was watertight or not watertight, or you 4 can't tell? 5 A. (In English) Yes, I understand. Normally if you look at 6 the profile, you have a watertight bulkhead indicated by 7 this dashed line, vertical dashed line at frames 18, 13, 8 9, 4, and the last one will be actually between 0 and 1. 9 Q. 1/2. That's 1/2. 10 A. (In English) According to here, maybe that's not 1/2, 11 but sometimes they call that 1/2. 12 Q. Thank you. So that is on the basis of looking at the 13 profile plan on the top of this plan; yes? 14 A. Yes. 15 Q. The vertical unbroken line, or what you call the dashed 16 line? Unbroken line, unbroken. 17 THE CHAIRMAN: It's a broken line. 18 MR SHIEH: Broken, sorry. 19 A. (In English) Dashed line. 20 Q. Sorry, yes. The vertical line. 21 A. Yes, the ... 22 Q. Any other features on this plan which inform you as to 23 the watertight nature of that bulkhead? 24 A. (In English) If you look at the underdeck plan, the 25 solid, thick line indicates the shell plate and</p>	<p>1 is, are, and if you look at the central line profile, 2 you have a solid thicker line, vertical one. It 3 indicates the bulkhead, watertight bulkhead, or not 4 watertight, depending on the design. If here written is 5 "watertight bulkhead", that's a watertight bulkhead. 6 And if you see the main deck plan, you have also -- but 7 depends on, you know, different countries, they have 8 different, how do I say, legend to indicate which kind 9 of line indicates which kind of structure beneath the 10 main deck. So that means you can also see, according to 11 this drawing, the solid line will be indicate 12 a watertight bulkhead. And if you go down to the bottom 13 plan, you have also solid line, thick solid line. That 14 indicates the watertight bulkhead. But if during the 15 input stage, you're not sure, then you will consult your 16 colleague, ask whether this is a watertight bulkhead or 17 not, because during the procedure of calculation, we 18 have to build up each compartment model. So the 19 position must very precise. 20 Q. If I can help you, Mr Kwok, because I know it's been 21 a long time since you looked at these plans, but there 22 are actually legends written on some of those vertical 23 lines. To help you, the side shell profile, for 24 example -- you can actually see, for example, in the 25 frame between 0 and 1 "WT BHD" written in the top</p>

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<p>1 left-hand corner. The side shell profile. W&G bundle, 2 page 44. 3 A. (In English) Side shell profile. Yes, yes. 4 Q. You can see "WT BHD"? You can see that? 5 A. (In English) Okay. Can you repeat? 6 Q. Looking at the side shell profile in the top left-hand 7 corner, in the frame between frame 0 and frame 1, which 8 is the bulkhead separating the last compartment, what 9 you call the after peak compartment and the tank 10 compartment, you can actually see the words "WT BHD"; 11 correct? 12 A. (In English) Correct. 13 Q. And also frame 4, you can see "WT BHD"; correct? 14 A. (In English) Correct. 15 Q. Frame 9, also? 16 A. (In English) Correct. 17 Q. Frame 13, "WT BHD"; correct? 18 A. (In English) Correct. 19 Q. Frame 18, "WT BHD"; correct? 20 A. (In English) Correct. 21 Q. So it actually tells you that it's a watertight 22 bulkhead, doesn't it? 23 A. (In English) Yes. Generally, yes. 24 Q. Right. So again, the centreline profile, it actually 25 says "corrugated watertight bulkhead" between 0 and 1;</p>	<p>1 Q. So this plan, would I be correct to say, if you had 2 looked at it, would have made it reasonably clear to you 3 that those bulkheads were watertight bulkheads? 4 A. (In English) Yes. 5 Q. Thank you. And you have told us that for the next two 6 plans, namely Shell Expansion and Sections and 7 Bulkheads, even though you may have made references to 8 them, they would not be documents that you would place 9 weight upon in doing your calculations; is that a fair 10 way of putting it? 11 A. (In English) Correct, yes. 12 THE CHAIRMAN: Do you agree with that? 13 A. (In English) Correct, yes. I agree with that. 14 THE CHAIRMAN: Thank you. 15 MR SHIEH: So would it be fair for me to say that the reason 16 why in performing your 2005 calculations you have done 17 it on the basis of six watertight compartments was 18 because of what Mr Cheung Fook-chor had told you when 19 you asked him, if you did in fact ask him; and also the 20 General Arrangement plan, as well as the Profile and 21 Deck plan? Would that be a fair way of putting it? 22 A. (In English) Correct. 23 Q. Thank you. So that explains the reason for treating 24 those six compartments as watertight. But let's look at 25 the actual calculations that you have done, in marine</p>
<p>1 correct? "Corrugated WT BHD"; yes? "Corrugated". 2 THE CHAIRMAN: In the centreline profile. That's the second 3 drawing. 4 MR SHIEH: Below the side shell profile. 5 A. (In English) Yes, I saw. 6 Q. So, corrugated watertight bulkhead. And then if you 7 move along to frame 4, you can see "corrugated WT BHD"; 8 yes? 9 A. (In English) Yes. 10 Q. Frame -- 11 A. (In English) 9. 12 Q. Do you see that? "Corrugated WT BHD"? 13 A. (In English) Yes. 14 Q. Frame 13 and frame 18; do you see that? 15 A. (In English) Yes. 16 Q. They all say "corrugated WT BHD". 17 Lastly, if you move down to the main deck plan -- 18 well, I'm not going to read it out because if you look 19 at the main deck plan and also the bottom plan, in fact 20 they have all been marked with "WT BHD". Not the main 21 deck, sorry, but the bottom plan. The bottom plan, for 22 the equivalent bulkheads, they're all marked "WT BHD". 23 You can take a look and then confirm whether you agree 24 that's what they say. 25 A. (In English) Yes.</p>	<p>1 bundle 4 at page 697. 2 Can you tell us in your own words, as far as this 3 part of the booklet is concerned, these six damage 4 scenarios -- you see, the individual flooding of these 5 six compartments -- what were these calculations 6 intended to demonstrate in this part of the booklet? 7 A. (In English) The last part, can you repeat? 8 Q. What were your calculations in this part of the 9 booklet -- you know, these damage scenarios -- intended 10 to demonstrate? 11 A. (In English) It's intended to demonstrate if one or any 12 compartment flooded, the final stage, at the final stage 13 of flooding, the margin line was still not touched by 14 the water. Also there is another requirement. You have 15 to see there is some angle requirement. 16 Q. GMT? 17 A. (In English) Yes, GMT normally is indicated. 18 Q. So margin line not submerged, and the GMT requirement; 19 correct? Let's call it colloquially. 20 A. (In English) Yes. 21 Q. Let's leave the GMT to one side, because in this case we 22 are not concerned with GMT. 23 So one of the purposes of this part of the 24 calculation is to demonstrate that upon flooding of 25 these six individual compartments, the margin line would</p>

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<p>1 not be submerged?</p> <p>2 A. (In English) Correct.</p> <p>3 Q. And margin line is defined as a line I think 76 mm below</p> <p>4 the --</p> <p>5 A. (In English) Back side.</p> <p>6 Q. Back side, yes. 76 mm, correct?</p> <p>7 A. (In English) 76. Actually originally 3 inches, then it</p> <p>8 convert to the metric. 76 mm, yes.</p> <p>9 Q. Thank you. This is where the 0.1 rule may come into</p> <p>10 operation, because for the purpose of deciding the</p> <p>11 compartments to be flooded for the purpose of these</p> <p>12 calculations, if the length of the last compartment --</p> <p>13 you know, what you have called the after peak</p> <p>14 compartment -- is less than 10 per cent of the length of</p> <p>15 the vessel, then for the purpose of determining the</p> <p>16 compartment that is to be flooded, should you not</p> <p>17 actually disregard the bulkhead between the last</p> <p>18 compartment and the second-last compartment, and take</p> <p>19 those two as one for the purpose of calculation?</p> <p>20 A. (In English) First of all, I am not aware of this</p> <p>21 0.1 length criteria at that time.</p> <p>22 Q. At that time. I see.</p> <p>23 A. (In English) Yes. So from my point of view, if you are</p> <p>24 calculating the damage stability, the one thing you</p> <p>25 concentrate on is if it's an existing vessel, that means</p>	<p>1 time as a matter of fact, you were not aware of it?</p> <p>2 A. (In English) Correct.</p> <p>3 Q. So you simply proceeded on the basis five watertight</p> <p>4 bulkheads, six compartments, and therefore six</p> <p>5 compartments each flooded individually in your</p> <p>6 calculation?</p> <p>7 A. (In English) Correct.</p> <p>8 Q. Thank you. You say you weren't aware of the 0.1L rule</p> <p>9 then. Are you aware of the rule now, as time has gone</p> <p>10 by?</p> <p>11 THE CHAIRMAN: Are you aware now of this 0.1L rule?</p> <p>12 A. (In English) Actually, I'm not sure where it has come</p> <p>13 from.</p> <p>14 MR SHIEH: Okay. I'm not going to engage in a nice debate</p> <p>15 as to wording or language.</p> <p>16 So basically you did it on the basis of what your</p> <p>17 colleagues had told you and on the basis of what you</p> <p>18 could see from the plans.</p> <p>19 Let me just ask you this. In relation to the data</p> <p>20 that you input into the computer software so as to</p> <p>21 generate these nice figures that we see in the stability</p> <p>22 calculations, the primary data you input would be what,</p> <p>23 the --</p> <p>24 A. (In English) The primary data we input is first you have</p> <p>25 to build a model by point, indicating the whole body of</p>
<p>Page 54</p> <p>1 the arrangements are already confirmed. So that means</p> <p>2 you have just, according to actual information you've</p> <p>3 been given, to then make the division of each</p> <p>4 compartment, then make a calculation.</p> <p>5 Q. Right.</p> <p>6 THE CHAIRMAN: By that you mean that, having referred to</p> <p>7 these drawings and got information from colleagues, you</p> <p>8 calculate on the basis that each of the compartments</p> <p>9 described as "contained within watertight bulkheads" is</p> <p>10 just that; that's how you did it?</p> <p>11 A. (In English) Yes, correct.</p> <p>12 MR SHIEH: Because at that time you were not aware or no-one</p> <p>13 had drawn your attention to this 0.1L rule or how it's</p> <p>14 to be applied?</p> <p>15 A. (In English) Yes. According to my understanding, this</p> <p>16 0.1 length regulation --</p> <p>17 Q. 0.1 length, yes.</p> <p>18 A. (In English) 0.1 length of ship length, normally it's</p> <p>19 for prevention of collision from after or from forward.</p> <p>20 It's not a considered it's for floodable length. So</p> <p>21 that means this is another requirement. If requested by</p> <p>22 any -- informed by any colleague, I will do that, but by</p> <p>23 that time, I'm not aware.</p> <p>24 Q. So basically whatever your view now is as to the</p> <p>25 applicability or application of this 0.1L rule, at that</p>	<p>Page 56</p> <p>1 the hull, and then you will divide the hull with</p> <p>2 compartments. So by that stage, you have to make sure</p> <p>3 the location of exactly which bulkhead is. Then you</p> <p>4 proceed, after you divided all watertight compartments.</p> <p>5 In that case, normally the calculation model already</p> <p>6 basically is set up. Then you have to input the</p> <p>7 criteria, like what do you demand for intact stability</p> <p>8 and what do you demand for -- what's required for the</p> <p>9 damage stability --</p> <p>10 Q. Yes.</p> <p>11 A. (In English) -- Then let the computer calculate it.</p> <p>12 Q. Yes. So basically the computer has already preset</p> <p>13 certain tasks that it can perform --</p> <p>14 A. (In English) Yes. Basically the computer -- the</p> <p>15 software comes with a standard criteria for the</p> <p>16 calculation. The one thing you can do is normally you</p> <p>17 just use -- for example, they have a standard command,</p> <p>18 like a writing in the batch file, that means you build</p> <p>19 up a batch file with a series of commands, load the</p> <p>20 model, 3D model, then run the batch file. A batch file</p> <p>21 is like an executable file you can run in computer.</p> <p>22 Then the computer will print out the result on the</p> <p>23 screen, and you will check. If everything okay, you</p> <p>24 print out. If not, then you have to revise something.</p> <p>25 Q. Yes, but I'm interested in the nature of the data that</p>

