



Report of investigation
into the fatal accident
involving local pleasure
vessel 93428

on 19 August 2006



The Hong Kong Special Administrative Region
Marine Department
Marine Accident Investigation Section

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 incident 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 resulting from this incident.

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1. **Summary**

- 1.1 At about 1500 on 19 August 2006, a swimmer was struck by the Hong Kong licensed pleasure vessel PV93428 which was towing a banana boat at a location off Tai Wan Tau Kok in Sai Kung. The injured swimmer was taken on board PV93428 and delivered to Clear Water Bay Second Beach for medical treatment where he was certified dead by an ambulance officer.
- 1.2 The cause of the accident is due to the swimmer who swam outside the gazetted beaches in Clear Water Bay and the failure of the Master of PV93428 to observe him due to his small target size.

2. Description of the Vessel

2.1 Pleasure Vessel *PV93428*

Licence No.	:	93428
Class	:	Pleasure Vessel
Length overall	:	5.33 m
Exteme Breadth	:	2.13 m
Maximum persons permitted	:	7
Type of engine	:	Outboard Petrol x 1
Propulsion Power	:	85.79 kW



Figure 1 – Pleasure Vessel *PV93428*

3. Sources of Evidence

3.1 The Master of PV93428;

3.2 The passengers of PV93428;

3.3 The Hong Kong Police Force; and

3.4 Report of Marine Accident submitted by the Master of PV93428;

4. Outline of Events

- 4.1 At about 1400 in the afternoon of 19 August 2006, the locally licensed pleasure vessel PV93428 was towed to Clear Water Bay for water activities. There were two passengers on board PV93428 and three passengers riding on banana boat towed by PV93428.
- 4.2 Upon completion of the water activities, PV93428 headed towards Clear Water Bay First Beach. At about 1500 the Master stopped the vessel when he heard that there was a bang near the bottom of the vessel. A person was found injured and floating on the sea surface in the vicinity of port quarter. The Master and a passenger took the injured person on board PV 93428 and the Police was informed. The injured person was delivered to Clear Water Bay Second Beach for medical treatment.
- 4.3 At about 1510, PV93428 arrived at Clear Water Bay Second Beach and the swimmer was certified dead by an ambulance officer who rendered medical assistance on the beach at 1537.

5. Analysis of Evidence

Certification and Experience of the Master

- 5.1 The Master of PV93428 held a valid Pleasure Vessel Certificate of Competency as Master Grade I and Engineer Grade I (Type 1)/Grade II (Type 3) issued on 20 March 1991. He was entitled to take charge of pleasure vessels of more than 20 metres in length with inboard diesel engine up to 750 kW or outboard engine of unlimited power. He had about 15 years of experience in operation of pleasure vessels.

Eyesight of the Master

- 5.2 After the accident, the eyesight of the Master was tested by Marine Department (MD) staff and his eyesight met with the requirement of the MD.

Certification of PV93428

- 5.3 The licence of PV93428 was issued on 2 August 1995 and it is valid until 25 July 2007.

Condition of the weather and visibility

- 5.4 According to the Hong Kong Observatory, the weather conditions were overcast with a northeasterly light breeze and a good visibility.

Location of the accident

- 5.5 The Master of PV93428 stated that the position of the incident was approximately 100 metres off Tai Wan Tau Kok in Sai Kung as depicted in Figure 2. There is insufficient evidence to establish the exact location of the accident and the area is not the authorized area for swimming. In this connection, people are risking their own lives by swimming in that area which is frequently traversed by pleasure vessels.

