

Minutes of the 34th POC Meeting

Date : Tuesday, 18 July 2000

Time : 2:30 pm

Venue : Conference Room (A), Marine Department Headquarters, Central

Present	Mr. S.Y. Tsui	Chairman
	Mr. K.M. Lee	Member
	Mr. K. L. Choi	Member
	Mr. Rueben Chung	Member
	Mr. David C. S. Ho	Member
	Mr. C. Pooley	Member
	Mr. Terence L.K. Sit	Member
	Mr. Alex Fong	Member
	Mr. Neil Russell	Member
	Mr. John Lee	Member
	Mr. Bosco Louie	Member
	Mr. S.H. Pau	Member
	Mr. Eric Lam	(on behalf of Mr. Luo Hui Lai)
	Mr. Sunny Ho	(on behalf of Mr. Jeffrey Lam)
	Mr. K.Y. Wong	Secretary

In attendance

Mr. C.Y. Tsang	MD
Mr. Steven Lam	MD
Mr. Y.M. Cheng	MD
Mr. L.K. Szeto	MD

Apologies

Mr. F.M. Luk	Member
--------------	--------

1. Open of Meeting

1.1 The **Chairman** welcomed all to the meeting and introduced the following persons :

- (i) Mr. Bosco **Louie** representing the HK Shipowners Association
- (ii) Mr. John **Lee** representing the Terminal Operators
- (iii) Mr. S.H. **Pau** representing the Hong Kong Pilots Association
- (iv) Mr. Eric **Lam** representing the Wharf & Godown Operators on behalf of Mr. **Luo Hui Lai**
- (v) Mr. Sunny **Ho** representing the H.K. Shippers' Council on behalf of Mr. **Jeffrey Lam**

2. Confirmation of Minutes of the Last Meeting

2.1 The minutes of the 33rd meeting held on 14 December 1999 were confirmed.

3. New Items

3.1 POC Paper No. 1/2000
Amendments to the Legislation concerning Marine Restricted Areas surrounding Stonecutters Island

- 3.1.1 Mr C Y Tsang** briefed members on the recently enacted amendments to the Legislation in relation to the marine restricted area surrounding the Stonecutters Island.
- 3.1.2 The Chairman** said that the reduction in the size of the restricted area would enhance navigational safety for local traffic in the vicinity, and that since the former Victoria Naval Basin had already been relocated to Stonecutters Island the outdated navigational restrictions pertaining to it as prescribed in the Shipping and Port Control Regulation were therefore repealed.
- 3.1.3 Mr K M Lee** said that the designation of a restricted area around Stonecutters Island where the PLA naval base is located was agreed under the Joint Declaration between China and HKSAR. He stressed that no vessel was allowed to enter this area except with the permission of the Director of Marine, and any application for entry would be considered by the Director of Marine who would then liaise with the PLA for approval on a case by case basis.

3.1.4 **Mr David Ho** asked and the **Chairman** responded that the Marine Department would enforce the restricted area under the Shipping and Port Control Legislation.

3.1.5 **Mr David Ho** was concerned that the imposition of the restricted area during the passage of typhoons might affect vessels seeking shelter in the area. In response, **Mr K M Lee** said that in order to allow more manoeuvring room for vessels operating therein PLA had kindly agreed to reduce the eastern part of the restricted area from 100 m to 50 m. Besides, **Mr K M Lee** said that the Yau Ma Tei Anchorage had been enlarged last year to give more mooring space for vessels so as to ease the crowding conditions in the anchorage.

3.2 POC Paper No. 2/2000

Proposed Traffic Arrangement to Enhance Navigation Safety at Ma Wan and Kap Shui Mun Fairways

3.2.1 **Mr Steven Lam** presented the paper and highlighted the proposed traffic arrangement aimed at enhancing the navigational safety in the areas of Ma Wan and Kap Shui Mun Fairways.