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<p>1 you type in. Some of this data would be data that is -- 2 A. Geometric. 3 Q. -- basic in relation to this vessel, such as the length 4 of a vessel or the length of a particular -- these are 5 preset? 6 A. (In English) It's not the length. Normally if you build 7 a 3D model, that means actually you put into the point, 8 for example the corner point, according to coordination, 9 the other corner, for example port side and starboard 10 side, to my side, of course -- 11 Q. Yes, yes, yes. 12 A. (In English) -- and original, that means 0, 0, 0 of 13 coordination, and according to this coordination, at 14 each section you put a section, location, exactly what 15 shape of that section. 16 Q. Yes. 17 A. (In English) So that means -- yes. 18 Q. I put it rather badly. In fact the point I wish to put 19 to you is that of course computers or the program 20 require different data to be put in. It may not be the 21 entire length; it may be the length of a particular 22 segment or maybe a particular angle. 23 A. (In English) Yes. 24 Q. Or it may be, for example, the weight of the ballast or 25 how high it is. All these variables, you key in. But</p>	<p>1 depends on -- yes. 2 Q. But if the contract requires it, then it has to be done? 3 A. (In English) Yes, yes. 4 MR SHIEH: If I can just have one minute, Mr Chairman. 5 THE CHAIRMAN: Yes. 6 MR SHIEH: Thank you. I have no further questions. 7 THE CHAIRMAN: Before you sit down, Mr Shieh, might I invite 8 you to ask Mr Kwok if he had sight of the 1998 -- 9 MR SHIEH: The previous calculations? Yes, I can. 10 THE CHAIRMAN: Yes, and 1996. 11 MR SHIEH: Mr Kwok, can I draw your attention to the 12 previous calculations done for this vessel, first of all 13 1998, and that can be found in marine bundle 3 at 14 page 472. 15 THE CHAIRMAN: Page 472 I think is the letter, and the 16 documents are -- 17 MR SHIEH: Marine bundle 3, first. That is a covering 18 letter that we can see which enclosed copies of the 19 Final Damage Stability Information Booklet. I know this 20 is actually before you joined Cheoy Lee, but I'm just 21 interested to know whether or not as part of the 22 exercise that you conducted when preparing the 2005 23 calculations, you had actually seen this document. Do 24 you actually want to flip through the next pages? 25 THE CHAIRMAN: Please do. Take your time, so that you can</p>
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<p>1 my question is in inputting these variables, at no stage 2 would you be required to actually go to the vessel and 3 check -- 4 A. (In English) No. 5 Q. -- let's say whether a bulkhead is or is not watertight. 6 That is a paper exercise; correct? 7 A. (In English) You can say it's a paper exercise, but 8 actually it's dealing with a computer calculation. 9 Q. Yes, but in inputting the actual data, it's no part of 10 your task to actually go and take a look? 11 A. (In English) No. If you do -- only if you do -- not 12 calculation. If you do, for example -- if you are 13 a draftsman for the as-fitted drawing, you have to go 14 there. But if you are a naval architect -- oh, 15 actually, an operator of a computer, the only thing you 16 need is to input the data given. So that means no need 17 to check actually it's there, the bulkhead, because 18 that's other people's job. 19 THE CHAIRMAN: But if you're the draftsman of the as-fitted 20 plan, then you should check the vessel against the plan? 21 A. (In English) Yes. 22 MR SHIEH: To see to it that if the plan says "watertight 23 bulkhead", then the bulkhead is completely watertight? 24 A. (In English) In practice, normally the as-fitted drawing 25 is only requested by owner or -- not always done. Just</p>	<p>1 familiarise yourself with it. 2 A. (In English) It's 1998? 3 THE CHAIRMAN: Yes. 4 MR SHIEH: Well, the letter is dated 1998, correct. 5 October. 6 A. (In English) Thank you. 7 Q. October 1998. It's for the Final -- 8 THE CHAIRMAN: These were calculations that were done in 9 order to reflect the fact that lead ballast, 10 8.25 tonnes, had been added to the steering compartment, 11 steering and gear compartment, and the tank room. 12 A. (In English) Actually this document is after been added, 13 the ballast, or before? 14 THE CHAIRMAN: Afterwards. 15 MR SHIEH: After, after. 16 THE CHAIRMAN: The only question is, amongst the material 17 that you called for, did you see these? 18 A. (In English) Which page are you referring to? 19 MR SHIEH: The whole booklet. 20 A. (In English) The whole booklet? Actually, I don't 21 remember if I actually read this booklet. 22 Q. Page 473 all the way down to page 479. You don't 23 remember whether you have seen this? 24 A. (In English) No. 25 THE CHAIRMAN: Is it the kind of material that you would</p>

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<p>1 have asked for, even if you can't specifically remember? 2 A. (In English) Actually because the software is different. 3 Each software, they have their similar format, so mainly 4 I won't see this one because if they give me the data 5 for the hull and the compartment bulkhead decision, 6 I don't need to see this one because I already have 7 a criteria and also inclination result which directly 8 input into the computer, that means you can calculate 9 it. Whether or not previously calculated by others 10 actually at that stage is non-relevant to me. 11 THE CHAIRMAN: Thank you. 12 MR SHIEH: Because I remember you telling us earlier that 13 once the 2005 experiment or tests or whatever had 14 been -- once the 2005 changes had been made to the 15 vessel -- 16 A. (In English) I didn't say that. Because I don't know 17 how many times this vessel was inclined. I was only 18 doing the last calculation. I don't know whether it's 19 the last calculation. That's before I left Cheoy Lee, 20 they asked me to do the calculation of this vessel. 21 I just did it according to the result of inclining 22 experiment. 23 THE CHAIRMAN: Yes. 24 MR SHIEH: Yes. I think that's clear enough. Thank you. 25 So, by the same token, you would not have called for</p>	<p>1 you've told us about and from your colleagues? You 2 wouldn't need this? 3 A. (In English) No need this, yes. Because the information 4 I needed, already get it, so normally I don't go further 5 because no need for that software. 6 THE CHAIRMAN: Thank you. 7 MR SHIEH: Thank you. I have no further questions for this 8 witness, Mr Chairman. 9 THE CHAIRMAN: Thank you. 10 MR McGOWAN: I have no application, sir, thank you. 11 THE CHAIRMAN: Yes. Mr Pao? 12 MR PAO: No, Mr Chairman. 13 MR MOK: Mr Chairman, I would like to ask the witness 14 briefly about the access opening, whether or not he 15 realised it was there, and also the documents he said he 16 had seen. 17 THE CHAIRMAN: Yes, very well. 18 Examination by MR MOK 19 MR MOK: Mr Kwok, can I ask you this question: do you 20 realise, or did you realise at the relevant time, that 21 there was an access opening at frame 1/2 in this vessel? 22 A. (In English) According to the drawing, there is 23 an opening but opening is not indicated clearly so 24 normally when I do the compartment building, that means 25 when I do the exact location of watertight bulkhead,</p>
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<p>1 or seen the calculations or the booklet that was done at 2 the outset when the vessel was first built way back in 3 1996; would that be a fair way of putting it? If you 4 want the actual documents, I can show you. It's in 5 marine bundle 2, page 337. That is a letter from Cheoy 6 Lee to the Marine Department in March of 1996, enclosing 7 the Damage Stability Information Booklet. That was at 8 the very outset, before the adding of any ballast. 9 A. (In English) You mean at 6 March 1996? 10 Q. Correct. Correct, the letter which enclosed the damage 11 stability information. 12 A. (In English) That means before they do the inclining 13 experiment? 14 Q. Before they added the ballast. If you remember, the 15 timing is that the vessel was built, completed, in 1996. 16 A. (In English) Actually -- 17 Q. After two years, they added ballast, so this -- 18 A. (In English) I'm not aware of the history of the vessel, 19 sorry. 20 Q. Okay. But anyway, do you remember seeing something like 21 this when you -- 22 A. (In English) No. 23 Q. No. You don't? 24 THE CHAIRMAN: And it wouldn't have been relevant to you, as 25 long as you had the information from the drawings that</p>	<p>1 I will consult my colleague, "Is this watertight or 2 not?" If they confirm, I would go ahead. 3 Q. So are you saying that you were aware that there was 4 an access opening at that location? 5 A. (In English) It's not written at "access opening". It's 6 an indication by drawing; there may be a bolted manhole 7 or what. Because according to the drawing legend, the 8 line you draw there, maybe it's a bolted manhole. It's 9 like a seagoing vessel, every ballast water tank, you 10 have a manhole access for inspection. So you make it 11 bolted watertight. But if I already received the 12 information it's watertight, then I won't go further. 13 Q. Perhaps can I invite you to look at the drawing which 14 shows that there is an access opening. I think it's W&G 15 bundle, page 44. 16 THE CHAIRMAN: And the title of the drawing? 17 MR MOK: It's Sections and Bulkheads. 18 Can you look at the bottom drawing on the left 19 column. 20 A. (In English) Yes. 21 Q. You see that it is stated there there is an access 22 opening? 23 A. (In English) Yes, I saw. 24 Q. And when you were performing the calculations, did you 25 realise there was an access opening as stated on this</p>

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<p>1 drawing?</p> <p>2 A. (In English) Should be.</p> <p>3 Q. Does it mean that you had sight of this drawing?</p> <p>4 A. (In English) Drawing, yes. I read this drawing, yes.</p> <p>5 But the drawing, this drawing is only -- normally for</p> <p>6 construction. So for calculation, normally this is only</p> <p>7 for reference. So as I said, I will confirm the water</p> <p>8 integrity of that bulkhead to my colleague. If he said</p> <p>9 it's watertight, it's watertight, then I don't regard</p> <p>10 any other things.</p> <p>11 Q. I see.</p> <p>12 A. (In English) Maybe they are using watertight door or</p> <p>13 something.</p> <p>14 Q. And the colleague you mentioned was Mr Cheung Fook-chor?</p> <p>15 A. (In English) Yes.</p> <p>16 Q. So it is likely that you had consulted him and asked him</p> <p>17 whether or not it was watertight at that location;</p> <p>18 right?</p> <p>19 A. (In English) Actually, I said "the usual procedure", but</p> <p>20 I cannot exactly remember.</p> <p>21 Q. If you had followed your usual procedure and asked him</p> <p>22 whether or not that access opening was watertight, and</p> <p>23 assuming that his answer was that it was watertight,</p> <p>24 then you need not go further to check anything else?</p> <p>25 A. (In English) Correct.</p>	<p>1 A. (In English) Actually I mean the symbol maybe indicates</p> <p>2 this is a bolted manhole. But the actual situation, I'm</p> <p>3 not sure.</p> <p>4 Q. I know. I want to show you one part of a plan just to</p> <p>5 make sure that that is what you are talking about.</p> <p>6 Could I ask you to look at the General Arrangement plan</p> <p>7 in the Wilkinson & Grist bundle.</p> <p>8 Is the feature that you are talking about the</p> <p>9 feature that we can see at the bottom left-hand corner</p> <p>10 in the underdeck plan? Can you see the two arrow-like</p> <p>11 things on that line? Is that what you're talking about?</p> <p>12 A. (In English) It's not an arrow, actually. It's</p> <p>13 a diagonal line of -- looks like right angle?</p> <p>14 Q. Yes.</p> <p>15 A. (In English) So normally, because General Arrangement</p> <p>16 drawing is not for construction, it's showing the</p> <p>17 arrangement of the vessel. So if you have to dig</p> <p>18 further what it is, you have to go to, normally, Profile</p> <p>19 and Deck. It's the main drawing.</p> <p>20 Q. Right. I just want to see your train of thought.</p> <p>21 I know it's terribly difficult to look back at these</p> <p>22 things so long after the event, so if you can't</p> <p>23 remember, you can say so. Or if you say, "I can only</p> <p>24 talk about generally what I would have done", then</p> <p>25 again, by all means say so.</p>
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<p>1 Q. And is it also correct that now, although you did talk</p> <p>2 about your general practice as to what document you had</p> <p>3 to consult, you don't actually have an accurate</p> <p>4 recollection that those were the drawings that you in</p> <p>5 fact consulted to ascertain whether or not this opening</p> <p>6 was watertight or not?</p> <p>7 A. (In English) No.</p> <p>8 MR MOK: Thank you.</p> <p>9 Mr Chairman, I have no further questions.</p> <p>10 THE CHAIRMAN: Thank you.</p> <p>11 I see Mr Yeung, as he told us, is not present, so</p> <p>12 I assume he had no questions. He was aware that Mr Kwok</p> <p>13 was being called this afternoon, was he? Mr Dominic</p> <p>14 Yeung?</p> <p>15 MR SHIEH: He should be. I believe he was.</p> <p>16 THE CHAIRMAN: Very well. Yes, Mr Shieh?</p> <p>17 MR SHIEH: I mean, if anything arises I'm sure they can come</p> <p>18 back.</p> <p>19 THE CHAIRMAN: Yes.</p> <p>20 MR SHIEH: I have one follow-up question, two follow-up</p> <p>21 questions to ask Mr Kwok.</p> <p>22 Further examination by MR SHIEH</p> <p>23 MR SHIEH: First of all, Mr Kwok, when you mentioned earlier</p> <p>24 that, looking at the plans, you had seen something which</p> <p>25 resembled some kind of a bolted manhole --</p>	<p>1 A. (In English) Thank you.</p> <p>2 Q. General Arrangement you say is not a construction plan,</p> <p>3 so if you have anything which you may be in doubt about,</p> <p>4 you would either maybe ask Mr Cheung Fook-chor, or you</p> <p>5 would consult in more detail the Profile and Deck plan;</p> <p>6 yes?</p> <p>7 A. (In English) Correct.</p> <p>8 Q. The Profile and Deck, we have seen, says "watertight</p> <p>9 bulkhead".</p> <p>10 A. (In English) Correct.</p> <p>11 Q. Mr Mok asked you a question about the Sections and</p> <p>12 Bulkheads drawing at page 46. He showed you the</p> <p>13 reference to "access opening" at the bottom left-hand</p> <p>14 corner.</p> <p>15 A. (Witness nods).</p> <p>16 Q. Do you have a positive recollection of seeing this, or</p> <p>17 do you simply say, "Well, this is the sort of thing that</p> <p>18 I would have looked at"?</p> <p>19 A. (In English) This construction drawing normally is only</p> <p>20 for -- I don't know exactly meaning for reference in</p> <p>21 English, but in Chinese, we call "chan hau".</p> <p>22 THE INTERPRETER: "For reference".</p> <p>23 A. (In English) That means it's not exactly information we</p> <p>24 need. It's only in case we need to consult it. But if</p> <p>25 my colleague already confirmed, that means normally</p>

