

# LCQ11: Collision incident near Lamma Island in 2012

Following is a question by the Hon James To and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (November 7):

Question:

On October 1, 2012, two vessels, namely Sea Smooth and Lamma IV, collided near the waters of Lamma Island, killing 39 and injuring 92 people. After conducting an inquiry into the incident, the Commission of Inquiry (CoI) appointed by the Government in the same month under the Commissions of Inquiry Ordinance (Cap. 86) issued its report (CoI Report), revealing that there had been negligence and faults on the part of Marine Department officers who had failed to act in accordance with the law in the vetting and approval of vessel drawings as well as surveying vessels, etc. The Transport and Housing Bureau set up an internal investigation team and the Steering Committee on Systemic Reform of the Marine Department in 2013 to undertake an internal investigation and a systemic reform of the Marine Department respectively. In this connection, will the Government inform this Council:

- (1) whether it knows the extent of the damage to Sea Smooth (together with photos showing the damage to the hull);
- (2) given that the photo in Appendix 9 to the CoI Report shows that there were two keelson holes on the lowest deck of Lamma IV after the collision, whether the Government knows the causes of the holes; if they were caused by the crash with Sea Smooth, (i) which part of Sea Smooth was involved in the crash that caused the holes, (ii) how the crash caused the keelson holes on Lamma IV, and (iii) of the respective hull materials used in the parts of the two vessels that crashed;
- (3) whether it knows if there were any construction irregularities in respect of Lamma IV; if there were, of the construction irregularities, and whether it has conducted an investigation after the collision incident to see if there are construction irregularities in respect of other passenger vessels; if it has and the result is in the affirmative, of the Government's follow-up actions;
- (4) whether Lamma IV was required under regulations to be installed with a watertight door; if so, when the Government learnt that Lamma IV had not been installed with a watertight door and what follow-up actions it took, and whether any punishment has been imposed on the officials responsible for the vetting and approval of the relevant drawings and surveying the vessel;
- (5) whether it knows the survey records of Sea Smooth from its launch to the collision incident, and whether there were construction irregularities (including the part that hit Lamma IV); if there were, of the construction

irregularities, and whether similar construction irregularities have been found in other twin-hulled catamarans owned by the Hong Kong and Kowloon Ferry Holdings Limited; if so, of the follow-up actions by the Government;

(6) as the then Secretary for Transport and Housing pointed out that the problems revealed by the CoI Report (including the operation of the Marine Department) were more serious than he had imagined, regarding the recommendations of the internal investigation team to institute disciplinary actions against some Marine Department officers and to refer those questions suspected to involve criminal conducts to the Police, of the details (including the number and ranks of the officers involved, the disciplinary/criminal offences involved, and the dates of referrals of the criminal conducts to the Police) as well as the follow-up actions taken by the Government and the progress made (including the dates when the disciplinary actions formally took effect, the date on which the Police concluded its investigation and the anticipated date of commencing the death inquest); and

(7) given that the Steering Committee on Systemic Reform of the Marine Department put forward a number of recommendations for reform in its Final Report published in April 2016, including reviewing the coxswain licensing system, rewriting the codes of practice for local vessels, setting up a more elaborate internal audit and compliance mechanism, and conducting a grade structure review for the two professional grades of Marine Officer and Surveyor of Ships, of the progress in such work?

Reply:

President,

My responses to the question raised by the Hon James To are as follows:

(1) The Marine Department (MD) inspected the extent of damage of Sea Smooth after the collision incident near Lamma Island on October 1, 2012 (the Incident). Photos showing the extent of damage of Sea Smooth are enclosed at Annex.

(2) On October 22, 2012, the Government appointed the Commission of Inquiry into the Collision of Vessels near Lamma Island on 1 October 2012 (CoI) pursuant to the Commissions of Inquiry Ordinance (Cap. 86) to inquire into the facts and circumstances leading to and surrounding the Incident, including ascertaining the causes of the Incident and making appropriate findings thereof; considering and evaluating the general conditions of maritime safety concerning passenger vessels in Hong Kong and the adequacy of the system of control at the time; and making recommendations on measures required for prevention of the recurrence of similar incidents in future. The Government released the full Report of the Commission of Inquiry into the Collision of Vessels near Lamma Island on 1 October 2012 (the Report) on September 30, 2015.

As mentioned in the Report, Sea Smooth was constructed in glass reinforced plastic, while Lamma IV was constructed in aluminium and glass

reinforced plastic. The Report also mentioned that the CoI, pursuant to the power granted to it, appointed expert witnesses to prepare written reports and received their oral testimony in respect of such reports. In paragraphs 200 to 201 of the Report, the CoI quoted from the expert witnesses and explained with technical details how Sea Smooth and Lamma IV had collided. The Report as well as the reports and statements of the expert witnesses have been uploaded to the website of the CoI at [www.gov.hk/en/theme/coi-lamma/pdf/COI\\_Report.pdf](http://www.gov.hk/en/theme/coi-lamma/pdf/COI_Report.pdf) for public reference.

(3) and (4) The CoI explained the details of the construction of Lamma IV and the approval of its Certificate of Survey including matters related to the watertight doors in paragraphs 204 to 315 of the Report. The relevant paragraphs covered thorough technical details, including the MD's regulatory guidance, the findings and opinions of the relevant expert witness, the evidence considered by the CoI, the approval of the relevant drawings, the inspection of the hull of Lamma IV, and the approval of the stability calculations of that vessel.

