

Minutes of the 2nd Port Area Security Advisory Committee
Meeting held at 1000 hours on 17 September 2003

Present:

Mr. Roger Tupper	Chairman
Mr. H P Liu	Vice Chairman
Mr. Edmund Lau	Bulk Industry
Mr. T C Ho (on behalf of Mr. Eddy MA)	Container Terminal Operators
Mr. S P Wong	River Trade Terminal Co. Ltd.
Mr. Alex Choi	Oil Industry – OIRC members
Mr. Anthony K M Tam	Oil Industry – Non OIRC members
Mr. David Yip	Passenger Terminal – Ocean Terminal
Mr. Phileas Fong	Hong Kong United Dockyard Ltd.
Mr. K T Ip	Yiu Lian Dockyard
Mr. Neil M D Russell	Hong Kong Shipping Association
Mr. T C Sin	Marine Department
Mr. K L Lee	Marine Department
Mr. K M Fung	Marine Department
Mr. W H Wong	Marine Department
Mr. Peter K Y Wong	Marine Department
Mr. C J Wilson	Hong Kong Police
Mr. Jacky Ling (on behalf of Mr. Watson)	Hong Kong Police
Mr. K K Lau	Secretary

Absent with apology:

Mr. Eddy Ma	Container Terminal Operator
Mr. Henry Lee	HKCTO Association
Mr. A J Watson	HK Police

In attendance:

Mr. Allan Wong	MTL
Mr. Jason Tsang	MTL
Mr. K W Kwan	Ocean Terminal
Mr. Jan Maynard	Securicor Hong Kong Limited

1. Open of Meeting

1.1 The **Chairman** welcomed all participants to the second meeting of the Port Area Security Advisory Committee (PASAC), specifically to Mr. T C Ho and Mr. Jacky Ling to act on behalf of those absent. He also welcomed Mr. Jan Maynard of Securicor Hong Kong who would be giving a briefing on port facility security training.

2 Discussed Items

Confirmation of the Minutes of the 1st meeting held on 3rd July 2003

2.1 In response to Mr. K T IP's question on paragraph 2.15 of the minute, the Chairman explained that operators of each service sector had been expected to nominate one representative to represent the sector. However, any individual operator who, for certain reasons, wished to become a member would also be considered.

2.2 The minutes were confirmed without amendment.

Confirmation of the Membership List

2.3 As no comment or objection was raised, the Membership List was confirmed.

Security Training

2.4 The Chairman invited Mr. Jan Maynard from Securicor to brief the meeting on the Security Courses jointly run by his company and the SeaSecure in relation to the ISPS Code.

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2.5 The Chairman invited Mr. W H Wong to report to the committee the progress in implementing the ISPS Code and noted. Mr. Wong reported:

2.5.1 The Port Facility Security Working Group (PFSWG), with members

from Marine Department, Hong Kong Police and Customs & Exercise Department, was formed on 11 July 2003 with an aim to assist and work together with port facility operators to fulfill the ISPS Code requirements.

- 2.5.2 Guidance notes for conducting a Port Facility Security Assessment had been sent to the port facility operators that were required to comply with the Code.
- 2.5.3 The PFSWG had also prepared a template for the drawing up of a Port Facility Security Plan so as to provide a common platform and guidance for operators in preparing their security plans. The hard copy of the template was tabled at the meeting.
- 2.5.4 Securicor and SeaSecure had jointly conducted the ISPS Administrator Course for Government. A total of 23 government officers had attended the course on 18 to 22 August 2003. Three 3-day Port Facility Security Officer (PFSO) courses were also conducted in early September for port facility security officers. Two 2-day optional hands-on workshops were also conducted after the PFSO courses.
- 2.6 Mr. S C Leung from Marine Department's Services Branch reported the assessment works relating to the marine ferry terminals, i.e. the China Ferry Terminal and the Macau Ferry Terminal. Whilst, Mr. T C Sin from the Vessel Traffic Services Branch also reported on the progress of the works concerning the buoys and anchorages.
- 2.7 The Chairman reminded members that the deadline for submission of port facility security assessment was 31 October 2003.
- 2.8 Mr. Jan Maynard enquired if Government was taking any steps, like establishing bilateral arrangement with other ports that were sending passengers to Hong Kong by understanding their security measures. The Chairman replied that primarily these ports were on the Mainland and Macau. MD had a close relationship with them especially with Macau. Most of the operators of mainland ports were single-company-single-berth operators. Company representatives were part of the stakeholder team, and they were all familiar with situations on both sides.
- 2.9 Mr. S. P. Wong of the River Trade Terminal enquired whether it would