3.2.2 The **Chairman** said that the two-way traffic would still be maintained in Ma Wan Fairway while the Kap Shui Mun fairway would only be open to smaller southbound vessels. He added that the traffic conditions of the fairways would be closely monitored and disciplined by the Ma Wan Traffic Control Station and its dedicated patrol launch.

3.2.3 **Mr K L Choi** was in support of Option 3 and said that strong currents and height restriction associated with the Kap Shui Mun Fairway had barred lighters from using it. He supplemented that Hong Kong & Kowloon Motor Boats and Tug Boats Association was also supportive of Option 3.

3.2.4 **Mr Bosco Louie** asked and **Mr W M Lam** responded that normally barges required more sea room for manoeuvring which explained why they preferred Ma Wan Fairway to Kap Shui Mun Fairway.

3.2.5 **Mr Pooley** was supportive of Option 3 but was concerned about the likely impact of the new traffic arrangement on ferries due to longer steaming distance and greater fuel consumption. In response, the **Chairman** said that using the Ma Wan Fairway for outbound trips and Kap Shui Mun Fairway for inbound trips by ferries had been recommended for years and hence the traffic arrangement associated with Option 3 was compatible with the existing ferry routeing.

- 3.2.6 **Mr Rebuen Chung** asked and **Mr K M Lee** responded that the implementation of Option 3 would not affect vessels moving in and out of the oil terminals at Tsing Yi as the total number of vessel approaching the Northern Fairway would still be the same. **Mr S H Pau** shared **Mr K M Lee**'s view.
- 3.2.7 **Mr S H Pau** said that he was supportive of Option 3. However, he had two observations, namely that the effect arising from the 37% increase in traffic volume at Ma Wan on ocean-going ships had to be closely monitored, and that a trial period for the new traffic scheme be carried out. The **Chairman** noted **Mr S H Pau**'s concerns and said that where appropriate the plan would be refined to enhance the navigational safety in both fairways.
- 3.2.8 **Mr K M Lee** stressed that extensive consultation and legislative backup were both required to ensure conformance with the new traffic arrangement associated with Option 3 by port users.
- 3.2.9 **Mr Alex Fong** asked and **Mr K M Lee** responded that the detour in terms of time loss for vessels travelling at a speed of 12 knots would be around 5 minutes and for barges around 20 minutes.
- 3.2.10 **Mr Russell** asked and the **Chairman** responded that southbound barges were allowed to use the Kap Shui Mun Fairway as long as they were within the height restriction limit, and that Marine Department launch could assist in regulating the traffic. **Mr K M Lee** added that an additional patrol launch would be deployed at the initial stage of implementation for managing traffic if so required.
- 3.2.11 **Mr K M Lee** said that this study was part of a series of reviews of traffic situations within Hong Kong waters. Noting that 11 out of a total of 89 collision cases took place in Kap Shui Mun Fairway, this part of waters was thus chosen to be studied first.
- 3.2.12 **Mr Alex Fong** asked and **Mr K M Lee** responded that if Option 3 had been implemented these 11 cases would have been eliminated considering that they were all head-on collisions.
- 3.2.13 **Mr Sunny Ho** asked and **Mr K M Lee** responded that seminars would be conducted in Mainland to give the widest publicity for the new traffic scheme. As a matter of fact, similar seminars had been conducted in the past in Mainland to acquaint vessel operators with the traffic arrangements introduced during the construction of Tsing Ma and Kap Shui Mun bridges, legislative amendments, environmental measures etc.

- 3.2.14 **Mr Alex Fong** asked and the **Chairman** responded that the Legislative Council would be provided with more technical details on Options 1 and 2 should members request for detailed briefing.
- 3.2.15 After discussion, Option 3 was supported by the Committee.