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<p>1 I don't see this drawing again. 2 MR SHIEH: So this is not something that you would place 3 weight upon in determining whether or not something -- 4 A. (In English) If I have any doubt, first I will consult 5 my colleague. If they confirm this is a watertight 6 bulkhead, then I will go ahead for the calculation. 7 Q. Right. The question I want to ask you is, do you 8 remember having seen the section B-B plan at the top 9 right-hand corner of this page? You remember Mr Mok 10 asked you to look at the bottom left-hand corner where 11 it says "access opening". 12 A. (In English) Section B-B? 13 Q. Yes. 14 A. Yes. 15 Q. To make sense of what is section B-B, first of all you 16 look back at the bottom left-hand corner. You see -- 17 A. (In English) Left-hand corner? 18 Q. -- "frame 1/2", and you can see "access opening". But 19 you see "B-B" there, right? 20 A. (In English) Yes, I see "B-B". 21 Q. If you look at the top right-hand corner it tells you 22 what section B-B looks like. The plan is getting very 23 detailed, but do you remember actually also seeing 24 "section B-B"? 25 A. (In English) For this detail, I'm not sure I see this</p>	<p>1 A. (In English) Thank you very much. 2 (The witness withdrew) 3 THE CHAIRMAN: May I ask Mr Chung Siu-man to return to the 4 witness box. 5 MR CHUNG SIU-MAN (recalled) 6 (All answers were given in English from this point forward) 7 MR MOK: Mr Chairman, Mr Chung has indicated that he would 8 wish to continue his evidence in English. 9 THE CHAIRMAN: Yes. Very well. Thank you for bearing with 10 us while we interposed the other witness, Mr Chung. 11 We're grateful. 12 A. You're welcome, Mr Chairman. 13 MR MOK: Mr Chung, as you may remember, we were on 14 paragraph 23(2) of your witness statement, and at the 15 place on page 4623. 16 A. Yes. 17 Q. We had finished reading the first paragraph of that 18 page. Do you remember that? 19 A. Yes. 20 Q. To sum up what you were trying to say this morning, it 21 was if there had been a large number of collision 22 alerts, then it would make it very impractical for the 23 VTSO to perform his duties and therefore the whole 24 situation would defeat the objective of having the 25 system altogether; is that what you were trying to say?</p>
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<p>1 because the drawing there, the work is for calculation, 2 it's not for structural detail. But maybe I have 3 seen -- this section, somebody explain the detail of the 4 structural member arrangement. 5 Q. Would your attention have focused on the reference to 6 "WT BHD" at the top left-hand corner? 7 A. (In English) Yes, watertight bulkhead. Yes. 8 Q. So if you had looked at it, you would also have looked 9 at the reference to it being "WT BHD"? 10 A. (In English) Yes. 11 Q. But by and large, this drawing is not the sort of data 12 or information from which you would draw upon in doing 13 your calculation or in deciding whether or not -- 14 A. (In English) It sometimes help, but that means if you 15 see the drawing, if any doubt arises, then you have to 16 consult your colleague. You cannot make a decision by 17 yourself. 18 MR SHIEH: Yes. Thank you. I think I understand what 19 you're saying. Thank you. 20 I have no further questions. 21 THE CHAIRMAN: Thank you, Mr Kwok, for coming at short 22 notice to help us with your evidence. 23 A. (In English) Thank you. 24 THE CHAIRMAN: Your evidence is complete, and with our 25 thanks, you may go about your business. Thank you.</p>	<p>1 A. Correct. 2 Q. We now come to the last part of this paragraph 23, where 3 you give another reason for limiting the alerts to be 4 given. Can I read that to you. You say: 5 "It is also important to consider the effect of the 6 six collision alerts given to a single coxswain within 7 that sample half-hour trip, which is but one of the many 8 trips that coxswain has to undertake that day since this 9 is a regular ferry service. It is quite likely that the 10 number of alerts so generated and given would distract 11 the coxswain from focusing on navigation and paying 12 attention to the traffic conditions, and would irritate 13 him, or worse still, cause him to become 'immunised' to 14 them thinking that these alerts are only matters of 15 routine." 16 That's another reason why you say that the giving of 17 alerts should be limited; is it right? 18 A. Correct. 19 Q. And what you in fact are saying is that if he has become 20 immunised, then he would not be sensitive to the alerts 21 altogether and therefore the giving of alerts to him 22 would be useless? 23 A. Yes, that is what I meant. 24 THE CHAIRMAN: So if you cry wolf too often, nobody listens? 25 A. Right, sir.</p>

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<p>1 MR MOK: Finally, you have prepared an additional table in 2 answer to the Chairman's question. 3 Mr Chairman, I believe that now everyone has a copy 4 of this. 5 THE CHAIRMAN: Yes. 6 MR MOK: This table is headed "Incident Summary of 7 Non-Passenger Vessels"; correct? 8 A. Correct. 9 Q. This table, I believe, has to be read together with 10 table 2 on page 4626 of the bundle. 11 A. That is correct, sir. 12 Q. If you look at table 2 on that page, what it shows there 13 is in relation to ocean-going passenger vessel and 14 river-trade passenger vessel and the number of deaths 15 and injuries in relation to those two categories? 16 A. Correct, and also at the back, the local passenger 17 vessels, the number of collisions and also the deaths 18 and injuries. 19 Q. Right. That's on the following page. 20 What you have added by way of the new document is 21 that you have included the data relating to cargo 22 vessels, all three categories, ocean-going, river trade 23 and local? 24 A. Yes, that is in response to the request made by the 25 Chairman.</p>	<p>1 A. Could you bear with me a moment, sir? 2 THE CHAIRMAN: Yes. Approximately where. 3 A. It is, I think, if I recall correctly, near Tung Lung 4 Island, on the eastern part of Hong Kong. 5 THE CHAIRMAN: Thank you. And 2011, what was that incident? 6 A. The 2011 incident was a collision between a tug and tow 7 and a transportation boat inside the Yau Ma Tei Typhoon 8 Shelter. It occurred on 9 March. 9 THE CHAIRMAN: Thank you. And then 2012, of course, is the 10 Lamma IV? 11 A. On the passenger side, passenger vessel, yes. 12 THE CHAIRMAN: Thank you. 13 MR MOK: Finally, Mr Chung, Mr Chairman also asked you this 14 morning in relation to one of the six collision alerts 15 appearing on page 4636-1. 16 A. Yes. 17 Q. The small square that is at the bottom of the six boxes 18 that you have marked. 19 A. That alert was in relation to Sea Serene, which is also 20 a Hong Kong & Kowloon ferry, heading the opposite way, 21 towards Yung Shue Wan. 22 THE CHAIRMAN: So both vessels were of Hong Kong & Kowloon 23 Ferry? 24 A. That is correct, sir. 25 MR MOK: And Sea Serene was one of the 11 ferries that you</p>
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<p>1 Q. Yes. We can see that, for example, in 2008, there was 2 a report of deaths of 18, and I understand that is in 3 relation to one single incident; is that correct? 4 A. That is correct. That was the collision between 5 a supply boat and a bulk carrier. 6 THE CHAIRMAN: That's the Naftogaz 67? 7 A. Correct, sir. 8 MR MOK: I understand that this case has reached the CFA and 9 you have the case reference; is that right? 10 A. Yes, I do. 11 Q. Can you give the case reference to us? 12 A. Okay. The case number is FACC Nos. 6 and 7 of 2012. 13 Q. Right. And then there are two other incidents in 2010 14 and 2011 respectively relating to river trade and local 15 cargo vessels. 16 A. Correct. 17 THE CHAIRMAN: What was the incident in 2010? What kind of 18 vessel? 19 A. 2010, it involved two river-trade vessels. One of them 20 was in transit in Hong Kong waters. It had a collision 21 on the eastern part of Hong Kong with another 22 river-trade vessel coming down from the eastern part of 23 Guangdong. They collided and the east-bound river-trade 24 vessel sank, causing fatalities. 25 THE CHAIRMAN: Where was the collision?</p>	<p>1 identified on the table at page 4636-17? 2 A. Yes. 3 MR MOK: Mr Chairman, I have no further questions. 4 THE CHAIRMAN: Thank you. 5 Mr McGowan? 6 MR McGOWAN: I have got one matter I'd be very grateful if 7 I could ask. 8 THE CHAIRMAN: Yes. Which is what? 9 MR McGOWAN: It is what appears in paragraph 20 of his 10 report at page 4621. 11 THE CHAIRMAN: Yes. Very well. 12 Examination by MR McGOWAN 13 MR McGOWAN: Mr Chung, in your statement, at page 4621, 14 paragraph 20, you talk about the nature and navigational 15 behaviour of local vessels. 16 A. Yes. 17 Q. You differentiate those, quite understandably, from 18 ocean-going vessels and river-trade vessels? 19 A. Correct. 20 Q. You say that they are more manoeuvrable; they take much 21 less time and space to carry out collision-avoidance 22 action? 23 A. In general, yes, due to their smaller size. 24 Q. You conclude that particular paragraph by saying: 25 "In general, local vessels take collision-avoidance</p>

