



Report of Investigation
into the Collision Between a
Mainland Cargo Vessel
“中食 238” and a Local Motor
Launch “M73339Y”
with One Fatality
on 21 December 2005



Purpose of Investigation

This incident is investigated, and published in accordance with the IMO Code for the Investigation of Marine Casualties and Incidents promulgated under IMO Assembly Resolution A.849(20). The purpose of this investigation conducted by the Marine Accident Investigation and Shipping Security Policy Branch (MAISSPB) of Marine Department is to determine the circumstances and the causes of the incident with the aim of improving the safety of life at sea and avoiding similar incidents in future.

The conclusions drawn in this report aim to identify the different factors contributing to the incident. They are not intended to apportion blame or liability towards any particular organization or individual except so far as necessary to achieve the said purpose.

The MAISSPB has no involvement in any prosecution or disciplinary action that may be taken by the Marine Department or others resulting from this accident.

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1. The Summary

- 1.1 At about 1306 on 21 December 2005, in good visibility and weather, a mainland cargo vessel “中食238” collided with a local motor launch “M73339Y” in Yau Ma Tei Fairway at approximately 200 metres west of the northern entrance to Yau Ma Tei Typhoon Shelter. “中食238” had suffered no apparent damage while the local motor launch capsized and sank immediately after the collision. Two persons on board the motor launch were fallen into the water. The Coxswain was drowned in the incident whilst the other person was rescued without injury by a passing vessel. There was no injury to the crew on board “中食238”.
- 1.2 It was revealed in the investigation that the Master of “中食238” appeared to have failed to make arrangement to maintain a proper lookout. Before collision, the Quartermaster was the only person responsible for steering the vessel and keeping lookout at the same time, which is considered inappropriate for a vessel of the size of “中食238”. In this incident, apparently “中食238” was an overtaking vessel as its speed was faster and therefore required to give way to “M73339Y”. There appeared no effective alteration of course and speed from “中食238” to avoid a collision.
- 1.3 The Quartermaster of “中食238” admitted that he had consumed alcoholic beverage during the lunch before reporting to duty in the wheelhouse. Whether the influence of alcohol might have inhibited his awareness in taking early action to avoid collision was not known.
- 1.4 “M73339Y” was a stand on vessel, however, the Coxswain appeared to have not taken any action to avoid collision with “中食238” before collision in accordance with the International Regulations for Preventing Collisions at Sea (Colregs).

2. Sources of information

- 2.1 Report of Marine Casualty and ship's documents of “中食238”;
- 2.2 Statement provided by the surviving passenger on board “M73339Y”;
- 2.3 The Master, quartermaster and crew of “中食238”
- 2.4 Marine Police
- 2.5 The Vessel Traffic Centre (VTC), Marine Department
- 2.6 Harbour Patrol Services, Marine Department

3. Description of the vessels

“中食238”

Port of Registry	:	Zhong Shan(中山), China
Type	:	Steel hull bulk carrier
Built	:	Jiangmen(江門). Guangdong Province
Date of Keel Laid	:	1987
Gross Tonnage	:	220.00
Net Tonnage	:	123.00
Length Overall	:	38.2 m
Breadth	:	7.00 m
Depth	:	3.20 m
Main Engine	:	Diesel x 1
Engine Power	:	183 kW



Figure 1: River trade cargo vessel “中食238”

“M73339Y”

Type	:	Wooden Motor Launch
Date of first licence issued	:	1983
Gross Tonnage	:	6.5
Net Tonnage	:	4.5
Length Overall	:	6.71 m
Breadth	:	3.10 m
Main Engine	:	Diesel x 1
Engine Power	:	29.84 kW



Figure 2: Wooden motor launch “M73339Y” after salvage

4. Outline of Events

4.1 Account of “中食238”

- 4.1.1 “中食238” was a river trade cargo vessel trading between Zhongshan (中山) in China and Hong Kong. In the morning of 21 December 2005, it left Tuen Mun immigration anchorage with a full cargo on board for Yaumatei for discharging. At 0750 “中食238” arrived the Kin Fung berth inside Yaumatei Typhoon Shelter and commenced discharging.
- 4.1.2 On completion of discharging at about 1300 “中食238” left the Kin Fung berth on a return voyage to Zhongshan. It proceeded to the northern exit of Yaumatei Typhoon Shelter and gradually increased the speed to about 9 knots.
- 4.1.3 Inside the wheelhouse the duty Quartermaster was steering the vessel. The Master and another crew were staying at the aft of the wheelhouse working on the cargo document.
- 4.1.4 As the vessel passed the breakwater, the Quartermaster saw two to three small boats steering at the starboard side of “中食238” but they had no collision risk. At the same time he also saw a wooden motor launch converging to the course of “中食238” from a distance of about 200 metres at a speed of about 4 knots.
- 4.1.5 The wooden motor launch continued to close in and intended to cross the bow from port to starboard side of “中食238”. The Quartermaster gave one prolong blast on the whistle to warn the wooden motor launch and he wheeled to starboard in order to avoid a collision. He further stopped and reversed the ship’s engine and sounded three short blasts. However, “中食238” collided with the wooden motor launch after about a short moment.
- 4.1.6 The bow of “中食238” collided with the starboard quarter of the wooden motor launch. After the impact the Quartermaster saw the wooden motor launch pushed to its starboard bow.
- 4.1.7 The Master rushed to the starboard bridge wing after knowing the collision. He saw the wooden motor launch had capsized near the starboard bow of “中食238” and two persons from the launch had fallen into the waters.
- 4.1.8 Shortly after the collision a passer by motor launch rescued a passenger without injury from the water. The Coxswain of the motor launch was in an unconscious state and later rescued by a police launch. He was sent to the hospital but certified dead on arrival.