involve any infringement of copyright if operators passed Government's documents, like the guidance for PFSA and template for PFSP, on to their consultants for compiling their assessment report and plans. The Chairman assured members that such acts were acceptable and would not be regarded as an infringement.

- 2.10 In response to a request, the Chairman said that the soft copy of the above mentioned documents would be released to operators when it was finalized.
- 2.11 Mr. K. T. IP of Yiu Lian Dockyard asked if the deadline for the submission of the assessment reports could be extended by one month. The Chairman said that there was a need to stick to the effective date of the Code that was 1 July 2004. The deadlines for the submission of PFSA and PFSP were worked out taking into consideration the need of charterers and shipping companies to have advance information on the status of port facilities that they were going to send their ships to. Therefore, it would be necessary for the facilities to have the PFSP in place a couple of months before the effective date, i.e. in April or May next year. Late submission of the documents would in turn delay its approval. The Chairman advised members that if they experienced problems on the assessment requirements, they should raise their concerns or doubts with the Marine Department for advice. As far as the shipping community was concerned, it was almost certain that they would want to have information about the status of port facilities as early as possible.
- 2.12 Mr. Jan Maynard of Securicor told the committee that most of the trainees of the security training courses wanted to know the general risk level in the Hong Kong port. The Chairman advised that his understanding was that Hong Kong etc. was not considered as a high-risk place. The chance of Hong Kong being attacked was low. He further said that the information could be obtained from the website of the Security Bureau.
- 2.13 Mr. Edmund Lau of Bulk Trade Industry enquired about the timeframe for the endorsement of the assessment because without the endorsements they could not proceed to prepare the Security Plan. The Chairman confirmed that an operator would get an endorsement or feedback within one month. Mr. K M Fung further stated that it would take a longer time for processing the security plans.
- 2.14 Mr. Lau asked who would be responsible for endorsing/approving the Security Assessments and Plans within the Marine Department. The

Chairman replied that according to the ISPS Code, the power was vested with the Designated Authority. The Port Facility Security Working Group, which consisted of members from Marine Department and other Government Departments involved in security matter, would assess the PFSA & PFSP and make recommendations to the Director of Marine. The Director would decide to approve or otherwise based upon the advice of the working group.

- 2.15 Mr. K M Fung introduced the use of the template for Port Facility Security Plan (PFSP) to members. He said that the purpose of the template was to ensure a common platform to be adopted in individual port facility security plans. That would not only speed up the approval of the plan but also ensured the smooth integration of individual plans with the overall Port Area Security Plan. Mr. Fung also told members that the Working Group (WG) was also preparing a checklist for Port Facility Security Plan. The purpose was to assist the WG members in assessing PFSPs and to give an indication to the port facility operators on the requirements of a PFSP. The checklist was expected to be ready for dispatch in 2 weeks' time.
- 2.16 In response to a question on how operators should deal with those not applicable items/sections in the security plan, it was agreed that the sections should still be included and should be marked as not applicable.
- 2.17 In response to a question on Section 12 – Other Interface Activities, Mr. K M Fung replied that it should be worked out by the facility operators. They could consider combining item (A) and (B) or having a separate guideline for individual activity or even combine the 3 items into one if the security measures/actions were the same for those different activities.
- 2.18 Mr. K L Lee had reservation on the wordings – ‘Ship Security System’ in section 5 of Part II of the template. He considered that when the ship security system was activated, the master might report to the flag state only, without making known the same to the port facility operator. In response, Mr. K M Fung said that the PF operators would become aware of the alert at some stage and need to activate the procedure for responding to the alert.
- 2.19 In response to a question regarding whether the Hong Kong Government would provide loans to the industry similar to that of the US Government for implementing the ISPS Code, the Chairman replied in the negative.