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<p>1 action less than 1 minute away, and pass each other at 2 around 50 metres apart." 3 A. Yes, that's our observation based on experience. It's 4 not a 100 per cent exact science, but that is our 5 observation. 6 Q. Right. Again, you've put in the accident and collision 7 figures for those vessels in your tables later on in 8 your statement which you've just been looking at? 9 A. Yes. 10 MR McGOWAN: Thank you very much. 11 A. Mr Chairman, can I make a clarification on the table? 12 THE CHAIRMAN: Yes. 13 A. Because the number of collisions, if it all adds up, it 14 will not be the real total number because it's been 15 duplicated. I've broken down into the types of vessels. 16 So if you are with me, if a collision between 17 a river-trade vessel and a local vessel, it happened in 18 both columns because I want to demonstrate the different 19 types of vessel that's been involved in a collision. 20 THE CHAIRMAN: Yes. 21 A. So that is with this caveat that the table should be 22 seen. 23 THE CHAIRMAN: Thank you for that. 24 Mr Pao? 25 MR PAO: I have no application.</p>	<p>1 this case, in that relevant location, and if the time to 2 CPA is less than 3 minutes, if these vessels are 3 VTS-participating -- that is, if those are the vessels 4 that we monitored -- the alert will be shown. 5 We've explained this morning that there is 6 an additional criteria; that is, the limiting length of 7 35 metres. These vessels are smaller than 30 metres, so 8 there will not be alerts that will be shown on our 9 system. Again, of course, if we switch or take off the 10 limits of the 35-metre length and we include them in the 11 system, yes, there will be alerts shown. But then 12 I have also tried to demonstrate that if that has been 13 done, then the whole screen will be full of alerts. 14 Q. Yes. No, I do understand that. And I appreciate that 15 these vessels were not both participating vessels and 16 that they were too small. But my question goes to 17 a slightly different point, and it is to some extent 18 hypothetical: assuming that you have two participating 19 vessels, an alert sounds but then they may take avoiding 20 action in which case the alert goes away, so you don't 21 need to worry about it. But if the alert sounds and 22 nothing changes and they continue on collision course, 23 does it somehow intensify or become a higher level of 24 alert? 25 A. On our current system, no.</p>
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<p>1 THE CHAIRMAN: Mr Beresford? 2 MR BERESFORD: Yes, Mr Chairman. Just two questions, one on 3 the question of alerts and the other on the question of 4 speed limits. 5 THE CHAIRMAN: Yes. 6 Examination by MR BERESFORD 7 MR BERESFORD: Mr Chung, I just wanted to clarify one thing 8 in relation to the issue of alerts. My understanding 9 is -- please correct me if I'm wrong -- that the alert 10 signal sounds as soon as the closest point of approach 11 hits less than the specified figure, 360, or 90 metres 12 as the case may be, in less than three minutes. 13 The problem in the present case was that the two 14 vessels were on a constant bearing from the moment the 15 Lamma IV appeared out of the typhoon shelter, until the 16 moment of collision. So there was a period of some 17 minutes during which the bearing remained more or less 18 constant within about 3 degrees. So is there any way in 19 which your alert system would somehow show a more 20 intensified alarm when the bearing didn't change? 21 A. With reference to your question, I think in this case 22 the alert would not be shown in our system. It is 23 because, due to the setting of our system, which I think 24 Mr Mok took me through this morning, besides the closest 25 point of approach, the distance of 90 metres, I think in</p>	<p>1 Q. All right. 2 A. But then the operator, the VTSSO that's been mentioned, 3 when they look at the screen, they would see this alert, 4 they will have to analyse it to see what does it tell 5 him. But then if they see on the screen, supposing that 6 they are a participating vessel, not taking avoiding 7 action, then the VTSSO should call them up, if he notices 8 this, well, imminent risk of collision. They will call 9 them up on the radio and then, advising them that they 10 have the risk of collision and further advising them to 11 take action to avoid collision. 12 Q. For that purpose, he would need VHF? 13 A. Yes. 14 Q. Turning then to the question of speed limits, the speed 15 limits are contained in the sublegislation under 16 Cap 548F, sections 9(1) and (2); is that right? Are you 17 familiar with that? 18 A. Yes, yes. Correct. 19 Q. Is there any reason why it's limited to local vessels? 20 There's no speed limit in any other legislation, is 21 there? 22 A. We have another set of speed regulation which is 23 identical, written in Cap 313A, I believe. It's a bit 24 clumsy, I may say, because it has been written in two 25 legislations, but we needed it. Cap 548 is solely for</p>

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<p>1 local vessels and river-trade vessels, and Cap 313 will 2 regulate the ocean-going vessels. 3 Q. Can you explain in relation to section 9 of the Cap 548 4 legislation, there are two speed limits: one is 5 a general one, and the other relates to nighttime. In 6 relation to the nighttime one, it relates to a local 7 vessel which is a high-speed craft. 8 A. Yes. On your second question, yes, section 9(2) is 9 related to a high-speed craft at nighttime. 10 Q. Yes. Can you explain why it's limited to a high-speed 11 craft? Why not any vessel that's capable of doing more 12 than 15 knots? 13 A. I think that has to do with the history, the development 14 of the vessels that are being used in Hong Kong. When 15 the legislation was first written, I don't think there 16 were many high-speed craft operating in Hong Kong. And 17 then most of the vessels at that time in Hong Kong, they 18 were not capable of doing a great speed. So that is why 19 I think, I believe, the legislation is written in this 20 way: to regulate the high-speed craft -- because of the 21 high-speed and nighttime -- not to exceed 15 knots. 22 Q. Yes. But is there any good reason to limit it to 23 high-speed craft, as defined? 24 A. As of today, things have changed, right. A container 25 vessel, if you don't limit their speed, they can do up</p>	<p>1 of the high-speed craft that is needed to be applied to 2 that vessel, they would be made known. But then from 3 purely -- if you are a, say, pleasure vessel owner, 4 looking at your certificate, you will not be able to 5 tell whether you are a high-speed craft because there is 6 not a category that is written on there saying that you 7 are a high-speed craft. 8 Q. No. But perhaps more importantly, a police officer on 9 a Marine Police launch or a skipper of another vessel 10 would not know necessarily whether a boat is within the 11 definition of "high-speed craft" or not, if they're 12 looking at another vessel? 13 A. Well, if you purely look at the vessel itself, from its 14 appearance, no, there is no particular requirement that 15 needs -- like a signal to be hoisted or a different 16 colour of hull to distinguish it, no. 17 Q. You say that certain vessels, including passenger 18 ferries such as the Sea Smooth, are granted certificates 19 of exemption. 20 A. Yes. 21 Q. These, of course, exempt it from all of the speed limits 22 except for some in the fairways? 23 A. Yes. When the visibility, of course, is about 1 mile. 24 Q. Including the speed limit in section 9(2); in other 25 words, the nighttime speed limit of 15 knots?</p>
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<p>1 to 25 knots easily. 2 Q. Yes. 3 A. So, yes. I see your point. This regulation I think 4 needs a new look towards its content. 5 Q. Well, the definition requires a complicated calculation, 6 doesn't it? I think we've recently been told that the 7 Sea Smooth is in fact a high-speed craft, but before 8 that, nobody was very sure whether it was a high-speed 9 craft or not. 10 A. Sea Smooth is a high-speed craft, yes. It falls within 11 the formula. 12 Q. Yes. 13 A. And it is a high-speed craft. 14 Q. But an ordinary person on the water wouldn't know, would 15 they? 16 A. An ordinary person on the water? No, you could say 17 that. You could say that. Because it's not written in 18 their certificate whatsoever. But then, if there is 19 requirement that is needed to be applied to that vessel, 20 they will be made known. 21 Q. I'm not quite sure that I understood your last sentence, 22 Mr Chung. 23 A. Okay. Let me quote an example. I think my colleague 24 explained that, but I would have thought that if there 25 is any, say, construction requirement or any requirement</p>	<p>1 A. Yes, sir. 2 Q. So what is the point of having this speed limit of 3 15 knots at night? 4 A. As I said, when this regulation was written, there were 5 not that many vessels in Hong Kong that could reach the 6 speed of 15 knots. Only the high-speed craft would be 7 able to do so. So that was the background of this 8 regulation. 9 Q. But it seems that they're all exempted? 10 A. They're all exempt because there is a -- 11 Q. So does the regulation have any work to do? 12 A. -- public interest for providing a fast and efficient 13 and safe, most of the time, service. 14 Q. But is there anything left for the regulation to do? 15 A. There will be the safe speed, sir. The safe speed 16 applies all the time. 17 Q. That's the Collision Regulations? 18 A. That is the Collision Regulations. 19 Q. But is there anything left for regulation 9(2) to do? 20 A. No. In this case, no. 21 Q. Or generally? 22 A. If the vessel is exempted, no. 23 Q. Yes. Well, one would expect most vessels, if not all 24 vessels capable of fitting within the definition of 25 "high-speed craft" to be exempted, wouldn't one?</p>

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<p>1 A. On the ferries, yes. Only on the ferries. 2 Q. In practical terms, you wouldn't expect a high-speed 3 craft not to have an exemption certificate, would you? 4 A. In practical terms, all the passenger-carrying 5 high-speed craft on the Transport Department licence 6 routes have been exempted, yes. 7 MR BERESFORD: Thank you very much. 8 THE CHAIRMAN: Thank you. 9 Mr Mok? 10 MR MOK: I have no further questions. 11 THE CHAIRMAN: Mr Chung, thank you for your testimony, for 12 helping us, but your evidence is now complete and you're 13 free to go. Of course, you may remain in the hearing if 14 you wish to hear other evidence. Thank you. 15 A. Thank you, sir. 16 (The witness withdrew) 17 THE CHAIRMAN: The next witness? 18 MR MOK: It's Mr Leung Wing-fai. 19 THE CHAIRMAN: Very well. But before we take his testimony, 20 I think this is probably a convenient moment, if it's 21 not inconvenient to you, for us to take a short break 22 of, say, 15 minutes. 23 MR MOK: Yes, of course. 24 THE CHAIRMAN: We'll take a break, then, until 4.15. Thank 25 you.</p>	<p>1 for the Hong Kong-registered ships (ocean-going vessels) 2 and the feasibility of requiring owners and/or operators 3 of local vessels to implement a similar safety 4 management system on local vessels." 5 A. Yes. 6 Q. Your witness statement is self-explanatory, so I'm not 7 going to take you paragraph by paragraph. 8 A. I understand. 9 Q. However, I would focus your attention on paragraph 20 10 and ask you to clarify one matter. You say in 11 paragraph 20: 12 "Arising from the Lamma incident, there are 13 discussions as to whether the ISM Code [a reference to 14 the International Safety Management Code] should also be 15 implemented for local vessels." 16 A. Yes. 17 Q. You go on to say: 18 "A preliminary evaluation shows that a safe 19 management system can provide for safe practices in 20 vessel operation and a safe working environment, assess 21 all identified risks, personnel and the environment and 22 establish appropriate safeguards and continuously 23 improve safety management skills of personnel ashore and 24 aboard vessels including preparing for emergencies 25 related both to safety and environmental protection."</p>
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<p>1 (4.00 pm) 2 (A short break) 3 (4.17 pm) 4 THE CHAIRMAN: Yes, Mr Mok. 5 MR MOK: Yes. Mr Leung Wing-fai. 6 MR LEUNG WING-FAI (sworn in Punti) 7 (All answers via interpreter unless otherwise indicated) 8 Examination by MR MOK 9 MR MOK: Mr Leung, you have prepared a witness statement for 10 the purposes of this Inquiry? 11 A. Yes. 12 Q. It's found at page 4661 of marine bundle 12; correct? 13 A. Yes. 14 Q. You are a general manager in the Local Vessels Safety 15 Branch, Shipping Division of the Marine Department? 16 A. Yes. 17 Q. In paragraph 4 of your witness statement, you explain 18 that the purpose of the statement is to elaborate on the 19 development of the International Safety Management Code 20 and its implementation in Hong Kong through the 21 enactment of the Merchant Shipping (Safety)(Safety 22 management) Regulation. 23 A. Yes. 24 Q. "[It also explains] how the provisions of the regulation 25 are administered and enforced by the Marine Department</p>	<p>1 A. Yes. 2 Q. The clarification I am seeking from you relates to the 3 next sentence. You say: 4 "Though not comparable with the ocean-going ships 5 operators, the resources and personnel of the 6 large-scale local ferry and launch operators should be 7 able to cope with the establishment and implementation 8 of the safety management system." 9 A. Yes. 10 Q. What I understand you to be saying is that although the 11 ISM Code currently does not apply to local vessels, the 12 Marine Department is considering extending the ambit of 13 that code to what you call the large-scale local ferry 14 and launch operators; is that correct? 15 A. Yes, that's what we are considering and we are studying 16 whether the ISM can be applied to local vessels. 17 Q. What I wish to ask of you is, how do you propose to 18 define "large-scale local ferry and launch operators"? 19 A. By "large operators", we will understand them to be 20 those who have a company, and then who own a fleet of 21 ships, and then those vessels carrying a certain sum of 22 passengers. 23 Q. Would it apply to vessels carrying more than 24 100 passengers? 25 A. That can be considered. Right now we are actively</p>