4.1.9 “中食238” remained on scene and dropped its anchor to wait for further instructions from Marine Department launches.

4.2 Account of the wooden motor launch “M73339Y”

(As the Coxswain was drowned in the incident, the following information was given by the surviving passenger of the wooden motor launch “M73339Y”)

4.2.1 At about 1230 on 21 December 2005 the motor launch “M73339Y” left the landing steps inside Yamatei Typhoon Shelter after picking up a passenger and proceeded to an anchored barge outside the Typhoon Shelter. There were two persons on board the launch - the Coxswain, at the age of approximate 70 and the passenger. The Coxswain was steering the vessel inside the small wheelhouse. The motor launch was powered with an internal combustion engine.

4.2.2 After boarding the passenger stayed inside the wheelhouse with the Coxswain. The motor launch took the north exit of the Typhoon Shelter. When the motor launch was about 200 metres from the breakwater it was suddenly collided by a large object. In a very short moment of time the launch was heeled to its side and started to sink immediately.

4.2.3 The passenger opened the wheelhouse door while in water and swam back to the surface. At this time the launch had been sunk beneath the water. The passenger saw the Coxswain on the water surface with his arms moving at about 20 feet from him. After about 10 seconds the Coxswain appeared to have no movement.

4.2.4 After a short moment, a passer by launch threw a lifebuoy to the passenger and he swam to the Coxswain with the buoy. The Coxswain was found in an unconscious state with his head dipped downward and immersed into the water. The passenger was taken on board by the passing launch. At this time a marine police launch arrived on scene and rescued the Coxswain.