- 2.20 In response to a question on why the Marine Department on the one hand was demanding operators to observe strict confidentiality on security documents but on the other hand required the operators to submit 8 copies of the security documents. The Chairman explained that these documents were for different members of the working group, given members were located in separated stations. Providing sufficient copies were necessary to expedite the approving process. The Chairman said that as shown on the PFSP template, all copies would be numbered; their movements would be strictly controlled and could be traced.
- 2.21 In responding to a question on the statement of confidentiality of document on the covering page of the template for PFSP, Mr. K M Fung explained that the document was only for the use of the working group members and for those on a need basis. Operator's prior consent would be sought for producing extra copy. The chairman assured the operators that Marine Department would take good care of those submitted security documents in respect of its security aspects and would take every possible measure to ensure the information would not be given to anybody other than those people having a genuine need to see the document.

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- 2.22 The Chairman invited Mr. K L Lee to brief members on the progress of the legislation process. He explained that the need to have local legislation was to give effect to the 2002 SOLAS amendments and the ISPS Code, which would be applicable to Hong Kong registered ships, ships entering and staying in Hong Kong waters and as well as the port facilities in Hong Kong. The draft drafting instruction of the legislation had been submitted to the Department of Justice. The bill was expected to be submitted to LegCo by the end of March next year for enactment prior to 1 July 2004.
- 2.23 In response to questions on the legislation, the followings had been discussed: -
- 2.23.1 Re: section 5 (b) (i) – the meaning of ‘major changes’ should be more specific. Mr. Lee replied that in the legislation, it was inappropriate to be too specific. In general, ‘major changes’ meant those changes that would affect the overall security of a facility. He noted members’ need and would consider issuing guidance notes to elaborate more on the changes including

changes to the PFSP that needed to be reported for approval.

- 2.23.2 Re: section 5 (f) – a question was asked if MD would instruct a facility operator to close down the facility and if so, the bases of doing so. Mr. Lee replied that it would depend on the seriousness of the circumstances. The Chairman supplemented that it might only take place at level 3. Level-3 meant suspected terrorist attack was imminent i.e. it was about to take place in the facility and the authority needed to take action to ensure the safety of the facility and the personnel concerned. The ultimate sanction should lie with the Government.
- 2.23.3 Re: 5 (L) – members opined that it would be difficult for them to estimate the cost for getting their plans approved if approval was charged on hourly basis. Mr. Lee explained that the charging rate as proposed was in line with those listed in the miscellaneous charges under Cap. 281. The Chairman pointed out that it was the policy of the Government to have full cost recovery. The decision for the charges would come from the Financial Secretary for the Treasury. Mr. Lee said that normal ship inspections would not be charged. It was chargeable only when non-compliance was found that required Government officer/surveyor to return to the ship for re-inspection to confirm compliance. As for port facilities, when there had been major changes to the security system that required re-approval of the port security plan, then it would be chargeable. The charge would depend on the number of hours spent by the officers concerned.

In response to members' concern on the charges for approval of security plans, the Chairman explained that these plans would most likely be approved before the legislation would come into force, so there would unlikely be any charges be involved in the first lot of plans. But the code did require substantial changes to the facility needed approval and that would be subject to charges. Members further expressed their concerns on how they would be charged for the annual auditing, inspection and verification of the approved security plans. Mr. Lee replied that the charges only applied to the approval of the plan and amendments. It did not cover any regular assessment process. The chairman supplemented that conducting an audit would be one of the Department's responsibilities and it would not be charged. It would only be charged when something had been done to a

facility, which required a new plan to be approved.

