

LOCAL VESSELS ADVISORY COMMITTEE

Implementation of New Measure for Designation of Berthing Area for Non-pleasure Vessels within Kwun Tong Typhoon Shelter

Purpose

This paper aims to brief Members on a new measure to be implemented by the Marine Department (MD) for the designation of a berthing area for non-pleasure vessels within the Kwun Tong Typhoon Shelter (KTTS) to achieve better berthing management within the typhoon shelter.

Background

2. The Government is committed to ensuring that sufficient sheltered space is provided within Hong Kong waters for local vessels therein to take refuge during typhoons or inclement weather, so as to safeguard the safety of the vessels and their crew members. On normal days, typhoon shelters are also open to all classes of local vessels on a first-come-first-served basis, except for vessels carrying dangerous goods or exceeding the permitted lengths overall of typhoon shelters. Owing to the specific *modi operandi* of various classes of local vessels, vessels of the same class are more concentrated in certain typhoon shelters. For example, fishing vessels are more inclined to berth in Tuen Mun and Aberdeen Typhoon Shelters, whereas dumb lighters prefer New Yau Ma Tei and To Kwa Wan Typhoon Shelters. Even in the same typhoon shelter, different classes of vessels are clustered in their respective areas out of habit or because of their *modi operandi*.

3. In recent years, with the increasing number of local vessels, there has been growing competition among different classes of local vessels for berthing space within various typhoon shelters, and disputes like compensation claims between operational vessels and pleasure vessels often arise due to damage caused by collisions. The KTTS, situated in Victoria Harbour, has also changed from being a shelter with only a small number of berthing vessels

on normal days in the past, to one having over 200 berthing vessels at present, and the MD has received a recommendation from the industry about designating different berthing areas for different classes of vessels in the KTTS. As a matter of fact, the report on the “Assessment of Typhoon Shelter Space Requirements 2015-2030”¹ released in 2017 also had a related recommendation which has been adopted by the MD.

4. In August 2017, MD met with industry representatives (including pleasure vessel representatives) and reached a consensus on the implementation of the recommendation, namely, designating the berthing area in the northwest (referred to as Area “A”) for the berthing of different classes (Classes I to IV) of local vessels and that in the southeast (referred to as Area “B”) as non-pleasure vessel berthing area for the exclusive berthing of local vessels used for operations (Classes I to III) (See **Annex 1**). Navigation buoys were then laid by MD for clear demarcations of different berthing areas within the typhoon shelter. Furthermore, MD, in collaboration with the Energizing Kowloon East Office, produced an information leaflet on “Guidelines for Co-using Kwun Tong Typhoon Shelter” (See **Annex 2**) to set out the locations of the two berthing areas in detail for the reference of relevant stakeholders.

Current Berthing of Vessels within KTTS

5. Early this year, the MD reviewed the effectiveness of the above administrative measure for managing the orderly berthing of vessels within KTTS which was implemented through consensus with the industry and publicity means. Findings revealed that as at 8 March 2019, among the 208 or so local vessels (including 173 pleasure vessels and 33 operational vessels) berthed in KTTS, quite a number of the pleasure vessels were still in the berthing area for operational vessels (i.e. Area “B”). Obviously, the above administrative measure failed to deliver the expected result.

¹ See Paper No. 11/2017 “Assessment of Typhoon Shelter Space Requirements” of the Local Vessels Advisory Committee.

New Measure

6. In January 2019, MD obtained legal advice from the Department of Justice (DoJ) indicating that pursuant to Section 7 of the Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation (Cap. 548E), the Director of Marine (DM) has the authority to direct any local vessel berthing within any typhoon shelter to move from a particular position to another.

7. To effectively manage the berthing by different classes of vessels in separate areas in KTTS, MD has formulated new measures according to the above legal advice of DoJ, i.e. to direct the pleasure vessels currently berthing in “Area B” to move to “Area A” by virtue of the DM’s authority. In addition, to facilitate the implementation of the proposal “co-use of the KTTS water body” in KTTS put forward by the Energizing Kowloon East Office, if there are plans to organise a major water activity in KTTS, MD will, with respect to the waters and time period occupied by the activity and ensuring its safety and smooth operation, give suitable directions to the vessels berthing in the area of the activity to arrange vessel positions in the berthing area until the end of the activity.