3.3 POC Paper No. 3/2000

Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims, 1976 (LLMC 1996)

- 3.3.1 **Mr Y M Cheng** presented the paper and gave two examples to illustrate the differences between the amounts of claims made under LLMC 1996 and LLMC 1976 respectively.
- 3.3.2 The **Chairman** said that the paper had been discussed at the Shipping Consultative Committee (SCC) and all their members supported the application of the LLMC 1996 to Hong Kong. At the request of a member of the SCC, the **Chairman** said that the matter was brought up to this Committee for members' discussion.
- 3.3.3 **Mr Bosco Louie** opined that the Hong Kong should defer the ratification of LLMC 1996 until it became mandatory internationally. In response, the **Chairman** said that the adoption of international maritime requirements and hence the early application of LLMC 1996 to Hong Kong was essential to maintain the status of Hong Kong as a premier commercial and shipping centre. Considering the lead-time required for making LLMC 1996 applicable to Hong Kong, the **Chairman** said that it was unlikely that Hong Kong would be legislatively ready before LLMC 1996 came into force internationally in early 2001.
- 3.3.4 **Mr Bosco Louie** inquired about the possible effect arising from the application of LLMC 1996. The **Chairman** said that ships registered in Hong Kong would still be affected should they visit those countries having ratified LLMC 1996 irrespective of whether or not it was made applicable to Hong Kong. In other words, the extension of LLMC 1996 to Hong Kong would mostly affect the vessels in the port of Hong Kong.
- 3.3.5 **Mr Bosco Louie** inquired and the **Chairman** said that the local legislation legalizing the LLMC 1996 had no retrospective effect.
- 3.3.6 **Mr Bosco Louie** inquired and the **Chairman** said that it was required for Hong Kong to inform International Maritime Organisation through China of its intention to prepare itself for the implementation of LLMC 1996 although China was not the signatory country for the LLMC 1976.

- 3.3.7 After discussion, the extension of LLMC 1996 to Hong Kong was endorsed by the Committee.

3.4 POC Paper No. 4/2000 Maritime Oil Pollution Contingency Planning

- 3.4.1 **Mr L K Szeto** briefed members on the updated arrangements on contingency planning for maritime oil pollution and the cross-boundary maritime oil spill response drill conducted on 5 June 2000, involving such port authorities as Guangdong, Guangzhou, Shenzhen, Zhuhai and Macau.
- 3.4.2 The **Chairman** said that a joint paper would be presented at the Asia Pacific Head of Maritime Safety Agency Forum to be held in China in the middle of 2001 to publicize the recent cross-boundary maritime oil pollution drill which took place on the World Environmental Day.
- 3.4.3 **Mr David Ho** asked and the **Chairman** explained the involvement of private sector would depend on the level of emergency of an incident, which was graded into three tiers. Tier one would be a small operational spill that could be dealt with immediately by utilising local resources without assistance from other areas. Tier two would be a medium sized spill that required assistance from other areas (e.g. oil companies and Hong Kong Response Ltd.). As for tier three, international assistance would be required if the magnitude of an oil spill was beyond the capability of all Hong Kong based resources, namely commercial and Government. In any case, the **Chairman** said that private sector was welcome to offer assistance to the Government in combating oil spills so as to protect the environment.
- 3.4.4 **Mr Pooley** inquired and the **Chairman** said that the responsibility to seek the help of outside organizations was vested in the Marine Department. **Mr Reuben Chung** supplemented that the Hong Kong Response Limited would assist in organizing the required clean-up equipment to tackle oil spills in Hong Kong if so required.
- 3.4.5 **Mr Bosco Louie** inquired and the **Chairman** said that an annual oil spill response exercise was normally organized by the Marine Department involving concerned government departments and private organizations.
- 3.4.6 **Mr Bosco Louie** inquired and the **Chairman** said that major cases of oil spillage were rare in Hong Kong.

4. Any Other Business

4.1 The **Chairman** took this opportunity to convey his thanks to those who had contributed to the port's smooth and successful Y2K roll-over.

5. Date of Next Meeting

5.1 The date of the next meeting will be advised in due course.

6. Close of Meeting

6.1 The meeting was adjourned at 1630 hours.

Confirmed this day of 2000

Chairman

Secretary