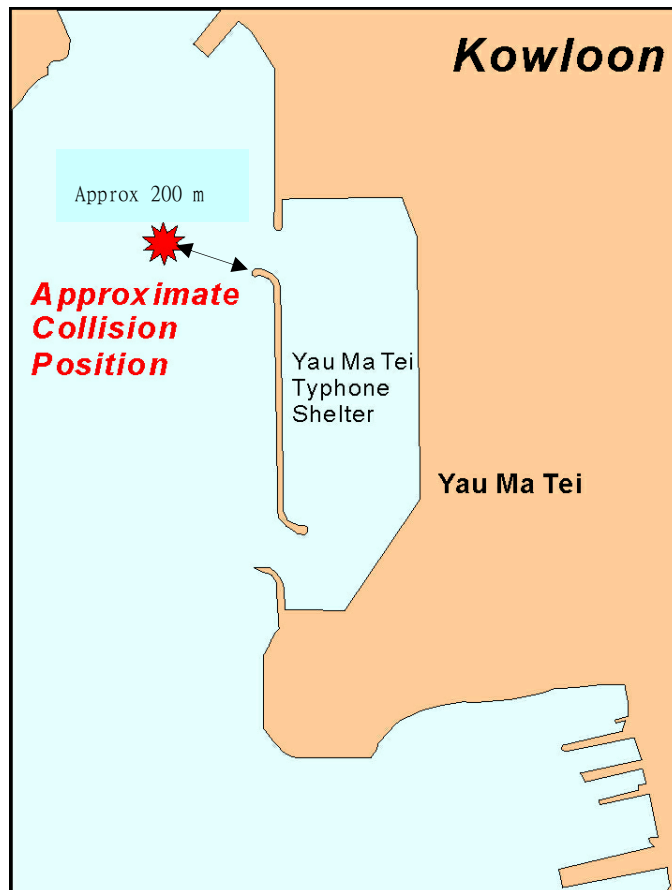


Figure 3: Position of Collision

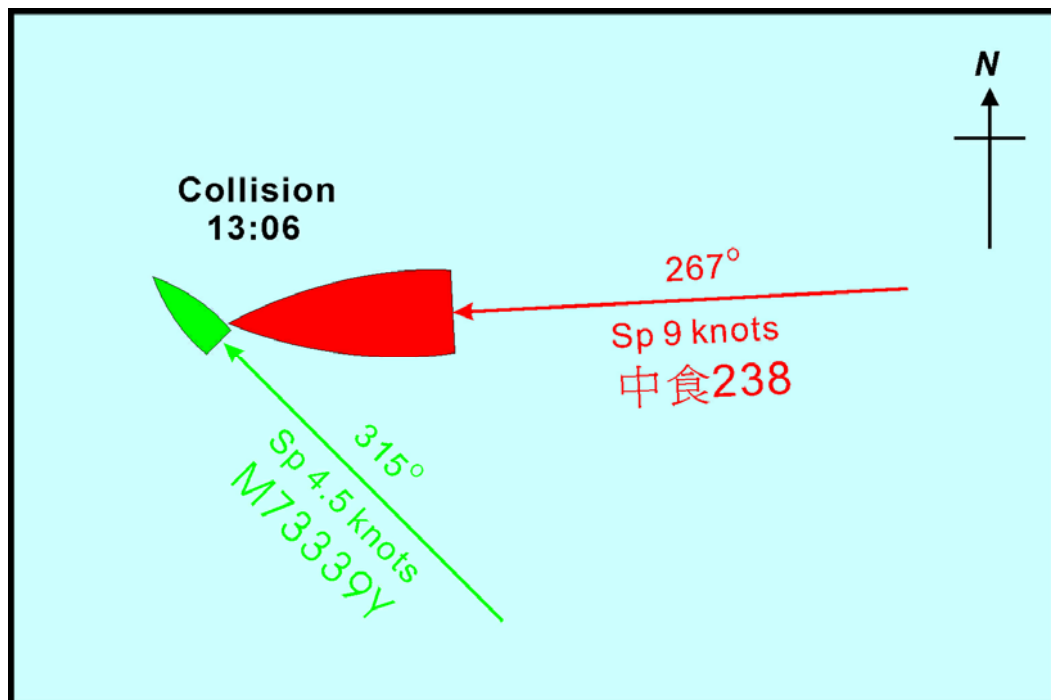


Fig. 4 Sketch of collision between the two vessels

5. **Analysis of evidence**

5.1 Qualification of Officers

The Master of “中食238” is holding Grade 3 Master licence issued by the Maritime Administration of Peoples Republic of China. Though not a statutory requirement, the Quartermaster of “中食238” is also holding a PRC Grade 2 Master licence. The coxswain of “M73339Y” was holding a Local Master Certificate of Competency (Fishing Vessels) and was valid at time of the accident. He is not required to carry an Engineer license on this motor launch as the engine power was less than 110 BHp. The Master and Coxswain were holding appropriate licenses fit for their capacities to take charge of their vessel.

5.2 License condition of “中食238” and “M73339Y”

“中食238” is a river trade cargo vessel. The trading certificates were issued by Guangdong Maritime Safety Administration and were valid at time of the incident. “M73339Y” was a wooden motor launch licensed by Hong Kong Marine Department to operate within Yaumatei Typhoon Shelter to carry a maximum of 6 persons on board. However, the location of the accident was outside the Yaumatei Typhoon Shelter where the launch was not permitted to operate.

5.3 Weather Condition on Scene

The weather was reported to be fine with good visibility. All navigational gear and engines on board the “中食238” were normal before the collision. The sea condition on scene was moderate and the visibility was good. As such, the environmental condition should have no bearing in the collision.

5.4 Conduct of Navigation – “中食238”

5.4.1 Although there were three persons on the wheelhouse, apparently the Quartermaster was the only person keeping a lookout duty. The other two persons were engaging in documentation work. Other than keeping a lookout, the Quartermaster was also steering the vessel at the same time. On a vessel of the size of “中食238”, the Quartermaster would not be able to see the surrounding situation fully when engaged in steering, as he could not move about in the wheelhouse and his view would be obscured by the ship’s structure.

5.4.2 The Quartermaster would not be able to appraise fully the surrounding situation unless assisted by another lookout. Therefore, on a vessel of the size of “中食238”, the Quartermaster should not perform the steering of a vessel and act as lookout at the same time. It is possible that the view of an approaching vessel was blocked by the ship’s structure. This is particularly true for small vessel.

5.4.3 The Quartermaster stated that he had observed “M73339Y” converging to the bow from the port side after passing out from the breakwater. According to the radar record of the Vessel Traffic Centre, “中食238” passed the breakwater at approximate 1304 and the collision occurred at 1306. If the Quartermaster had seen the presence of “M73339Y” at 1304 he should have approximate 2 minutes for him to take avoidance action. However, “中食238” appeared having not taken any early avoidance actions during the period. It is doubtful that the Quartermaster had seen “M73339Y” as early as 1304.