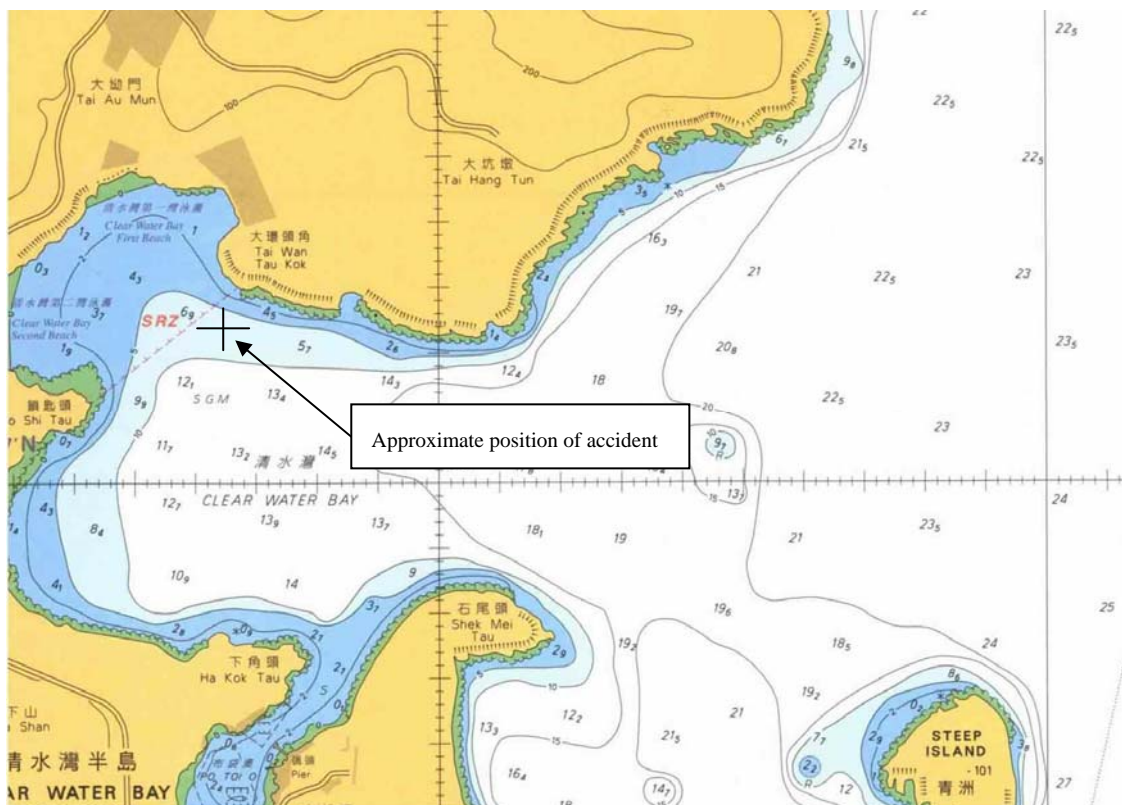


Figure 2- Diagram showing the approximate position of accident

Warning sign

- 5.6 There is a warning sign erected by Leisure and Cultural Services Department at both Clear Water Bay First Beach and Second Beach stating that “Please swim within the boom line area”. However, the deceased neglected the warning and swam outside the boom line area.

Lookout performed by the Master

- 5.7 The deceased was wearing black swimming shorts and he did not wear any cap or goggle. As he was a small target in the water, he would not be easily seen by the Master of PV93428 when the sea was not in a calm condition.

Physical conditions of the Master

- 5.8 There was no evidence to suggest that alcohol or drugs were taken by the Master of PV93428 before the accident and his health conditions were normal.

Speed of PV93428

- 5.9 The Master of PV93428 estimated that his vessel was proceeding at about 2-3 knots when the accident occurred. Passengers on board the subject vessel also stated that the vessel was proceeding at a slow speed.

6. Conclusions

- 6.1 A swimmer was struck by the Hong Kong licensed pleasure vessel PV93428 at about 1500 on 19 August 2006 at a location off Tai Wan Tau Kok in Sai Kung.
- 6.2 The injured swimmer was taken on board PV93428 and delivered to Clear Water Bay Second Beach for medical treatment and he was certified dead by an ambulance officer on the beach.
- 6.3 At the time of accident, the weather conditions were overcast with a northeasterly light breeze and a good visibility.
- 6.4 There is insufficient evidence to establish the exact location of the accident. However, the incident area is not a gazetted area for swimming and it was not safe for the swimmer to swim in that area.
- 6.5 The cause of the accident is due to the swimmer who swam outside the gazetted beach i.e. Clear Water Bay Second Beach and the failure of the Master of PV93428 to observe him due to his small target size.

7. Recommendations

- 7.1 A copy of the report should be sent to the Master of PV93428 and Leisure and Cultural Services Department who should be advised of the findings of the accident.

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 The draft report was sent to the Master of PV93428 for consultation.
- 8.3 Submission was received from the Master of PV93428. The text of the draft was amended as appropriate according to the submission.