

PILOTAGE ADVISORY COMMITTEE

Ref. : HQ/COM 928/29 (20)

Minutes of the Pilotage Advisory Committee Meeting

Date : 4 February 2010 (Thursday)
Place : Conference Room A, 24/F, Harbour Building
Time : 10:30 a.m.

Present

Chairman: Mr. Francis LIU	Deputy Director of Marine
Member: Capt. CHAN Lok-ching	Representing HK Shipowners Association
Mr. Peter YIM	Representing HK Liner Shipping Association
Ms. Gloria CHOY	Representing Container Terminal Operators
Mr. Edward CHIU	Representing Dry Bulk Cargo Operators
Mr. TO Wing-sing	Representing Break Bulk Cargo Operators
Mr. CHENG Siu-lun	Representing Oil Terminal Operators
Mr. NG Ming-fai	Representing Dockyard Industry
Mr. Philieas FONG	Representing Tug Operators
Mr. NG Kin-man	Master Mariner
Capt. CHEN Yu-chi	Representing HK Pilots Association (HKPA)
Mr. SIU Wai-lim	Representing HK Pilots Association
Mr. LEE Yuk-kwong	AD/PC, Marine Department
Mr. Raymond CHUNG	GM/VTS, Marine Department
Mr. CHAN Tim	S(N)Exam, Marine Department
Secretary: Mr. John LEUNG	ADS/C&G, Marine Department

In Attendance

Mr. HUI Chui-chor	HK Pilots Association
Capt. CHU Wah-sau, Summy	- ditto -
Mr. LEUNG Man-chiu	SS/CRT, Marine Department
Mr. LAI Chi-tung	SMO/VTC, Marine Department
Mr. Andrew NG	MO/Pilotage, Marine Department

Absent with Apologies

Mr. LAM Wing-shing
Capt. David WATKINS

Master Mariner
Master Mariner

OPENING REMARKS

1. The Chairman welcomed all present. He extended particular welcome to the following members who were attending the meeting for the first time –
 - (a) Mr. NG Kin-man
 - (b) Mr. CHAN Tim

AGENDA ITEMS

I. Confirmation of Minutes of Last Meeting

2. The minutes of the last meeting held on 15.10.2009 were confirmed without any amendments.

II. Interview of Apprentice Pilots

3. There were two applicants, Mr. LAM Chung-mau and Mr. TSANG Yui-fai. Both applicants had already passed the necessary medical examination. They were asked to brief members of their own background in separate sessions. Members had asked the two applicants some relevant questions about their past work experience, ship handling experience, and knowledge of pilotage services. Members were satisfied with their qualifications and experience, and agreed to recommend them to the Pilotage Authority for registration as apprentice pilots.

[Post-meeting notes: With the approval from the Pilotage Authority, Mr. LAM and Mr. TSANG registered as apprentice pilots on 5.2.2010.]

III. Matters Arising from Previous Minutes of Meeting

PAC Paper No. 5/2009 – “Adjustment to Pilotage Dues”

4. Mr. Andrew NG reported that the proposed reduction on the additional pilotage due had been gazetted on 4 December 2009. The additional pilotage due would be reduced to \$1,820 from 1 February 2010 and restored to \$1,900 on 1 August 2011.

PAC Paper No. 6/2009 – “Proposed Amendments to Pilotage Ordinance, Cap. 84”

5. Mr. Andrew NG reported that the proposed amendments had been submitted to the policy bureau for consideration in November 2009. The proposals were targeted to be submitted to the Legislative Council in the 2nd half of the 2010-11 legislative session, i.e. March to July 2011.

IV. New Discussion Items

PAC Paper No. 1/2010 – “Proposed Amendments to the Berthing Guidelines”

6. Mr. Andrew NG presented the paper, which had included the comments from PAC Working Group members. He said that new Item 4 in Annex I had included updated information of the Government Mooring Buoys (GMBs) as per Marine Department Notice (MDN) 55 of 2009 - Typhoon Season, MDN 163 of 2009 – Withdrawal of GMBs, and MDN 178 of 2009 – Relocation of GMBs).
7. Mr. CHENG Siu-lun proposed that for items 030 and 031 in Annex III to the paper, the maximum LOA should be extended from 183m to 186m. Capt. CHEN Yu-chi confirmed that the proposal was acceptable. Members had no other comments on the paper. The Chairman concluded that the paper was

endorsed unanimously.

[Post-meeting note: Annex III to PAC Paper No.1/2010 had been amended as proposed by Mr. CHENG Siu-lun.]

