

# DECISION

Request Number: 12

Protest and Request for Redress

Event: 2018 Asian Games Sailing Competition Race Number: 3

Hearing Date: 2018-08-25

## PARTIES AND WITNESSES

**Initiator:** 49er - M - KOR 515 - CHAE BONJIN

**Respondent(s):** 49er - M - CHN 251 - HONG WEI

**Interpreters:** Bang Eun Joon (KOR), Zhu Yao (CHN)

## VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed

**Red Flag Displayed:** Yes

**DECISION:** Request Valid

## PROCEDURAL MATTERS

## FACTS FOUND

1. On the 2nd windward leg of Race 3, both KOR on starboard and CHN on port were converging on a close hauled course.
2. When KOR was approaching CHN, KOR hailed "Starboard" repeatedly to CHN but CHN held her course.
3. KOR bore away to pass astern of CHN, however, there was a contact between KOR's bow and CHN's starboard side wing.
4. Both boats capsized.
5. KOR's jib was torn at the tack and the crew injured on the back with pain. Subsequently, the crew saw a doctor after going ashore for treatment and a medical certificate describing the trauma and treatment was given and tendered to the jury.
6. KOR retired the Race 3.
7. KOR replaced the damaged jib, and sailed in Races 4 and 5 and finished both race.
8. CHN took a one turn penalty after the incident
9. CHN had a hole on the starboard wing as a result of the incident but finished the race.

**Diagram:** Endorsed by Protest Committee

## CONCLUSIONS AND RULES THAT APPLY

1. CHN on port failed to keep clear of KOR on starboard, as required by RRS 10
2. CHN broke RRS14.
3. It was not reasonably possible for KOR, the right-of-way boat to avoid contact with CHN when it was clear that CHN was not keeping clear and she did not break RRS 14.
4. As the result of the incident with serious damage to KOR's jib she had to retire. The damage was serious.
5. Although CHN took a 1 Turn Penalty, she had caused serious damage through a breach of a rule, but failed to retire as required under RRS 44.1(b)

## DECISION

DSQ CHN in Race 3.

**Date & Time:** 2018-08-25 18:05 WIB

## PROTEST COMMITTEE

**Chaired By:** Leonard Chin (MAS)

**Committee Members:** Masaaki Tanaka (JPN), Muhammad Ramlan (INA), Lock Kit (SGP), Benjamin Harding (HKG)