In the Report, the CoI also identified problems with the MD at that time in regulating local passenger vessels, including loopholes and inadequacies in aspects such as plan approval, ship inspection, law enforcement and regulation. In addition, the CoI called for a systemic change in the MD, where the CoI raised a series of specific recommendations, such as requiring certain classes of vessels to install navigation and communications equipment (including automatic identification system, collision avoidance radar and Very High Frequency radiotelephone), requiring that sufficient child lifejackets should be carried for every child on board all classes of vessels and that consideration be given to the provision of infant lifejackets on the vessels, as well as requiring watertight doors be fitted with alarms, etc. The Report has been uploaded to the website of the CoI for public reference. The progress of the MD's follow-up work with regard to the recommendations of the CoI is set out at part (7) of our reply below.

(5) During the period from 2002 when Sea Smooth was first launched to the date of the Incident, the MD inspected Sea Smooth every year. In the annual inspections conducted during that period, the MD did not find any item contravening the applicable safety requirements with respect to the vessel construction and maintenance under the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548G).

While following up on the Incident, the Government came across matters of partial non-compliance with the statutory requirements in respect of some Class I vessels. For example, the Certificates of Survey of some Class I vessels at the time showed non-compliance with the requirements under Cap. 548G as they did not clearly indicate the provisions of lifejackets, buoyant lifelines and self-igniting lights on board the vessels. According to records of the MD, the relevant matters have been rectified.

(6) In early 2014, the Internal Investigation Team (Team) of the Transport and Housing Bureau (THB) completed the investigation work on the possible maladministration and negligence of duty on the part of the MD officers in carrying out their duties in relation to Lamma IV. Based on the prima facie

evidence, suspected misconduct in 17 MD officers (including retired officers) was found in their discharging of duties in respect of the Lamma IV in the past. After completion of the internal investigation, THB has passed the full version of the investigation report to the Civil Service Bureau (CSB) and to the Police for follow-ups in respect of disciplinary action and criminal investigation respectively. Upon receipt of the report from the THB, the CSB has actively followed up on each of the cases in accordance with legal advice from the Department of Justice (DoJ) and the disciplinary procedures, including imposing disciplinary punishments. According to the established mechanism, we will not comment on individual cases. As for the criminal investigation, the DoJ has maintained contact with the Police regarding the investigation work and provided legal advice to the Police when necessary. As the relevant procedures are still on-going, it is not appropriate for us to comment on this at this stage.

(7) To follow up on the CoI's views and recommendations, the then Secretary for Transport and Housing set up the Steering Committee on Systemic Reform of the Marine Department (the Steering Committee) in May 2013 to advise and steer the Director of Marine to undertake a comprehensive systemic review and reform of the MD with a focus on three areas of work, namely the regulation of passenger safety and local vessels, the MD's business processes and operational procedures, and the MD's manpower strategy and training matters. The Steering Committee issued its final report in April 2016 (the Final Report), concluding its work and setting out the next steps and general directions of the MD's reform. The MD has been proactively following up on the various recommendations of the CoI and the Steering Committee.

Regarding marine safety enhancement measures, the MD has implemented in phases various measures and many of which are in response to the CoI's relevant recommendations. The five improvement measures in the first-phase were fully implemented in 2014. These included enhancing look-out by crew, requiring the provision of a muster list, reviewing the minimum safe manning scale, improving the signage and directives relating to lifejackets, and requiring fitting watertight-door alarms in wheelhouse. As for the second-phase improvement measures, the legislative amendments to increase the third party risks insurance coverage took effect in September 2016, and the legislative amendments to require the installation of the relevant navigation and communications equipment on local vessels were passed in February 2017. Moreover, the MD has also commenced trade consultations to prepare for legislative amendments to enhance the lifejacket provision on local vessels. We plan to consult the Legislative Council (LegCo) Panel on Economic Development on the relevant legislative proposal in end 2018. Furthermore, the MD will continue to take forward the third-phase improvement measures on enhancement of trainings for coxswains; and some of these measures (such as setting the standard for the attachment of seats to the deck) have already been implemented.

On the recommendation to introduce a periodic revalidation requirement in the certification of coxswains, the MD is of the view that, while there are merits in the recommendation, it may involve a fundamental change to the coxswain certification system. As the trade has been facing acute labour

shortage and that the recommendation may put a strain on already stretched workforce, the MD will consider the recommendation carefully in consultation with the trade. Furthermore, regarding the recommendation to revamp the codes of practice of local vessels, the MD has, after having consulted the Local Vessels Advisory Committee in March 2017, revised the contents in the codes of practice to make the requirements therein class-specific. The MD will continue to make technical amendments to the relevant codes of practice with regard to the actual operational needs as appropriate.

With respect to the business processes and operational procedures, the MD had completed an organisational review in two phases and had implemented the recommendations of the review, such as enhancing communication between frontline staff and management, developing systems and procedures to improve reporting and documentation, and using information technology to improve the storage and sharing of information, etc. After completing the two-phase organisational review, the MD had progressively applied the reform measures to other divisions, notably the Government Fleet Division which takes up over 40% of both the manpower and resources of the whole department, in order to address inadequacies in their business processes and operational procedures. The MD will continue with the comprehensive internal audit and compliance mechanism in the other divisions to ensure that the good practices introduced would be sustained and fully complied with.

As for the work relating to the Grade Structure Review for the Marine Officer and Surveyor of Ships grades, the LegCo Finance Committee approved the creation of assistant ranks for the two grades and other pay related recommendations on June 15, 2018. The relevant recommendations took effect on August 1, 2018. The MD launched recruitment exercises for Assistant Marine Officer/Assistant Surveyor of Ships and Marine Officer/Surveyor of Ships in August and September 2018 respectively. It is expected that the new appointees would report for duty starting from the first quarter of 2019.