

# DECISION

Request No.: 05

## Protest

Event: Sun Hung Kai & Co. Hong Kong Race Week 2024 Race Number: 5  
Hearing Schedule: 2024-02-02 17:10

### PARTIES AND WITNESSES

**Request No.: 05:** 29er - 2750 - Cheuk Wing Mak

29er - 3140 - YUTO TSUTSUMI

**Witnesses:** The skipper of JPN 3140 provided video evidence and called the crew of JPN3140 as witness. David Fan and Ben Harding, members of the International Jury

### VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed

**Red Flag Displayed:** Not required

**Decision:** Request Valid

### PROCEDURAL MATTERS

1. HKG2750 was represented by Jamie Tsang.
2. JPN3140 was represented by Yuto Tsutsumi.
3. Felix NG and Cathey Delany-Hobbs (members of the International Jury), Mak Cheuk Wing (crew of HKG2750), Ibuki Koizumi (couch of JPN3140), Raymond Tony (couch of 2750), attended the hearing as observers.
4. Taishi Goto, Crew of JPN3140, attended the hearing as a witness for the incident.
5. JPN3140 provided video evidence.
6. David Fan, a member of the International Jury, attended the hearing as a witness for the incident.
7. Ben Harding, a member of the International Jury and the panel member, presented evidence in the hearing.
8. Arbitration meeting was held but both parties declined post race penalty and protestor did not withdraw the protest

### FACTS FOUND

1. It was 5-6knots and sea state was calm.
2. HKG2750 entered the zone of mark 1 on starboard tack and was fetching.
3. JPN3140 tacked from port to starboard in the zone in front of HKG2750, and then was fetching mark1.
4. Immediately after JPN3140 completed tacking, HKG2750 established overlap to leeward of JPN3140 with distance between the boats one boat width.
5. 1-2 m from the mark, the distance between the boats closed and resulted in a contact between the port side of JPN3140 and starboard side of HKG2750 at the middle of the hull of each boat.
6. While JPN3140 sailed over HKG2750 to windward and rounded the mark, HKG2750 touched the mark1.
7. HKG2750 then tacked and tacked again to round the mark.
8. There was no damage or injury.
9. Nobody took any penalty.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** RRS11 18.3, 14, 42.1c

1. After JPN3140 passed head to wind from port to starboard inside the zone and was then fetching the mark, she failed to give mark-room to HKG2750 who had been on starboard tack since she entered the zone and became overlapped inside JPN3140. JPN3140 broke RRS 18.3.
2. JPN3140 to windward failed to keep clear of HKG2750 to leeward, and broke RRS 11.
3. JPN3140 did not avoid contact when it was reasonably possible, and broke RRS 14.

4. HKG2750 did not act to avoid contact when it became clear that JPN3140 was not giving mark-room. HKG2750 broke RRS 14.
5. Because the contact did not cause damage or injury, HKG2750, the boat sailing within the mark-room to which she was entitled, is exonerated under RRS 43.1(c) for breaking RRS 14.
6. HKG2750 touched the mark and broke RRS31 but she is exonerated under RRS43.1(a), because she was compelled to break RRS31 by JPN3140 breaking RRS18.3.

**DECISION****Date & Time:** 2024-02-02 18:27 HKT

JPN3140 is DSQ in race 5.

**PROTEST COMMITTEE****Committee Type** Protest Committee**Chaired By:** Alain Choi (HKG)**Committee Members:** Benjamin Harding (HKG), Rut Subniran (THA), Masaaki Tanaka (JPN), Chao Wang (CHN)**Printed:** 03 Feb 09:33