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<p>1 studying, exploring and discussing this matter with the 2 industry, and then also we will take reference to the 3 practices of other regions or countries, whether the ISM 4 can be implemented to them. But the main thrust is the 5 vessels that are carrying a large number, or many 6 passengers, are -- basically we target the larger 7 vessels, those carrying more than 100 passengers, and 8 therefore the risk thereof -- against the risk in this 9 area, then we will consider whether we apply the ISM to 10 this kind of vessels. 11 MR MOK: Thank you for the clarification. 12 Mr Chairman, I have no further questions. 13 THE CHAIRMAN: Thank you. 14 Mr McGowan, do you have any application? 15 MR McGOWAN: No, sir. 16 THE CHAIRMAN: I see Mr Pao is no longer with us, nor 17 Mr Yeung. 18 Mr Beresford? 19 MR BERESFORD: Just one question on that last clarification, 20 Mr Chairman. 21 THE CHAIRMAN: Yes. 22 Examination by MR BERESFORD 23 MR BERESFORD: Mr Leung, you say that you would define 24 "large-scale local ferry and launch operator" by 25 reference to a number of conditions, the most important</p>	<p>1 A. Because if the owners themselves don't have a company or 2 is not running as a company, then the enforcement and 3 the implementation of the ISM would be in a problem, 4 especially when without company existence, then how 5 would the individual owners or concerned person shoulder 6 the relevant responsibility? That would be also 7 a matter to consider. 8 A. (Chinese spoken). 9 Q. I'm sorry, can I just ask you about that, please, 10 Mr Leung. I don't want to be operating at 11 cross-purposes with you. If you're proposing to make it 12 a condition of operation that they incorporate 13 a company, to make it easier for you to regulate, then 14 that's one matter. But if you're suggesting that 15 an operator may be allowed to run a ferry of 100 or more 16 passengers without complying with the ISM Code, merely 17 because they're an individual or they can't afford it, 18 then that's another matter altogether. Do you see what 19 I'm getting at? 20 A. I understand. 21 Q. So what I'm asking is whether you would accept small 22 resources and personnel as an excuse not to have to 23 establish and implement a safety management system? 24 MR MOK: I'm sorry, I think the translation should be 25 "whether you would accept", not "you would accept".</p>
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<p>1 of which is obviously the number of passengers carried 2 on a particular vessel. But if a vessel is -- 3 THE CHAIRMAN: Do you agree with that, that the most 4 important factor is the number of passengers on 5 a particular vessel? 6 A. That's right. I agree. Mainly about the number of 7 passengers being carried, you know, that would be one of 8 the main criteria being considered. 9 MR BERESFORD: Because the number of passengers -- if the 10 number of passengers is more than 100, then it's 11 a higher-risk vessel, isn't it? 12 A. Correct. 13 Q. So if the ferry operator or the launch operator can 14 afford to carry more than 100 passengers, what does it 15 matter whether it's a company or whether it runs a fleet 16 of ships or any of the other conditions that you 17 mentioned? 18 A. Because for those vessels carrying more than 19 100 passengers, usually they come in a corporate 20 structure. They're usually run by companies. For 21 individual owners of vessels, usually their capacity, 22 passenger-carrying capacity, is lower than 100 persons. 23 Q. That's as may be, Mr Leung, but you don't need to make 24 it a condition that it's a company or that the operator 25 runs a fleet of ships, do you?</p>	<p>1 THE INTERPRETER: Thank you. 2 MR BERESFORD: I'm grateful to my learned friend. 3 (Question retranslated) 4 A. For vessels carrying more than 100 passengers, then we 5 will request that they enforce or implement the ISM. 6 For those without a company structure, then we will 7 study whether there are other ways to make them enforce 8 and also implement the ISM system. 9 Q. Yes, I see. So you're not suggesting that small-scale 10 operators might be able to avoid this just because they 11 have limited resources? 12 A. What we are studying right now is those vessels carrying 13 fewer than 100 passengers, we are studying that they may 14 be exempt from this ISM system. 15 Q. Yes. I'm asking specifically about the higher-risk 16 vessels of 100 passengers or more. 17 A. Yes, that's right. For vessels carrying more than 18 100 passengers, we will request them to implement the 19 ISM system. 20 MR BERESFORD: Yes. Thank you very much. No further 21 questions. 22 THE CHAIRMAN: Mr Mok? 23 MR MOK: I have no questions. 24 THE CHAIRMAN: Thank you. 25 Mr Leung, thank you for coming to assist us by</p>

Page 93	1 giving evidence, but your evidence is complete and you 2 are free to go. You may remain, of course, and listen 3 to other evidence if you wish. Thank you. 4 A. (In English) Okay. Thank you. 5 (The witness withdrew) 6 THE CHAIRMAN: Mr Mok? 7 MR MOK: Mr Chairman, I have no further witnesses, but there 8 is a matter I would like to raise. 9 You will recall that one of the experts is Dr Peter 10 Cheng. 11 THE CHAIRMAN: Yes. 12 MR MOK: The Commission has directed certain paragraphs of 13 his original expert report be received as part of the 14 evidence. What is left open is whether or not his oral 15 testimony is required. What I propose is because his 16 calculations are basically uncontroversial, then maybe 17 his oral testimony, at least for my part, I would not be 18 making any application to the Commission. I don't know 19 whether any other party would like to have him called 20 for that purpose. 21 THE CHAIRMAN: Yes, very well. Remind me where we find his 22 material, please? 23 MR MOK: Can you bear with me? 24 THE CHAIRMAN: Yes. 25 MR SHIEH: Expert bundle 2, page 690.	Page 95	1 MR SHIEH: My understanding, and I stand corrected, is that 2 there's a difference between Dr Peter Cheng and Captain 3 Browne because all that Mr Sussex had applied for and 4 obtained leave for is to actually call Captain Browne. 5 THE CHAIRMAN: Yes. 6 MR SHIEH: There was no leave given for the report per se to 7 be admitted. Whereas I believe what Mr Mok was trying 8 to get at was that there was previously leave given for 9 the admission of Dr Peter Cheng's report subject to the 10 excision of certain paragraphs, and all that's left is 11 whether or not anyone wants to examine him, and it is 12 that particular part which I want to check and also 13 whether or not there is anything which we think should 14 be put to him by way of controverting him. 15 THE CHAIRMAN: Very well. No doubt you're correct in your 16 memory as to this matter. Could you give us the 17 reference in the transcript where the ruling was made in 18 respect of Dr Peter Cheng's written report? Mr Mok, can 19 you give me that? No doubt you can come back to me 20 later today with that information. 21 MR SHIEH: Yes, we will come back -- 22 THE CHAIRMAN: And you want to reserve your position as to 23 whether or not you wish to have Dr Peter Cheng called? 24 MR SHIEH: Yes. 25 THE CHAIRMAN: Mr McGowan, do you have anything to say on
Page 94	1 MR MOK: Thank you. 2 MR SHIEH: There is a series of them, but the first one 3 contains his calculation. I think there are a couple of 4 subsequent ones whereby he sought to answer certain 5 points put by Dr Armstrong. But the main one is the one 6 at page 690. 7 Then there is a supplemental one at page 922-1. 8 THE CHAIRMAN: Dealing with the broader picture, is there 9 anything controversial in his testimony that requires it 10 being tested in oral examination? 11 MR SHIEH: Can I simply consider the position and then 12 revert tomorrow? 13 THE CHAIRMAN: Very well. Because reading the letter, or 14 re-reading the letter from Holman Fenwick may give rise 15 to the same issue, because Holman Fenwick address the 16 issue of Captain Browne in rather particular -- what may 17 be particularly carefully chosen language. It's in 18 these terms: 19 "... in view of recent developments, leading counsel 20 is of the view it is unnecessary to call Captain Browne 21 to give oral evidence." 22 Query, therefore, what is said to be the status of 23 his written report. Because that clearly is 24 controversial. If it's sought to persist with adducing 25 that evidence, then his oral evidence would be required.	Page 96	1 this issue? 2 MR McGOWAN: I think it's unlikely, sir. But I'm just 3 looking for his report in my bundles as well. 4 THE CHAIRMAN: You wish to reserve as well? 5 MR McGOWAN: I think it's unlikely, but yes, just out of 6 an abundance of caution, please. 7 THE CHAIRMAN: Yes. Very well. We'll permit you to come 8 back to us with your responses tomorrow morning on that 9 issue. 10 Where do we go next then, Mr Shieh? Mr Beresford? 11 MR BERESFORD: Mr Chairman, the next witness is Mr Tam 12 Yun-sing. 13 THE CHAIRMAN: He's being recalled? 14 MR BERESFORD: He's being recalled to deal with the 15 inspection relating to life jackets in 2009. 16 THE CHAIRMAN: To deal with his part in the survey of the 17 vessel -- 18 MR BERESFORD: Yes. 19 THE CHAIRMAN: -- which involves that issue? 20 MR BERESFORD: That's right, Mr Chairman. 21 THE CHAIRMAN: Is there any objection from anyone to him 22 being recalled? 23 Thank you. 24 In which case, Mr Tam, come back to the witness box. 25

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<p>1 MR TAM YUN-SING (sworn in Puntì) 2 (All answers via interpreter unless otherwise indicated) 3 Examination by MR BERESFORD 4 MR BERESFORD: Good afternoon, Mr Tam. Welcome back. 5 A. (In English) Good afternoon, sir. 6 Q. Thank you for coming back to assist once again. 7 Mr Tam, you have filed a supplemental witness 8 statement dated 22 February, have you not? 9 A. Yes. 10 Q. This may be found in marine bundle 13 at page 4918. Do 11 you recognise your name and signature at page 4920? 12 A. Yes. 13 Q. Have you had an opportunity to review this today, 14 Mr Tam? 15 A. Yes, I read it previously. 16 Q. Thank you. Do you have any amendment or addition you 17 would like to make? 18 A. No. 19 Q. So are the contents of this supplemental statement true? 20 A. Yes. 21 Q. Can you please turn to marine bundle 4 at page 856. Is 22 that your name and signature at the bottom right of that 23 inspection record? 24 A. Correct. 25 Q. We see there in relation to "Life-saving appliances",</p>	<p>1 policy but I only recall being aware of it. According 2 to the policy at that time, new class I vessels shall 3 fully comply with the life jacket requirement in 4 Cap 548G whilst existing class 1 vessels are allowed to 5 retain the number of life jackets approved before the 6 new regime as set out in their previous certificates of 7 survey. 8 I have compared the 2009 certificate of survey 9 issued by me against the certificate of survey 10 No. 12A0801393 issued for the previous year on 2 June 11 2008 [Marine4/159/775], and I note that the number of 12 life jackets recorded on both documents are the same 13 (92 adult life jackets). Therefore I believe that when 14 I conducted the final survey of the Lamma IV on 15 27 October 2009, I was applying the policy referred to 16 in paragraph 6 above on the basis that the Lamma IV was 17 an existing class I vessel. 18 I should also point out that I regard the entry for 19 the number of life jackets on the certificate of survey 20 as reflecting the minimum requirement, and so even if 21 I counted more life jackets on board than was required, 22 I would still note down the minimum requirement in the 23 certificate of survey." 24 A. Correct. 25 Q. Are you aware, Mr Tam, that Hongkong Electric say that</p>
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<p>1 survey item 11, you have ticked "Re-survey not 2 required". 3 A. Correct. 4 Q. Can we please turn to page 796 in that bundle, which is 5 a certificate of survey issued on 27 October 2009. 6 A. Correct. 7 Q. It's correct, is it not, that you were the officer who 8 conducted the final survey of the Lamma IV on 27 October 9 2009? 10 A. Correct. 11 Q. You have explained in paragraph 5 of your witness 12 statement at page 4919 that at the time of the final 13 survey on 27 October 2009, you would have been aware of 14 the regulatory requirement for 100 per cent life jackets 15 for adults on board, plus 5 per cent for children? 16 A. Correct. 17 Q. Perhaps I'll just read paragraph 6 of your statement: 18 "At that time, I believe that there was 19 an instruction or a policy within the Local Vessels 20 Section that the Cap 548G requirement on life jackets 21 (100% adult plus 5% children) would not be strictly 22 applied to existing class I vessels. I can no longer 23 recall the instruction and policy was given by whom but 24 probably my superiors in the Local Vessels Section at 25 that time. I did not know the reasons behind such</p>	<p>1 there were in fact sufficient adult life jackets to 2 comply with the 100 per cent adult requirement? 3 A. I don't know whether in 2009 -- correction. I should 4 say that I cannot remember that in the year 2009, there 5 were enough adult life jackets on board the vessel. 6 Q. Well, they say they had 220-odd life jackets on board. 7 230. 8 THE CHAIRMAN: "More than", I think is the way they put it. 9 MR BERESFORD: More than 230. 10 A. Mr Chairman, please allow me some time to let me 11 explain. 12 THE CHAIRMAN: Yes. 13 A. I want to ask to be given some more time for me to 14 explain this. 15 As I put it in paragraph 8 -- 16 THE CHAIRMAN: We understand what is in your statement. You 17 just put down what was the minimum requirement. 18 A. (In English) Yes, sir. 19 THE CHAIRMAN: There may have been more. 20 A. (In English) Yes, sir. 21 THE CHAIRMAN: You're being asked whether or not you can 22 remember whether in fact there were far more, so that 23 there were more than 232 life jackets. That's all. If 24 you can't remember, say so. 25 A. I don't remember how many life jackets there were on</p>