PAC Paper No. 2/2010 – “Acceptance of Licence (Deck Officer) Class I for the Registration of Apprentice Pilots”

8. Capt. CHEN Yu-chi said that HKPA had received an application to register as an apprentice pilot from a person who was a Hong Kong permanent resident and was holding a Certificate of Competency (CoC) issued by the authority in the Mainland China and a Licence (Deck Officer) Class I issued by MD. As there was no similar precedent, HKPA had made an enquiry to MD as to whether the application could be accepted. In reply to the Chairman, Capt. CHEN said that there were difficulties in recruiting apprentice pilots.
9. Mr. LEUNG Man-chiu explained that a Hong Kong CoCs was issued by MD to a person who had the relevant experience and had passed the examinations held by MD, while a Hong Kong Licence was issued by MD in recognition of a CoC issued by the government of a state party to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW 95). Mr. LEUNG pointed out that STCW 95 set out the minimum requirements, and the standards of the issuing countries might vary even though they conformed to STCW 95.
10. Mr. Y K LEE opined that when considering whether a CoC was acceptable for the registration as apprentice pilots, it should take into account whether the procedures and syllabus in the issuing country had met the required standard.
11. Capt. CHAN Lok-ching opined that many Hong Kong residents might have obtained the CoCs overseas, and that the standard in the Mainland China was

very high nowadays. Mr. NG Kin-man opined that the characteristics of the Hong Kong port should be taken into account in determining the acceptable standard.

12. Mr. Edward CHIU asked if the standards of the issuing countries had been assessed before. Mr. LEUNG Man-chiu said that in the past a validation panel had been set up to assess the standards of the examinations of the issuing countries before deciding whether to recognize their CoCs. However, as the number of countries conforming to the STCW 95 requirements was growing rapidly, the use of assessment panel had been abandoned. Instead, short term Hong Kong Licences for up to one year would be issued first, and the holders of such Licences could apply for extension of one more year subject to their satisfactory performance on board and the validity of their national CoCs. Mr. NG Kin-man said that once one of the STCW 95 CoCs was accepted for registration as apprentice pilots, there might be legal implication if not all STCW 95 CoCs were acceptable.
13. Mr. TO Wing-sing said that the standards of examinations and training in the Mainland China might have been different at different times in the past. He pointed out that even if a CoC issued by the Mainland China was acceptable for the application to register as an apprentice pilot, the candidate would still have to be interviewed and considered by the HKPA and PAC before he was accepted.
14. After discussion, the Chairman concluded that the matter should be further discussed in a small group in more detail, which should concentrate on the CoCs issued by the Mainland China.

PAC Paper No. 3/2010 – “Reporting of Issues Discussed at PAC Working Group Meeting held on 20 January 2010”

15. Mr. Andrew NG presented the paper and reported to members on the items discussed at the last PAC Working Group (WG) meeting in detail.
16. In respect of the Government Mooring Buoy (GMB) mooring arrangement, Mr. Summy CHU reiterated that there were many uncontrollable factors, and that it would be impossible to bring the vessel to static for mooring and unmooring operations as recommended in the Coroner's Report in 2007. The Chairman said that to promote safety awareness, MD had appealed to the operators at a safety seminar recently to exercise extra care and reduce speed when passing GMBs with mooring/unmooring operations being carried out. Mr. Raymond CHUNG said that the Marine Industrial Safety Section (MISS) of MD would be urged to follow up on the matter.
17. Regarding the proposed introduction of higher-powered tugs to the Port of Hong Kong, Mr. Andrew NG said that while noting the Hong Kong Liner Shipping Association's concern about potential higher tug charges, the proposal was supported in general by the WG members at the last WG meeting. HKPA had advised that higher-powered tugs would only be deployed for very large vessels and the criteria and details for deploying higher-powered tugs would be further discussed by members before any changes to the berthing guidelines were made. Members had no further comments on the proposal.
18. Regarding the two complaints on additional requirements imposed by pilots, Mr. Andrew NG reported that WG members at the last meeting agreed that it was necessary to provide flexibility in the berthing guidelines for pilots to deal with abnormal and urgent situations. WG members also agreed that both incidents were caused by communication problems and HKPA should provide more detail information to ship owners or shipping agents in advance so that disputes could be avoided in future. Members had no further comments on this issue. Mr. NG said that the suspension of Ma Wan night transit for bulkers and tankers would be discussed in PAC Paper No. 4/2010.