5.4.4 Apparently “中食238” was an overtaking vessel as its speed was faster than the wooden motor launch. In accordance with Rule 13 of the International Regulations for Preventing Collisions at Sea (Colregs), “中食238” was a give way vessel and should keep out of the way of “M73339Y”. However, VTC radar record showed that “中食238” continued its course and maintained a speed of 9 knots to converge with “M73339Y”. Although the Quartermaster had reduced to 7.5 knots when “M73339Y” was at close range, there appeared no early and substantive alteration of course and reduction of speed before the collision.

5.5 Alcoholic Influence

5.5.1 Upon interview the Quartermaster admitted that he had consumed alcoholic beverage during the lunch before reporting to duty in the wheelhouse. The effect of alcohol consumption on the Quartermaster before the accident was unknown, as breathalyses had not been taken after the accident.

5.5.2 Alcohol has the effect in reducing human alertness. The extent of such effect would depend on the amount of alcohol consumption and differ from person to person. Whether the influence of alcohol might have inhibited the Quartermaster’s awareness in taking early action to avoid collision is not known.

5.6 Conduct of Navigation – “M73339Y”

5.6.1 “M73339Y” was a slower vessel. The speed was about 4.5 knots before the collision and was heading in a north west direction converging to the course of “中食238” from its starboard side. It is not known whether the Coxswain of “M73339Y” had observed the presence of “中食238”, however he appeared to have not taken any action to avoid collision with “中食238”.

5.6.2 “M73339Y” was a stand on vessel. Rule 17 of the Colregs states that a stand on vessel may take action to avoid collision by its manoeuvre alone, as soon as it becomes apparent that the give way vessel is not taking appropriate action. The Rule further requires that a stand on vessel should take such action as will best aid to avoid collision when it finds itself so close

that collision cannot be avoided by the action of the give way vessel alone.

5.6.3 Two days after the collision, the wreckage of “M73339Y” was resurfaced and the collision damage was examined. Other than the damaged ceiling at the starboard quarter there appeared no other collision damage at the hull of the wooden launch. It is believed that the first impact between the two vessels occurred at the starboard quarter of “M73339Y”. As the speed of “中食238” was faster it’s bow pushed “M73339Y” to its side and forced the wooden launch to capsize and sink due to the forward momentum of “中食238”.

5.7 Postmortem Findings

5.7.1 Postmortem findings of the deceased were compatible with a presumptive diagnosis that the cause of death was drowning.

5.7.2 The report from Government Laboratory revealed that no significant finding was obtained for drugs and poisons.

6. Conclusions

- 6.1 At about 1310 on 21 December 2005, in good visibility and weather, a mainland cargo vessel “中食238” collided with a local motor launch “M73339Y” in Yau Ma Tei Fairway at approximately 200 metres west of the northern entrance to Yau Ma Tei Typhoon Shelter. “中食238” had suffered no apparent damage while the local motor launch capsized and sank immediately after the collision. Two persons on board the motor launch fell into the water. The Coxswain was drowned in the incident whilst the other person was rescued without injury by a passing vessel. There was no injury to the crew on board “中食238”.
- 6.2 It was revealed in the investigation that the Master of “中食238” had failed to make arrangement to maintain a proper lookout. Before collision, the Quartermaster was the only person responsible for steering the vessel and keeping lookout at the same time, which is considered inappropriate for a vessel of the size of “中食238”.
- 6.3 In this incident, apparently “中食238” was an overtaking vessel as its speed was faster and therefore required to give way to “M73339Y”, there appeared no effective alteration of course and speed from “中食238” to avoid a collision.
- 6.4 The Quartermaster admitted that he had consumed alcoholic beverage during the lunch before reporting to duty in the wheelhouse. Whether the influence of alcohol might have inhibited the Quartermaster’s awareness in taking early action to avoid collision is not known.
- 6.5 “M73339Y” was a stand on vessel. The Coxswain appeared to have not taken any action to avoid collision with “中食238” before collision.
- 6.6 The cause of death of the Coxswain of “M73339Y” was drowning.

7. Recommendations

- 7.1 A copy of this report should be sent to the Master and the management company of “中食238” advising them the findings of the incident.
- 7.2 A copy of this report should be sent to Guangdong MSA advising them the findings of this report.
- 7.3 A copy of this report should be sent to of the Fishermen Development Union and draw the attention of the operators to the importance of adhering to the Collision Regulations.

8. Submissions

- 8.1 In the event that the conduct of any person or organization is commented in an accident investigation report, it is the policy of the Marine Department to send a copy of the relevant part of the draft report to that person or organization for their comment.
- 8.2 Submissions were received from the Master of “中食238”. The Investigating Officer has examined the views in the submissions and responded to the Master in a separate letter.

26 July 2006