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<p>1 board the vessel, but it must have been equal to or must 2 have exceeded 92 life jackets. 3 MR BERESFORD: Yes, but the point is that 92 wasn't the 4 minimum requirement in 2009, was it, Mr Tam? 5 A. Because as I put it in paragraph 6 of my witness 6 statement, there was an instruction there to the effect 7 that for those existing vessels, they are allowed to 8 conform or not based on the old regime. So if you would 9 let me refer to the 1995 certificate of survey, you 10 know, that says about the same thing there too. 11 Q. But, Mr Tam, that would be all very well if there were 12 only 92 life jackets on board. Perhaps in accordance 13 with the policy, you could then have excused it as being 14 in accordance with the old regime. 15 But according to Hongkong Electric, there were 16 sufficient adult life jackets to comply with the adult 17 life jacket requirement under the 2007 regime. 18 A. As I said in paragraph 8 of my witness statement, 19 because the old regime was being followed, so I will 20 record just the minimum number of the required number of 21 life jackets there. But then of course, had there been 22 such a requirement that actual number of life jackets be 23 put down, then that would be much better. 24 THE CHAIRMAN: Do you have a copy of this policy or 25 instruction to show us that told you to ignore the law</p>	<p>1 THE CHAIRMAN: This was in 2008, you say? 2 A. Yes. As I remember, as far as I can remember now, it 3 should be around 2008. If I don't remember wrongly. 4 THE CHAIRMAN: Yes, Mr Beresford? 5 MR BERESFORD: Can you please give us the names of those 6 individuals? 7 A. For chief ship inspector, his name would be Au Yeung 8 Chun-tak, and for senior surveyor, that is my section 9 head, his name was Chan Ming-yau. For surveyors, there 10 are two, one by the name Liu Chiu-fai; the other by the 11 name Lee Chuen-kei. But I must emphasise I don't 12 remember clearly whether the names are correct. 13 Q. Okay. Can you please turn to page 858 of marine 14 bundle 4. This is the inspection record for the 15 following year; dated 13 May 2010. Is that your name 16 and signature under the stamp "Noted", bottom left? 17 A. It should be the signature of my colleague. His name is 18 Yuen Chin-wai. If you're talking about the signature on 19 the bottom right corner. 20 Q. No, I asked about the signature in the bottom left, 21 under the stamp "Noted". 22 A. That's right. If it's the one in the middle, that's my 23 signature. 24 Q. Yes. What does "Noted" mean, Mr Tam? 25 A. If I remember clearly, after 2009, after we did the ship</p>
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<p>1 and apply the old regime? 2 A. No, none in black and white. But as I said in 3 paragraph 6 of my witness statement, there was such 4 an instruction. As to who gave me that instruction, 5 I can't really remember because it was so many years 6 ago. But very possibly it would have been my superior. 7 THE CHAIRMAN: Have you ever seen this instruction in black 8 and white? 9 A. No, I've never seen it before. 10 THE CHAIRMAN: Who was your superior in October 2009 who 11 might have given you this instruction? 12 A. Allow me to supplement my answer. This policy and 13 instruction should be given to me some time in 2008. 14 THE CHAIRMAN: Just answer my question, please. 15 A. (In English) Okay. Yes, sir. Yes, sir. 16 A. Can you ask me again? What was the question? 17 THE CHAIRMAN: Who was your superior when you were given the 18 instruction to apply the old regime and to ignore the 19 new law? 20 A. At that point of time, my superiors are as follows. 21 They were, respectively, the chief ship inspector, the 22 surveyor, and then the senior surveyor, that would be 23 the section head, my section head. As I said in 24 paragraph 6, I don't recall which or who of my superiors 25 gave me this instruction.</p>	<p>1 inspection, we would issue a record. It was not 2 necessary for us to do this in 2008, but in 2009, we did 3 do this. That is, we needed to hand the record to 4 another colleague, and that's why we have this word 5 "Noted" there, saying that. Because starting from that 6 year, there was an instruction saying that after we did 7 the inspection of the ship, we need to complete this 8 record, and then this record should be handed over to 9 another colleague. That's why we have to make a remark 10 there saying "Noted", telling the other colleague that 11 we have done the inspection. 12 THE CHAIRMAN: Does this mean that you did the inspection? 13 A. I wasn't the one who did the inspection. It's another 14 colleague by the name Yuen Chin-wai. It was him who did 15 the inspection. So after the inspection, this form -- 16 I don't really remember clearly -- will have two to 17 three copies. 18 A. (In English) Three copies. 19 A. Would come out in triplicate. The original would be 20 handed over to the owner of the vessel or his 21 representative. The other duplicates would be given to 22 other colleagues who are responsible for different 23 assignments. 24 THE CHAIRMAN: So all you were doing was acknowledging that 25 you'd seen this form in its completed state on 13 May</p>

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<p>1 2010; is that it? 2 A. Yes, that's right. Because at that time there was this 3 instruction that after you have seen the record, you 4 have to make a note certifying that you have seen the 5 record. 6 THE CHAIRMAN: So the answer is "yes"? Try and use "yes" if 7 you can. Don't tell us the explanation all over again. 8 A. Yes, that's right. I've seen this record, this form. 9 THE CHAIRMAN: Mr Beresford? 10 MR BERESFORD: Did you have any supervisory capacity or 11 responsibility in relation to Mr Yuen? 12 A. I was not his direct supervisor. Our direct supervisor 13 was chief ship inspector. He was our direct supervisor. 14 For each colleague, after they finished the form, they 15 would submit the forms to their respective supervisors. 16 For ship inspector, he would submit to senior ship 17 inspector. For senior ship inspector, he would submit 18 the form to surveyor. 19 Q. Did you tell Mr Yuen about this policy that the 2007 20 regulations would not be strictly applied to existing 21 class I vessels? 22 A. It will not be up to me, you know, to say such a thing. 23 It will be up to my supervisor, maybe the chief 24 inspectors, maybe senior -- 25 THE CHAIRMAN: So is the answer "no"? Is the answer "no"?</p>	<p>1 that even if there had been 230-odd life jackets on 2 board, you'd just have marked the certificate as you 3 did, with "92"? 4 A. If it was an existing vessel, then I would have followed 5 the old regime and marked down only the minimum required 6 number of life jackets on the certificate. As 7 I remember, this is the consistent usual practice of me 8 and my colleagues. 9 Q. Did you actually have anything to do with the 2010 10 survey, other than countersign the certificate? 11 A. What do you mean by "anything to do"? 12 Q. Well, did you attend the vessel? Take part in it? 13 THE CHAIRMAN: That will do. 14 Did you attend the vessel for the inspection? 15 THE INTERPRETER: "Attend" meaning going on board? 16 THE CHAIRMAN: Yes. 17 A. I did not attend the vessel. I was not involved in the 18 inspection. It was up to Mr Yuen Chin-wai who did the 19 inspection. 20 MR McGOWAN: I have no further questions. I'll save my 21 questions for Mr Yuen. Thank you very much. 22 THE CHAIRMAN: Mr Mok? 23 MR MOK: No questions. 24 THE CHAIRMAN: Mr Beresford? 25 MR BERESFORD: No further questions, Mr Chairman.</p>
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<p>1 A. I didn't tell him that. 2 THE CHAIRMAN: Thank you. 3 A. (In English) Thank you, sir. 4 MR BERESFORD: No further questions, Mr Chairman. 5 THE CHAIRMAN: Mr McGowan, do you have any application? 6 MR McGOWAN: I'd just like to ask one or two questions about 7 the life jackets, please. 8 THE CHAIRMAN: Very well. 9 Examination by MR McGOWAN 10 MR McGOWAN: I'm suggesting to you, Mr Tam, that it was 11 a fact that Lamma IV had 230-odd life jackets on board 12 during that inspection, or during that -- 13 THE CHAIRMAN: In 2010? 14 MR McGOWAN: In 2009 and again in 2010, during those 15 surveys. 16 THE CHAIRMAN: Well, let's deal with 2009 first. 17 MR McGOWAN: Yes. The one that you did in 2009, she had 18 over 230 life jackets on board at the time of the 19 inspection? 20 A. I have no information at my hand to recollect it 21 clearly. I have done many, many ships for me to 22 remember it clearly. But like I said, for the Lamma IV 23 vessel, I would be following the old regime when I did 24 the inspection. 25 Q. Yes. So the sum of your evidence and your memory is</p>	<p>1 THE CHAIRMAN: Thank you, Mr Tam. Your evidence is once 2 again complete. Thank you for assisting us with it. 3 A. (In English) Thank you, sir. 4 THE CHAIRMAN: You're free to go, or remain if you wish. 5 A. (In English) Thank you, sir. 6 (The witness withdrew) 7 THE CHAIRMAN: Mr Beresford? 8 MR BERESFORD: Mr Chairman, there's one more in the same 9 category, which is Mr Yuen Chin-wai. 10 THE CHAIRMAN: Thank you. 11 MR YUEN CHIN-WAI (affirmed in Punti) 12 (All answers via interpreter unless otherwise indicated) 13 Examination by MR BERESFORD 14 MR BERESFORD: Good afternoon, Mr Yuen. Thank you very much 15 for coming along this afternoon to assist the 16 Commission. I have some questions to ask you on behalf 17 of the Commission. 18 A. I understand. 19 Q. Mr Yuen, you have made a witness statement, have you 20 not, dated 22 February 2013, which may be found in 21 marine bundle 13 at page 4922. 22 A. Yes, I can see it. 23 Q. Do you recognise your name and signature on page 4924? 24 A. Yes, I can see it. 25 Q. Have you had an opportunity to remind yourself of what</p>