8. The implementation schedule of the new measures is as follows:

Late March: Brief LVAC on the new measures that MD is about to implement.

Early April: Hold briefings for the industry to introduce the new measure to industry representatives and users of KTTS. The briefing will cover the procedure for issuing a notification of direction, sample of a notification of direction, legal responsibilities and MD’s enforcement actions to carry out the legal procedures, etc. Information leaflets will also be distributed. For persons-in-charge and operators of vessels who are unfamiliar with how they should follow the notifications of direction, education and publicity work will be conducted.

Early May: Implement the new measures and carry out legal procedures against vessels that do not follow the notifications of direction.

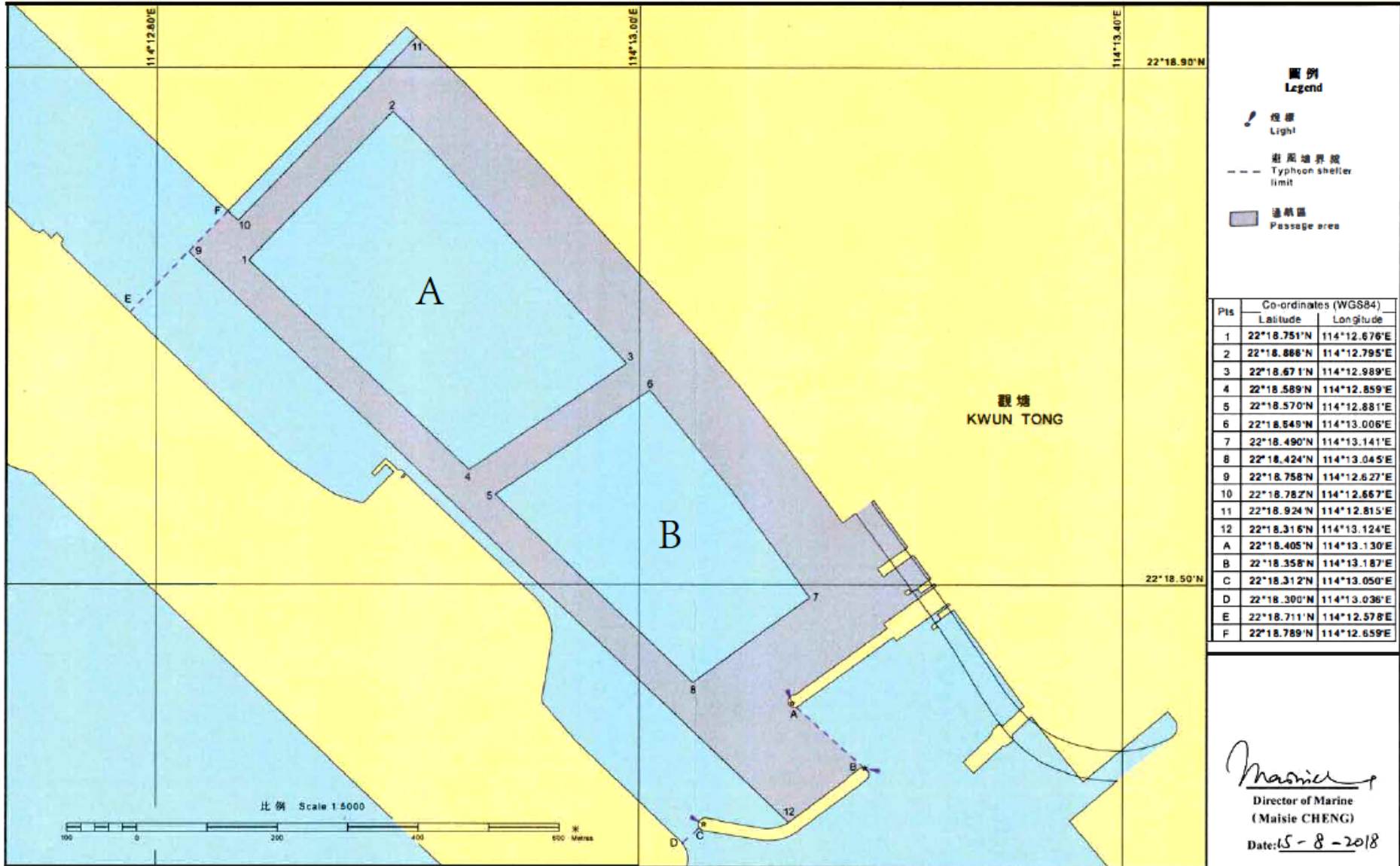
Way Forward

9. Members are invited to support the measures stated in this paper to enable MD to effectively manage the berthing order in KTTS.

Planning and Services Division
Marine Department

根據《商船(本地船隻)(避風塘)規例》(第548E章)第3條規定
觀塘避風塘通航區圖則

Pursuant to Section 3 of the Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation (Cap. 548E)
Plan of Passage Area in Kwun Tong Typhoon Shelter



起energising動 Kowloon East Office
九龍東辦事處

海事處
Marine Department

共享觀塘避風塘指引

Guidelines for Co-using Kwun Tong Typhoon Shelter



隨著水質和岸邊設施的改善，將有更多的康樂體育活動於非颱風期間在觀塘避風塘內進行。為確保安全，使用避風塘的船隻應注意一些要點。

With improved water quality and development of landside facilities, more recreational and sports activities will take place in the Kwun Tong Typhoon Shelter during non-typhoon period. To ensure safety, vessels using the typhoon shelter should observe some important points.