PAC Paper No. 4/2010 – “Berthing Guidelines Amendment Procedures & Suspension of Ma Wan Night Transit for Bulkiers and Tankers”

19. Mr. Raymond CHUNG briefed members in detail on the berthing guideline amendment procedures and the background of the recent suspension of Ma Wan night transit for bulkiers and tankers with LOA over 198m to 230m.
20. Capt. CHEN Yu-chi asked if the passage concerned could be defined as a narrow channel as concluded by the court of the ‘Neftegz 67’ and ‘Yao Hai’ collision case (‘Yao Hai’ case). The Chairman said that while the ‘Yao Hai’ case was subject to appeal, it would be inappropriate to change the status of the passage at this moment. Meanwhile, MD had been discussing with HKPA closely on any practical measures to strengthen the traffic management in the area. Mr. Summy CHU opined that the situation needed to be addressed quickly.
21. Mr. LAI Chi-tung said that several discussions on safe passage in the concerned area between MD and HKPA had been held since the ‘Yao Hai’ case happened in March 2008. To further improve the traffic safety and management in the area, a number of measures had been implemented, such as conduction of trial on convoy, provision of additional navigational information, requesting supply tugs to use the waterways in south of Lantau etc.
22. Mr. Phileas FONG asked if it would be possible to define the passage as a narrow channel and state clearly that it would be subject to change as per the outcome of the appeal. Mr. Raymond CHUNG replied that this would cause confusion to users.
23. Mr. SIU Wai-lim pointed out that due to the increase of traffic in this passage MD had commissioned a study in 2001 and subsequently introduced the one-way rule for certain vessels at Ma Wan and Kap Shui Mun, setting up of the Ma Wan Control Station and deployment of a 24-hour patrol boat in the area. He said that the average number of vessels passing through the passage nowadays was

around 50 per day when compared to 20 in 2001, and yet the traffic management had been weakened as the Ma Wan Control Station became unmanned. The number of patrol boats was cut down from two at the opening of the Ma Wan Control Station to one at present. The signal lights situated at each end of Ma Wan Service Area, which were intended to regulate traffic of smaller vessels, had become obsolete. Mr. Raymond CHUNG said that many measures such as additional signal lights, markings, patrol boat, remote Ma Wan Control Station at VTC etc. were still being deployed, and MD had been giving out clear instructions to vessels to navigate on the starboard side of the fairway to effect a port-to-port passing.

[Post-meeting note: Mr. LAI Chi-tung clarified that there had always been only one dedicated MD patrol boat for Ma Wan since the establishment of the Ma Wan Control Station; and all 5 signal lights at the Ma Wan Service Area had never been obsolete and were still working efficiently.]

24. The Chairman said that MD would continue to consider any practical measures to improve the safety of the passage. Mr. Edward CHIU said that many improvement measures had been implemented since the suspension of the night transit, and the pilots should consider whether these measures had given them sufficient reassurance for their resumption of the night transit.
25. Mr. LAI Chi-tung provided some statistics on the traffic in the passage to members. He said that in 2009, there were 15,062 piloted vessels transited Ma Wan. On average 6 vessels in the 198m to 230m group were transited at night monthly. Since the suspension of the night transit, two bulkers had been affected and had to change their schedule as a result.
26. Capt. CHEN Yu-chi said that the report by the Marine Accident Investigation (MAI) Section of MD had classified the 'Yao Hai' case as a crossing situation in open sea, and this view was different from that of the court. Mr. Y K LEE said that the MAI's report was completely independent and offered its own view for

reference.

27. Capt. CHAN Lok-ching opined that it was not necessary to suspend the night transit as an emergency, as the ‘Yao Hoi’ case happened in March 2008, and appropriate actions should have been taken then. Capt. CHEN Yu-chi replied that according to the legal advice they received, no changes were allowed once the legal proceedings had started. The Chairman said that the legal proceedings should not restrict measures that would improve the traffic management and safety in the passage, and in fact many improvement measures had been implemented since the ‘Yao Hoi’ case.
28. Mr. LAI Chi-tung said that the court’s verdict concluded that the main cause of the accident was related to the application of the International Regulations for Preventing Collisions at Sea 1972 (COLREGS), not because of the status of the waterways. Capt. CHEN Yu-chi opined that the status of the waterways was nevertheless an important factor and the court had spent near 30 days to discuss the issue.
29. Capt. CHAN Lok-ching suggested that the condition and circumstances that would allow pilot to amend any requirement as set out in Chapter 2 of the Berthing Guidelines and the definition of emergency situation should be discussed in detail at the next meeting.
30. Capt. CHEN Yu-chi said that the deadline for the appeal would expire in a few days’ time, and by that time it would be clear if the view of the court on the waterways as a narrow channel would be appealed. Mr. Raymond CHUNG said that MD would take appropriate action regarding the status of the buoyed channel as soon as the details of the appeal were available. With the traffic measures in place, he urged the HKPA to resume the service.

V. Any Other Business

31. There was no other business raised by members.

VI. Date of Next Meeting

32. The meeting ended at 1:45 p.m. The date of the next meeting would be announced in due course.