

CITY

Lamma IV captain 'had no time to avoid crash'

Skipper faced ferry turning into his path seconds before the accident, court told

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The captain of the ill-fated Hong Kong Electric launch Lamma IV did his best to avoid the collision which claimed 39 lives – including those of eight children – on board his vessel on National Day in 2012, the High Court heard yesterday.

Chow Chi-wai's barrister Gerard McCoy SC, in his final argument, urged the nine-member jury to acquit Chow of all 39 counts of manslaughter and two counts of endangering the safety of others at sea – saying the captain did not have time to react.

"Chow did not breach the regulations at any time. He took adequate action to avoid a collision," McCoy said.

He added the Hong Kong and Kowloon Ferry catamaran Sea Smooth, which was significantly bigger than Lamma IV, accelerated and turned in front of Lamma IV less than 30 seconds before the impact.

It was too late for Chow to react, McCoy said.

He said the evidence showed Chow had turned right to avoid the collision more than a minute before the incident, which happened at 8.20pm. But Sea Smooth breached marine regulations – which say vessels should both turn right to avoid a head-on collision – and turned left just before the accident, he said.

"It was a dangerous [scenario] which was created by another vessel," McCoy said.

He added it was a "bizarre situation" and all Chow could do was to limit the risk. "How can you say Chow was grossly negligent?" McCoy asked.

The accident happened in waters west of the Shek Kok Tsui light beacon, off the northwest coast of Lamma Island. The Lamma IV was taking 124 passengers – staff members of the power firm and their families – on an excursion to view National Day fireworks when the vessel collided with the Sea Smooth, with 62 passengers on board.

Chow, 58, and Sea Smooth skipper Lai Sai-ming, 56, have each pleaded not guilty to 39 counts of manslaughter and two counts of endangering the safety of others at sea.

The trial continues.

EDUCATION



Hong Kong Philharmonic musicians perform Ian Ng's piece *Equal*. The composer is featured on a screen through a Skype link. Photos: Nora Tam

Science university takes to ... the arts

Institution pledges to devote more resources to its creative programmes

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The city's top science university has seen a surge in creative arts, with more than a quarter of its students taking up the arts curriculum.

"[Some] 1,600 of our 8,000 students in this academic year are taking music courses," said James Lee, dean of the school of humanities and social science at Hong Kong University of Science and Technology.

"I think that ratio is the highest, not only among the eight local tertiary institutions, but also among the world's technical schools," Lee said.

"With a focus on creativity and not [just] passive music appreciation, we've got the composers to lead students and inspire them in the creative process."

Lee attributed the boom to the introduction of the Intimacy of Creativity programme in 2010. Since then, attendance for classical music events at HKUST has risen from 200 to 6,000. Last week, a new 400-seat concert hall

was opened on campus and another 1,000-seat venue is expected by 2018. The music curriculum will be upgraded from just an elective course to an academic minor by this year's autumn semester. A future centre for creative arts education is also on the way.

Bright Sheng, the programme's artistic director and a Michigan-based composer, said the programme was not aimed at producing the next Beethoven.

"We want students to appreciate the thinking process and the power of imagination of composers – which can be applicable to all sectors, including business and engineering," Sheng said.

To that end, he hoped all six composer fellows for this year, who were selected from 160 applicants from over 40 countries, would be open to their works being revised before their premieres from April 20 to May 3.

"They will first revise according to my suggestions, and further revise based on sugges-



Bright Sheng is considering a music theme based on Occupy.

tions at the preview concerts on campus before the public concerts at City Hall," Sheng said.

Ian Ng, the only Hong Kong-born composer among the final six, said he had followed Sheng's proposal to cut his 2014 work for two violins, *Equal*, from 11 to eight minutes. He said he also welcomed criticism from amateurs.

"To me, music should be perceived in the most natural way, so for people without music training, their response should be very organic, and I look forward to knowing how they feel about my music," said the 27-year-old, who is based in New York.

More creative programmes are expected at future events, including a possible theme based on Occupy Central.

Sheng, who witnessed the pro-democracy protests last year, called it "a touching and touchy subject" when "so many people took to the streets to express themselves".

"I visited some [protest] sites and took pictures so it's very much in my mind how [this could feature] musically in the future," he said. "Perhaps we can do something when the university celebrates its 25th anniversary next year."

HEALTH

SMOKERS TO ESCAPE TAX HIT IN BUDGET

Anti-smoking campaigners' bid to double tax set to fail as finance chief is still waiting to judge impact of last year's rise in tobacco duty

Gary Cheung and Lai Ying-kit

The tax on tobacco will not rise in the upcoming budget despite a campaign to double the duty on cigarettes in a bid to get more Hongkongers to kick the habit.

A person familiar with the situation said Financial Secretary John Tsang Chun-wah would hold fire on any increase this year because the government was still studying the impact of his decision to raise tax by 20 cents a cigarette in last year's budget.

"It is quite rare for the government to raise the duty in two consecutive years but we won't rule out the possibility of further increases in future," the person said.

The administration is also concerned about the increase in cigarette smuggling – the number of cases rose to 11,546 in 2014, from 11,161 in 2013 and 10,910 in 2012, figures from the Customs and Excise Department show.

However, the number of individual, black-market cigarettes seized fell to some 52 million last year, compared to 89 million in 2013 and 76 million in 2012.

The Council on Smoking and Health (Cosh) had appealed for Tsang to double tobacco tax on the grounds that it would cut the smoking rate among over-15-year-olds by about 1 percentage point within a couple of years. The proportion of those aged over 15 who smoke is estimated at 10.7 per cent, about 650,000 people.