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<p>1 this statement says today? 2 A. Yes, I have seen it. I have read it. 3 Q. Do you have any amendment or addition you would like to 4 make? 5 A. No. 6 Q. So are the contents of this statement true? 7 A. Yes. 8 Q. Thank you. We can see from paragraph 1 that you're 9 a ship inspector in the Maintenance Section of the 10 Marine Department. 11 A. Yes. 12 Q. And you have a Higher Certificate in Mechanical 13 Engineering from technical college in 2000. Which 14 technical college was that? 15 A. It used to be called Tsing Yi Technical College, but its 16 present name is Tsing Yi IVE. 17 Q. Thank you. You've been with Mardep since October 2006, 18 and a ship inspector since 2009; is that right? 19 A. That's right. 20 Q. You've made this statement to explain your inspection of 21 the life jackets on board Lamma IV in her final survey 22 on 13 May 2010. Can I please show you the inspection 23 record at marine bundle 4, page 858. 24 A. Yes. 25 Q. Is that your name and signature, bottom right?</p>	<p>1 A. Yes. 2 Q. Then in paragraph 10, you say: 3 "I believe that this difference should be due to the 4 fact that at the time, there was an instruction or 5 a policy within Mardep that the Cap 548G requirement on 6 life jackets (100% adult plus 5% children) would not be 7 strictly applied to existing class I vessels. I cannot 8 now recall how I learnt about this instruction or policy 9 but I believe I was told of the same by my superiors. 10 Nor do I know why there was such an instruction or 11 policy in place; I only recall being aware of it." 12 A. Yes. 13 Q. In paragraph 11, you say: 14 "When I inspected the life jackets during the final 15 survey, I would count the number of life jackets 16 presented to me by the ship owner or its agent, but it 17 was my practice (which I believe to be consistent with 18 that of my colleagues conducting final survey) to note 19 down only the minimum requirement (not the actual number 20 counted) in the certificate of survey." 21 A. Yes. 22 Q. So are you aware, Mr Yuen, that Hongkong Electric say 23 that there were 232 adult life jackets on board and no 24 children's life jackets? 25 A. According to the certificate of survey issued by me,</p>
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<p>1 A. Yes. 2 Q. We can see there by survey item 11, "Life-saving 3 appliances", that you have ticked "Re-survey not 4 required"? 5 A. Yes, I can see it. 6 Q. As a result of this, a certificate of survey was issued 7 on 13 May, which we can see at marine bundle 4, 8 page 798. 9 A. Yes, I can see it. 10 Q. You have explained to us that at the time, you were 11 aware of the regulatory requirement for class I vessels 12 to have 100 per cent life jackets for adults on board, 13 and an additional 5 per cent life jackets for children. 14 A. That's correct. 15 Q. Then you say at paragraph 9: 16 "However I note from the 2010 certificate of survey 17 that the number of life jackets on board the Lamma IV 18 was stated to be 92, which fell short of the total 19 number of persons on board (232). I also note that the 20 number stated on the 2010 certificate of survey was the 21 same as that stated on the certificate of survey No. 22 12A0902896 issued for the preceding year on 27 October 23 2009." 24 You've given us the reference there: marine 25 bundle 4, page 796.</p>	<p>1 I should not have seen that there were any child life 2 jackets there. 3 Q. No, I'm not asking you about child life jackets for the 4 moment. But they are saying that there were at least 5 232 adult life jackets there. 6 A. I don't remember. 7 Q. But are you saying that even if there were 232 life 8 jackets there, you would have noted 92? 9 A. The practice at that time was to mark down that there 10 were 92 life jackets. 11 Q. Mr Yuen, you say that the instruction was that the 12 Chap 548G requirement would not be strictly applied. 13 So if you find a vessel which appears to be 14 compliant, at least as far as the adult life jacket 15 requirement is concerned, isn't it slightly odd that you 16 would go to the trouble of working out the old 17 requirement and writing that down? 18 A. Actually, I have never seen such a situation before. 19 I never encountered such a situation before. 20 THE CHAIRMAN: What do you mean by that? 21 A. I have never encountered such a situation in my 22 experience of inspections, wherein an old vessel was 23 already implementing a new regime. 24 MR BERESFORD: They say there was a life jacket under every 25 seat.</p>

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<p>1 A. Our usual practice at that time about our inspection is 2 that the owner of the ship would -- when there were 3 92 life jackets, the owner would present us with 92 life 4 jackets. Even if there were more life jackets there, 5 they would not have presented this extra number of life 6 jackets there and then. They would explain that this 7 extra number of life jackets were spare life jackets, 8 and they would never say that there is one life jacket 9 for each passenger. They would never say that. 10 Q. Do you remember where the life jackets were that you 11 counted? 12 A. I can't remember. 13 MR BERESFORD: Thank you, Mr Yuen. 14 THE CHAIRMAN: Mr McGowan? 15 MR McGOWAN: May I ask one or two questions about this life 16 jacket inspection, please? 17 THE CHAIRMAN: Yes. 18 MR McGOWAN: Thank you, sir. 19 Examination by MR McGOWAN 20 MR McGOWAN: You hadn't been an inspector in the Department 21 very long by the time you did this inspection in 2010; 22 is that right? 23 A. That's right. 24 Q. You must have walked around the vessel as part of this 25 inspection process, survey process?</p>	<p>1 example, 200 passengers, each of those passenger seats 2 would have a life jacket underneath it, wouldn't it? 3 And that's where you'd expect them to be kept, where 4 you'd expect to look for them? 5 A. I would count the number of life jackets according to 6 the certificate of survey. 7 Q. Right. Well, I don't think there's much point in 8 arguing about this, but I'm suggesting to you, I'm 9 putting to you that there were over 230 life jackets on 10 board Lamma IV at the time you carried out this survey 11 in 2010. 12 A. I really can't remember. 13 Q. And, at least as far as the adult life jackets are 14 concerned, Lamma IV was complying with the 2007 change 15 to the legislation. 16 A. I really can't remember. 17 Q. Right. Can I just ask you to go back to marine 18 bundle 4, page 858, please. We've just had a look at 19 this. This is the actual survey check-off list. 20 A. Yes, I can see it. 21 Q. Can we scroll down to the bottom, please. 22 At the bottom, Mr Yuen, there's a box which says 23 "Any other items/Additional Remarks". 24 A. Yes, I can see it. 25 Q. That would allow you to make remarks which would then be</p>
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<p>1 A. Yes. 2 Q. And Lamma IV, like most other ferries, had a life jacket 3 under the seats in the passenger cabins, under each seat 4 in the passenger cabins, didn't she? 5 A. Specifically, I can't really recall. 6 Q. That's where life belts are kept in passenger vessels, 7 passenger ferries, isn't it? 8 THE CHAIRMAN: Life jackets? 9 MR McGOWAN: Life jackets, sorry. 10 A. Yes. 11 MR MOK: He said "that's where the life jackets are kept". 12 THE CHAIRMAN: Thank you, Mr Mok. 13 (Question retranslated) 14 A. What type of vessels are you referring to? 15 MR McGOWAN: I'm referring to Lamma IV. You know what 16 Lamma IV is, don't you? There's a model of her in front 17 of the Chairman. 18 A. I can't really remember where the life jackets were 19 placed. 20 Q. Right. Well, without going into great detail, do you 21 agree with me that the normal place for a life jacket on 22 a passenger ferry in Hong Kong is underneath the 23 passenger seat? 24 A. I agree. 25 Q. So if Lamma IV had a passenger capacity of, say, for</p>	<p>1 passed on to the owners of the vessels so they could 2 deal with it at future surveys? 3 A. I agree. 4 Q. And it's not disputed that although Lamma IV had the 5 230-odd adult life jackets, it had no children's life 6 jackets at the time of this survey in 2010. That box 7 would have allowed you to make a notation to assist both 8 the owners and indeed anyone carrying out next year's 9 survey that this was a matter that needed to be 10 addressed. Do you agree with that? 11 A. I agree with you. But our usual practice is we won't 12 put such a notation. I've never seen anybody doing 13 that. 14 Q. Yes. All I'm saying is that as far as the owner was 15 concerned, he was being given a certificate, a licence 16 to operate, with no notations showing that any action 17 was required by him in the future to get a certificate 18 the next year. Do you agree with that? 19 A. That is how it was at that time. 20 Q. Yes. I'm not suggesting that you're an individual doing 21 something different from your colleagues, Mr Yuen. What 22 I am suggesting to you is that this was a method of 23 drawing owners' attentions to where they needed to 24 improve things, particularly if they wanted to get their 25 licence renewed next year. Do you agree with that?</p>

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<p>1 A. I agree. But my superiors did not order or ask me to do 2 such a thing. 3 MR McGOWAN: Yes. Thank you very much. 4 THE CHAIRMAN: Mr Mok? 5 MR MOK: No questions. 6 THE CHAIRMAN: Mr Beresford? 7 MR BERESFORD: No further questions. 8 I'm sorry, Mr Chairman, there is one matter that 9 I neglected to ask before, if I may be permitted to ask. 10 Further examination by MR BERESFORD 11 MR BERESFORD: Mr Yuen, you said in your statement that you 12 were told of the policy by your superiors. Can you give 13 us a name, please? 14 A. Which particular superior, I can't really remember. 15 Q. I'm asking you to tell us, Mr Yuen. 16 A. My direct supervisor would hold the position of CSI. 17 This is chief ship inspector. But for his personal 18 name, I can't recall. 19 Q. But who told you about the policy, Mr Yuen? 20 A. I really can't recall. 21 MR BERESFORD: Thank you very much. 22 Questions by THE COMMISSION 23 THE CHAIRMAN: You would agree, would you not, Mr Yuen, that 24 if you had put something onto the form as "Additional 25 Remarks", if you'd put in there "Vessel does not comply</p>	<p>1 asked to do was to pass vessels that didn't actually 2 comply with the law? Did that occur to you? 3 A. I was just following the instructions of my superior. 4 THE CHAIRMAN: Did it occur to you that this policy was 5 hatched by somebody who was second-guessing Legco, the 6 people responsible for making our laws? 7 A. It did occur to me, but you see, this action was 8 followed by, practised by all my colleagues. It's not 9 me alone who was doing this. 10 THE CHAIRMAN: And that consoled you, did it, that the law 11 wasn't being complied with, because lots of people 12 weren't complying with it? 13 A. Not really. 14 THE CHAIRMAN: Thank you, Mr Yuen, for coming along to 15 assist us with your testimony, but it's now complete and 16 you're free to go if you wish. 17 A. (In English) Thank you, sir. 18 (The witness withdrew) 19 THE CHAIRMAN: Mr Shieh, Mr Beresford? 20 MR SHIEH: That completes the Mardep witnesses that we have 21 lined up for today. 22 THE CHAIRMAN: Yes. 23 MR SHIEH: We have caused summonses to be prepared if at all 24 necessary for two previous Mardep inspectors to be 25 recalled on a very short point. Mr Chairman may recall</p>
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<p>1 with carrying children's life jackets; please make sure 2 it complies next time", that would have created an audit 3 trail for what it was that your department was actually 4 doing, would it not? 5 A. I agree. 6 THE CHAIRMAN: And that duplicate and then the triplicate 7 copy were to be kept in Marine Department records, were 8 they not? 9 A. Yes. 10 THE CHAIRMAN: And anyone inspecting those records would 11 then come to realise that someone had decided not to 12 enforce the law in the Marine Department, would they 13 not? 14 A. Yes. 15 THE CHAIRMAN: And it would become apparent by anyone who 16 followed that documentary trail that certificates were 17 being granted, although in law the vessels didn't 18 comply? 19 A. I agree. 20 THE CHAIRMAN: Have you ever seen what you call the 21 instruction or the policy in writing? 22 A. No. 23 THE CHAIRMAN: Did you ever ask to see it in writing? 24 A. No. 25 THE CHAIRMAN: Did it occur to you that what you were being</p>	<p>1 the two inspectors who inspected the vessel in 2011 and 2 2012 were adamant that -- those were the two inspectors 3 with the asterisk. 4 THE CHAIRMAN: Yes. 5 MR SHIEH: They were adamant that they actually counted -- 6 well, not adamant. They didn't actually positively 7 recall. But they said the asterisk meant they had seen 8 a compliant number of life jackets pursuant to the new 9 law. There is obviously something worth putting to them 10 now that we have seen Wong Wing-chuen's evidence about 11 this policy of actually not enforcing the 2007 law -- 12 THE CHAIRMAN: Yes. 13 MR SHIEH: -- so that their evidence can be properly tested. 14 Because there is now the big boss saying, "Well, 15 actually, at the time, even if there had been 16 non-compliance with the new law, the vessel would be 17 passed anyway". So it throws into question why they 18 were saying at the time that they had actually counted 19 and come to the view that -- 20 THE CHAIRMAN: You are suggesting that they be given 21 an opportunity to consider their position in testimony? 22 MR SHIEH: Yes, in light of what Mr Wong has now said in his 23 witness statement. 24 THE CHAIRMAN: Yes. Because the change that happened 25 happened in the form as well, did it not?</p>