Members asked how the hourly basis be interpreted: per officer or per group of officers. They also asked if it could be charged on plan basis. The chairman replied that charging on plan basis was not feasible because there was no standard plan in use. The hourly basis referred to the hours worked by all officers involved. The charging had to in line with the standard Government approach which was not set by Director of Marine but the Secretary for the Treasury.

Mr. Allan Wong of MTL suggested MD to consider using the size of the port facility as a criterion for the charging rate because the area of a facility was fixed such that it would be easier for the operators to budget the cost. He was of the view that with MD's hourly rate, operators would not be able to estimate the budget because the hourly rate was an immeasurable and vague criterion. The Chairman noted the suggestion with thanks and asked Mr. K L Lee to follow-up.

2.23.4 Re: 5 (M) – the fine on a ship for not reporting difficulties to the DA. Mr. Russell enquired i) how the fine would be enforced, ii) whether ships would be detained till the rulings from court came out, iii) how the fine would be levied, as there were a variety of ship owners. It seemed that the liners would have less problem but not the tramp ships. The Chairman explained that the fine would be enforced by court. It would be the magistrate's concern as to the level of fine to be applied. Government would not detain a ship on this aspect prior to the court's finding of guilt. The fine would be sent to the agent for settlement.

2.23.5 Re: 5 (b) (ix) – control of persons boarding ships within HK waters. Mr. Russell enquired how would the control would be implemented. Mr. Lee replied that the DA, that is the Director of Marine, would require the power under the legislation to carry out control in case of need. The Chairman supplemented that the Director might require persons intending to board a ship, especially when the ship was at a mooring buoy or at an anchorage, to carry ID cards after 1st July next year. These ID cards might be issued by Government or other authorized parties.

Relevant details would be worked out.

- 2.23.6 Re: 5 (K) – members wondered if the working group would provide/suggest appropriate or standard wordings for the Declaration of Security. The Chairman replied that there was already a template in the ISPS code.
- 2.23.7 On the communication mechanism, members asked if DA would communicate the security level to all facility operators or just to the group representatives only. The Chairman replied that it would depend on the case. If individual facility was under threat and there was no specific belief that any other facilities were under threat, the decision might be to inform the concerned operator only. In case of general information, all facilities would be informed. The details of the communication structure were yet to be worked out. The control center would be in the Vessel Traffic Center area on the outer island of the Macau Ferry Terminal. Based on the ISPS Code, each communication would be between the center and the security officer of the facility only and nobody else. Therefore, there would not be a general announcement to the public in Hong Kong. The details would be worked out and would be included in divided PFSP and the overall Port Area Security Plan.
- 2.23.8 Mr. Russell of the liner shipping association enquired if there was anything in the code concerning changes to ships because the items discussed were mainly on the port facility side. Mr. Lee pointed out that ships were a bit different from a port facility. There was a monitoring system, under which ships were subjected to regular surveys. Any changes could therefore be detected and certificates would be revalidated or renewed accordingly by the classification societies.
- 2.23.9 In response to a question on whether there would be further opportunity for commenting on the bill, the Chairman said that operators could submit their comments in writing at anytime.

3 Any Other Business

- 3.1 The Chairman draw members' attention to the issue of stowaways or

human smuggling in containers that happened recently, and urged operators to take these into considerations in preparing their security assessments and plans.

4 Date of Next Meeting

The chairman suggested that the next meeting should be after the deadline of submitting the security assessments and before Christmas. It would be around late November or early December. Members will be advised of the date of next meeting.

5 Close of Meeting

The meeting was closed at 1150 hours.

Confirmed this day of 2003

Chairman

Secretary