The campaign followed a survey by the council and the University of Hong Kong last year which questioned 800 smokers, 800 former smokers and 819 people who had never smoked and found 72.9 per cent supported an annual increase in tobacco tax.

The current tax rate on a pack of cigarettes is 69 per cent. Doubling that would see prices rise to HK\$93 a pack.

Tobacco tax was raised by 300 per cent in 1983, which led to a 4.6 per cent fall in the number of smokers over two years. However, the tax has gone unchanged in 12 budgets since 1999, with only two significant increases – 50 per cent in 2009 and 41.5 per cent in 2011.



Doubling tobacco tax could hit newsstands. Photo: Edward Wong

Cosh executive director Vienna Lai Wai-yin said members would be disappointed if the tax was not raised in the budget. "We will continue to advocate increasing the tobacco tax... because we believe it is one of the effective means to cut down the smoking rate," she said.

Liu Sair-ching, chairman of the Coalition of Hong Kong Newspaper and Magazine Merchants, welcomed the news, saying that doubling the tobacco tax would close down half the city's newspaper stands.

"The government should instead focus on education, promotion and medical services to help smokers quit," Liu said. "Increasing the tax would only kill many small businesses like ours."

LABOUR

Paid paternity leave to kick in from February 27 – but unions want more

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All working fathers will have the right to enjoy paid time off with their newborns from later this month, as amendments to the Employment Ordinance creating statutory paternity leave come into force.

New dads employed by private firms will be able to claim three days' leave on four-fifths of their usual pay from February 27, when new laws approved by lawmakers in December come into force, the Labour Department announced yesterday.

Labour activists have been pressing for the change for nine years, but say the new arrangement is no more than a "baby step forward" and vowed to continue fighting for more generous terms.

The three-day arrangement represents a compromise between employer and worker representatives on the Labour Advisory Board. Concerns were expressed that offering more leave would put undue pressure on small or medium-sized businesses, which might struggle, for example, to find someone to stand in for an absent employee.

Government estimates show that granting three days of paternity leave will add 0.02 per cent to the total costs of the city's employers, some HK\$114 million.

Civil servants receive five days of leave on full pay under a policy introduced four years ago, and some private employers already offer more generous leave terms. "The paternity leave is a breakthrough. But it is still a baby step. We shall continue to fight for five days' full pay," said Federation of Trade Unions lawmaker Wong Kwok-hing, whose organisation has been a key advocate of

paternity leave. "It is unfair that civil servants can enjoy better benefits than those working for private firms."

The law allows fathers to take the leave at any time from four weeks before the expected birth date to 10 weeks after the baby's arrival. Leave may be taken in one go or on separate days.

The leave is only available to fathers employed on a "continuous contract" – working at least 18 hours a week for four weeks or more. The employee can take leave at short notice as long as he informs his employer at least three months in advance that he will be taking time off. Otherwise,

\$114m
The expected annual cost to employers, in HK dollars, of the paternity leave policy

employers must receive at least five days' notice before the employee takes the leave.

However, a Labour Department spokesman urged bosses to be flexible in handling requests for paternity leave at short notice.

Hong Kong women are entitled to 10 weeks of maternity leave, also paid at 80 per cent of their average daily wages.

The Labour Department has published a guidebook on the new paternity leave arrangements, which is available at the branch offices of the department's labour relations division. A downloadable version can also be found on the department's website, www.labour.gov.hk.

ON SECOND THOUGHT
PERRY LAM

Time for officials to get tough with ATV

They should do this as the station has failed at its job, not because it hasn't paid salaries

Our government, like God, sometimes moves in mysterious ways. For the longest time, ATV has been failing spectacularly to carry out its duties as a licensed broadcaster by filling its airtime with endless reruns of age-old shows (shamelessly promoted as television classics) and self-advertisements (it never tires of reminding whoever still watches during commercial breaks that ATV is – savour the irony – "the conscience of Hong Kong"). Despite frequent complaints from a disgruntled public, the government has barely raised an eyebrow.

Yet when it was in the news that ATV was too short of cash to pay its employees their monthly wages, the government let it be known that it was furious.

It is, of course, entirely understandable that the government wants to be seen on the side of the people. But make no mistake about it – ATV as a public broadcaster failing to do its job is infinitely worse than ATV as an employer failing to pay its staff. That something as fundamental as this has been lost on the government for so long is very worrying indeed.

It has been pointed out that the slow death of ATV and the resulting unchallenged dominance of TVB have put a stop to the growth of the local television industry. This, in turn, has an adverse impact on the development of the mass

entertainment and creative industries, including film and pop music.

This is no doubt true. But the television industry is important not only because it plays a leading role in the growth of the creative industry as a whole.

How competitive a city is depends to a great extent on the literacy level of its population. In today's image-focused society, literacy is not just the ability to read and write. It is also the ability to interpret, negotiate and make sense of information presented in the form of an image. And given the important role of the media in defining news, setting the agenda and shaping the way we understand the world, the ability to use and think about the media critically is just as essential.

When they do their jobs, free-to-air television networks contribute more than anyone else to the development of the audience's visual and media literacy by communicating with them in sound and images. When they fail to do so, as in the case of ATV, it takes a toll on the quality of the people and their ability to compete, innovate and adapt in the information age.

It's time the government got tough with ATV. Not because it owes money to a few hundred people. But because it has done Hong Kong people a great disservice by failing so miserably at its job. Perry Lam is a local cultural critic

IMPORTANT MODERN & VINTAGE TIMEPIECES

AUCTION IN HONG KONG
Saturday, 7th February 2015
First Session: 11:00am | Second Session: 2:00pm

VENUE
1/F, Mandarin Oriental, Hong Kong
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HONG KONG PREVIEW
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Wednesday to Friday

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