本地船隻須根據法例要求領有運作牌照。除獲特別豁免的船隻外，本地船隻須作定期檢驗，以確保符合有關安全和環保的法定要求。

A local vessel should have an operating licence according to legal requirement. Except those specifically exempted, local vessels should undergo periodic survey to ensure compliance with the statutory safety and environmental protection requirements.



應時刻留意海事處的佈告。當有活動或工程在避風塘進行時，應遵守交通安排及安全措施，並謹慎駕駛。

Keep abreast of notices issued by the Marine Department. When any activity or works take place in the typhoon shelter, follow the traffic arrangements and safety measures, and proceed with caution.



應遵從海事處指示佔取某個特定位置，以免妨礙其他船隻自由通往任何未被佔用的空位。

Follow the direction of the Marine Department to take up a particular position to prevent obstructing the free access of other vessels to any unoccupied space.



在非颱風期間，觀塘避風塘現正實行試驗計劃，以便康樂體育活動於避風塘內安全進行：

- A區給予不同類別船隻碇泊
- B區只給予作業船隻(第I至III類別)碇泊

切勿在通航區內佔取任何位置，或在通航區內停泊、繫泊、碇泊或繫固。

In non-typhoon period, a pilot scheme is being implemented at the Kwun Tong Typhoon Shelter such that recreational and sports activities may take place safely in it:

- Area A for berthing by different classes of vessels
- Area B for berthing by operational vessels only (Classes I – III)

Do not take up any position or be berthed, moored, anchored or secured in a passage area.



不要在避風塘內排放油類、廢物及污水等。為保持避風塘清潔衛生，船隻負責人應妥善存放垃圾及廢物，或待船隻泊岸時適當處理。

Do not discharge oil, garbage and sewage, etc. in the typhoon shelter. To keep the typhoon shelter clean and hygienic, persons in charge of vessels should properly keep their garbage and waste, or dispose them ashore when berth alongside.

任何人士在避風塘內未被佔用的空位碇泊時遭恐嚇或索取報酬，可向海事處或警方舉報。

Anyone who is intimidated or solicited for rewards when using unoccupied space in the typhoon shelter may report to the Marine Department or the Police.