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<p>1 MR SHIEH: Yes, yes. 2 THE CHAIRMAN: From 2011, there was a different form. 3 MR SHIEH: The asterisk. 4 MR MCGOWAN: Two different versions of the same form. 5 MR SHIEH: Well, in 2011 we have actually seen a form with 6 asterisks and another form pertaining to Lamma II which 7 still kept the form of stating "92 life jackets". 8 THE CHAIRMAN: Yes. 9 MR SHIEH: Be that as it may, given Mr Wong Wing-chuen has 10 given evidence and also these two witnesses have given 11 evidence ... 12 THE CHAIRMAN: Very well. And you're suggesting that we 13 should require them to return? 14 MR SHIEH: Yes, have them briefly recalled on those two 15 points. 16 THE CHAIRMAN: Very well. Does anybody wish to address us 17 on that suggestion by counsel for the Commission? 18 Mr Mok? 19 MR MOK: No. I'm in the Commission's hands. 20 THE CHAIRMAN: Thank you. 21 Mr McGowan? 22 MR MCGOWAN: No. I think it might be helpful to try and 23 clear this up. 24 THE CHAIRMAN: Thank you. 25 Yes, Mr Shieh?</p>	<p>1 training in use of radar, whether or not he has taken on 2 board the latest -- 3 THE CHAIRMAN: Probably not in the form that I'm suggesting 4 he ought to be asked to help us. What we're 5 specifically confronted with now is the evidential 6 position as to the actual navigation of the two vessels 7 as testified -- 8 MR SHIEH: On his evidence in part 1? 9 THE CHAIRMAN: Yes, as testified to by the coxswain of Sea 10 Smooth and the coxswain of Lamma IV; their actual 11 navigation. The organisation, for example, of look-out, 12 or lack of organisation. The use of radar, or not. And 13 then the actual sighting, certainly by Sea Smooth. 14 Captain Pryke didn't have that information before. 15 MR SHIEH: No. No. Captain Pryke is actually listening 16 right this very minute, so either, if time permits, he 17 can write up a short note, or if need be -- even if that 18 cannot be done -- 19 THE CHAIRMAN: It's a matter that can be dealt with in oral 20 testimony, because now these issues are all 21 crystallised. 22 MR SHIEH: Yes. We've had more specific evidence as to the 23 actual circumstances of sighting by Sea Smooth and 24 also -- 25 THE CHAIRMAN: Very specific head points of evidence on</p>
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<p>1 MR SHIEH: Following those two -- 2 THE CHAIRMAN: Please proceed on that basis, that we'd like 3 to hear from them again. 4 MR SHIEH: Yes. Following that would be Captain Pryke's 5 testimony on his latest report which has been submitted. 6 THE CHAIRMAN: Where is that latest report? 7 MR SHIEH: The latest report is in expert bundle 3, starting 8 from the very beginning at page 1101. That's Captain 9 Pryke's latest report, which is headed "Expert Report 10 (Part 2)". 11 THE CHAIRMAN: In this latest report, does he in any way 12 address the factual evidence as has emerged now that 13 we've heard from the two crews of the Lamma IV and the 14 Sea Smooth, as to the issues of navigation? 15 MR SHIEH: No. 16 THE CHAIRMAN: Ought he not to be asked to address those 17 issues? Because we have a now very specific situation. 18 Evidence, for example, as to such use of radar as was 19 made and then as to visual sighting of the other vessel. 20 Again, very specific, certainly as far as Sea Smooth is 21 concerned, hitherto unknown to Captain Pryke. 22 MR SHIEH: Captain Pryke has certainly had regard to 23 transcripts of evidence as and when they were made 24 available to him. I will check his footnotes as to 25 whether or not -- in his comments, about, for example,</p>	<p>1 which Captain Pryke's opinion would no doubt be of 2 considerable assistance. 3 MR SHIEH: Yes. 4 There are two questions which I would like to raise. 5 First of all, Mr Mok's application in relation to 6 Dr Peter Cheng. 7 THE CHAIRMAN: Yes. 8 MR SHIEH: Mr Mok's application relates, as I understand it, 9 to the first report of Dr Peter Cheng where he conducts 10 certain calculations on two-compartment flooding and 11 three-compartment flooding, whether the vessel would 12 have sunk in any event in the case of three-compartment 13 flooding, et cetera, et cetera. 14 Mr Chairman will recall Dr Peter Cheng actually 15 filed two further reports, one called a supplemental 16 report, the other called a second supplemental report. 17 Just to refresh our memory, the first supplemental 18 report dealt with questions of thickness and tolerance 19 and corrosion and things of that sort, about the 20 aluminium hull. 21 THE CHAIRMAN: Yes. The plate. 22 MR SHIEH: The second supplemental report commented on 23 Dr Armstrong's manuscript calculation, working 24 backwards. 25 THE CHAIRMAN: Yes.</p>

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<p>1 MR SHIEH: And that gave rise to Dr Armstrong coming back 2 with various brochures of Alcoa and Alcan, working out 3 whether or not we should use the strength of 215 or 125. 4 THE CHAIRMAN: Yes. 5 MR SHIEH: I do not know whether or not Mr Mok wishes to 6 also adduce those two subsequent reports of Dr Peter 7 Cheng, because that would have to be factored in as 8 well, as to our position. 9 THE CHAIRMAN: Yes. 10 MR MOK: I don't intend to rely on those two additional 11 reports. I think they're adequately covered. 12 THE CHAIRMAN: Thank you. Just the first report? 13 MR MOK: Just the first report, and the paragraphs which the 14 Commission has directed should be received. 15 MR SHIEH: Everything except 28, I think. 16 MR MOK: Everything except the last bit. 17 THE CHAIRMAN: When we asked for that material, I had in 18 mind these other witnesses that you were calling on 19 behalf of the Marine Department, Wong Wing-chuen and so 20 on. But you've also done this with respect to Dr Peter 21 Cheng? 22 MR MOK: Yes. 23 MR SHIEH: Yes, because when Mr Chairman gave leave to 24 actually admit Dr Peter Cheng's evidence -- it's Day 21, 25 page 25 in the transcript -- Mr Chairman actually said</p>	<p>1 MR SHIEH: Cut. Cut. 2 THE CHAIRMAN: As opposed to "not connected"? 3 MR SHIEH: As opposed to "not connected". It's actually 4 broken, cut. 5 MR McGOWAN: I have seen the photograph and that appears to 6 be what it shows. 7 THE CHAIRMAN: Yes. 8 MR McGOWAN: We have made some enquiries which haven't come 9 up with anybody from our side doing it. 10 THE CHAIRMAN: Very well. What is it that you seek, 11 Mr Shieh, at this stage? I mean, obviously this is 12 an ongoing inquiry by an expert. 13 MR SHIEH: Well, the word that use used in the message to me 14 was actually "cut", as opposed to "not connected". It's 15 cut. Although it may or may not have anything to do 16 with the actual rescue exercise. Because the cut as far 17 as I can see from the photograph that they actually took 18 just now is not in the box but actually at the very top, 19 where the lights are. 20 THE CHAIRMAN: Yes. 21 MR SHIEH: Which is why perhaps the prospect was raised that 22 this cut could well have to do with the actual rescue 23 operation. 24 THE CHAIRMAN: Yes. 25 MR SHIEH: Or because of the accident, rather than a cut</p>
<p>Page 126</p> <p>1 the report is to be admitted bar certain paragraphs, 2 because those were argumentative. 3 THE CHAIRMAN: Ah. Thank you. 4 MR MOK: That's the only bit that I was referring to. 5 THE CHAIRMAN: Thank you very much. And the ruling 6 therefore was only in relation to the first report? 7 MR MOK: Only, yes. 8 THE CHAIRMAN: And you don't seek to adduce anything else 9 other than that? 10 MR MOK: I do not. 11 THE CHAIRMAN: Very well. Thank you. 12 MR SHIEH: The second point I wish to raise follows hot off 13 the press from the inspection exercise done again by 14 Professor Ho together with Lo & Lo just now, because 15 there was a re-inspection. Upon re-inspection it was 16 discovered that other wires had apparently been severed 17 as well. 18 THE CHAIRMAN: Yes. 19 MR SHIEH: Now, this may or may not be simply a result of 20 the rescue operation. But the note that I have been 21 given actually says that the masthead light, as well as 22 the anchor light, the wires to those lights, have also 23 been severed. So again, enquiries will urgently need to 24 be made to Hongkong Electric and also the police. 25 THE CHAIRMAN: Yes. The term you're using is "severed".</p>	<p>Page 128</p> <p>1 within the box. 2 MR McGOWAN: I believe the main mast was removed as part of 3 the salvage, by the salvage crew when they were 4 recovering or moving Lamma IV -- 5 THE CHAIRMAN: Yes. 6 MR McGOWAN: -- which would cover at least the main masthead 7 light. 8 THE CHAIRMAN: Well, the photographs that we've got show the 9 main mast on top of the wheelhouse, does it not, flat? 10 MR McGOWAN: Yes, lying flat. Yes, that's correct. It does 11 have a sort of foldable arrangement. 12 THE CHAIRMAN: Yes. And this is for our information, is it, 13 Mr Shieh? 14 MR SHIEH: Yes. And also to call for perhaps enquiries to 15 be made as to whether or not anyone has any knowledge as 16 to when the cut was made to the wiring leading to the 17 masthead light and also to the anchor light. 18 THE CHAIRMAN: Very well. 19 For your part, Mr McGowan, if you could make those 20 enquiries of your lay client. 21 MR McGOWAN: Yes, certainly. 22 THE CHAIRMAN: Mr Mok, this may be a matter that the Marine 23 Department could assist us with. 24 MR MOK: Yes. 25 THE CHAIRMAN: Whoever was in charge of the salvage</p>

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<p>1 operation. Perhaps it was a private contractor. 2 MR MOK: Perhaps more detail can be given as to which part 3 of the wires -- 4 THE CHAIRMAN: I'll leave that to counsel after we've risen. 5 MR MOK: But I do also have another update for the 6 Commission. This morning I said that Mardep and also 7 the Marine Police confirmed that they did not cut or 8 tamper with the wiring, and they have also enquired with 9 their experts who also confirm that they did not cut or 10 tamper with the wiring in relation to what was asked by 11 Mr Shieh. 12 THE CHAIRMAN: Thank you for that. 13 MR SHIEH: Could I raise the question as to the general 14 safe-keeping of the vessel, because from time to time, 15 even though nobody from the police would actually tinker 16 or tamper with or start opening up boxes, whether or not 17 any records were kept as to, for example, the sort of 18 people who would board the vessel to conduct any form of 19 examination, and whether or not they would be 20 accompanied by Marine Police officers at all material 21 times? 22 THE CHAIRMAN: Very well. May I ask counsel to liaise with 23 each other as to the various enquiries that have to be 24 made in this respect. 25 MR MOK: Yes.</p>	<p>1 10 o'clock tomorrow. 2 (6.08 pm) 3 (The hearing adjourned until 10 am on the following day) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
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<p>1 THE CHAIRMAN: Thank you. 2 So, back to you, Mr Shieh. 3 MR SHIEH: I see it's now 6 o'clock. We will call those two 4 Mardep witnesses tomorrow, followed by Captain Pryke, 5 who would either by then have supplemented his part 1 6 evidence by a short note, taking in the latest crew 7 evidence. If not, then the evidence will be topped up 8 orally. Of course, he will be taken through his report 9 generally. 10 THE CHAIRMAN: Yes. It can be done either way. If it's 11 more efficient to simply do it orally by reminding him 12 of the evidence that no doubt he's already been taken to 13 or been asked to look at in the transcript, and for him 14 then to express opinions that would assist the 15 Commission in relation to the adequacy or otherwise of 16 the -- 17 MR SHIEH: Look-out. 18 THE CHAIRMAN: -- navigation that was taken being performed. 19 MR SHIEH: Navigation, particularly look-out. 20 THE CHAIRMAN: And how long is it anticipated that Captain 21 Pryke would take in his evidence? 22 MR SHIEH: Probably the whole of tomorrow. 23 THE CHAIRMAN: Very well. 24 Any other matters that counsel wish to raise? 25 Thank you. In which case, we'll adjourn until</p>	<p>1 I N D E X 2 MR WONG WING-CHUEN, SAM (on former6 oath in Punti) 3 Further examination by MR MOK6 4 Further examination by MR BERESFORD13 5 (The witness withdrew)16 6 MR CHUNG SIU-MAN (affirmed in Punti)16 7 Examination by MR MOK16 8 (The witness stood down)26 9 MR KWOK HING-YIN (affirmed in Punti)27 10 Examination by MR SHIEH27 11 Examination by MR MOK63 12 Further examination by MR SHIEH66 13 (The witness withdrew)71 14 15 16 17 18 19 20 21 22 23 24 25</p>

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