

Minutes of the 44th POC Meeting

Date: 17 December 2003 (Wednesday)

Time: 1100 hours

Venue: MD VIP Launch "Tin Hau"

Present	Mr. S Y TSUI	Chairman
	Mr. K M LEE	Member
	Mr Phileas FONG	(on behalf of Mr. Richard KENDALL)
	Capt K C LAU	(on behalf of Capt K W PANG)
	Mr. Raymond CHUNG	(on behalf of Mr Raymond FAN)
	Mr. Ron CHAN	(on behalf of Mr Jeffrey LAM)
	Mr. Terence TSE	Member
	Mr. Y S YOUNG	Member
	Mr. K L CHOI	Member
	Mr. David HO	Member
	Mr. Eddy MA	Member
	Mr. Peter K Y WONG	Secretary
In attendance	Mr. Roger TUPPER	MD
	Mr. Francis LIU	MD
	Mr. L Y BUTT	MD
	Mr. M K CHAN	MD
	Mr. Richard COLWILL	BMT

Apologies	Mr. Terence SIT	Member
	Mr. Reuben CHUNG	Member
	Mr. Neil RUSSELL	Member
	Mr. TONG Nai Piu	Member

1. Open of Meeting

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

- (i) **Mr. Phileas FONG** on behalf of **Mr. Richard KENDALL**;
- (ii) **Mr. K C LAU** on behalf of **Mr. PANG Kim-wing**; and
- (iii) **Mr. Raymond CHUNG** on behalf of **Mr. Raymond FAN**.

2. Confirmation of Minutes of the Last Meeting

2.1 The draft minutes of the 43rd POC Meeting were endorsed by the Committee without any amendment.

3. New Items

3.1 POC Paper No. 8/03

Ma Wan Marine Traffic Control Station

3.1.1 **The Chairman** said that members were informed at the last meeting of the Marine Department's intention to convert the Ma Wan Marine Traffic Control Station (MWTCS) into a virtual station subject to the outcome of a trial run. Now that the trial was completed, he asked **Mr. L Y BUTT** to give members an update on the latest progress of the matter.

- 3.1.2 In the light of extensive experience gained by VTC operators in providing vessel traffic services to vessels transiting the Ma Wan Channel, coupled with improvements in vessel monitoring and tidal prediction capabilities, **Mr. L Y BUTT** said that this enabled the MWTCS to be converted into a virtual control station. Based on the satisfactory outcome of the trial conducted between September and October 2003, the traffic monitoring and control functions of the MWTCS had been transferred back to VTC since 16 October 2003.
- 3.1.3 Despite the handover, **the Chairman** said that the dedicated patrol launch at Ma Wan would continue to monitor the traffic using the Ma Wan Channel on a 24-hour basis and provide escort services to large vessels as and when necessary. Given the growing size of large vessels transiting the Ma Wan Channel, **Mr. K C LAU** said that the present arrangement might need to be reexamined and reviewed in the future.
- 3.1.4 **Mr. K L CHOI** stressed that it was important to maintain a dedicated patrol launch at Ma Wan in order to monitor and assist vessels rounding the Ma Wan Channel.

3.2 POC Paper 9/03

Progress Report on Implementation of ISPS Code in Hong Kong

- 3.2.1 **The Chairman** said that the Legislative Council Panel on Economic Services (ES Panel) was briefed on the proposed Merchant Shipping (Security of ships and Port Facilities) Bill 2004 on 16 December 2003, and the Panel was in support of the Bill. He then invited **Mr. Peter WONG** to give members an update on the progress with regard to the implementation of the ISPS Code.
- 3.2.2 **Mr. Peter WONG** reported that all port facility operators had already submitted their security assessments to the Marine Department (MD) or the Designated Authority (DA) for assessment and approval. Of the 24 port facility

security assessments received, 20 had been endorsed by the DA. The remaining four were expected to be endorsed before the end of December 2003. On the legislative side, the Marine Department had prepared a set of draft drafting instructions (DDI) for the legislation and was now seeking comments from the Department of Justice on the DDI. Upon finalization, the DDI would be forwarded to the Law Draftsman for the drafting of legislation. In order to promote awareness of maritime security and the requirements of the ISPS Code, the MD had drawn up a Public Relations Strategy, which encapsulated briefings to LegCo members, major stakeholders and mass media.

- 3.2.3 **The Chairman** expressed concern about whether the legislation could be introduced in time to meet the compliance deadline for the ISPS Code, as it would take time for the law draftsman to draft the legislation upon receipt of the DDI. Without legislative backup, the Government might be challenged by other Administrations when Hong Kong registered ships entered their ports or when ships departing Hong Kong for other ports. However, he said that the Marine Department (MD) would push ahead with the implementation to meet the requirements under the ISPS Code.
- 3.2.4 On the maritime security side, **the Chairman** said that MD had delegated the approval of Ship Security Plans (SSP) and issuance of International ship Security Certificates (ISSCs) to 8 classification societies. At present, these classification societies were closely working with shipowners to prepare for the issuance of ISSCs. In order to ensure effective implementation of the ISPS Code, shipping companies and operators had been reminded of the importance of allowing sufficient time to train their Company Security Officers, Ship Security Officers and other staff having security responsibilities and duties, and to obtain an ISSC.
- 3.2.5 **Raymond CHUNG** asked how many ISSCs had been issued to Hong Kong registered ships. **The Chairman** said that

three ISSCs had been issued and most Hong Kong shipowners were already in the process of obtaining their ISSCs. For the purpose of verifying the capability of individual classification society in discharging its duties as Recognized Security Organization (RSO), the authorization of RSO was split into stages. Provisional authorization was granted to classification societies to allow them to start the process of reviewing and approving SSP for Hong Kong registered ships. MD would then audit the SSP approval and shipboard verification process carried out by these classifications societies and, if found satisfactory, final authorization would be granted. Up to now, two classification societies had been given final authorization as authorized RSO.

- 3.2.6 **Raymond CHUNG** asked and **the Chairman** replied that Hong Kong had to communicate with the International Maritime Organisation (IMO) about two matters. First, Hong Kong had to notify IMO, through the Mainland, on the appointment of the Designated Authority in Hong Kong. After that, the DA had to communicate to IMO a list of port facilities that were in compliance with the ISPS Code. Regarding this, MD had planned to submit the list of port facilities to IMO in May 2004.
- 3.2.7 **David HO** asked and **the Chairman** said that the Legislation would specify who was the DA in Hong Kong. **Raymond CHUNG** added that the Director of Marine had been appointed as the DA for ensuring the implementation of those provisions in regard to port facility security and the ship/port interface and to exercise control on foreign ships entering Hong Kong waters. On the legislative side, Hong Kong was in the stage of finalizing the DDI with the Department of Justice prior to forwarding it to the Law Draftsman for drafting the legislation.
- 3.2.8 **Mr. David HO** asked and **the Chairman** replied that the legislation would cover the penalty for not complying with it. Since the detailed security requirements were already

specified in the ISPS Code, **the Chairman** said that the legislation would make reference to the provisions under the ISPS Code. With the support of the shipping and port industries, **Mr. Raymond CHUNG** said that he did not envisage any difficulty in getting the legislation passed by the Legislative Council.

- 3.2.9 **Mr. Eddy MA** asked whether there would be any implication for the port operations if the legislation were not ready before the deadline. Regardless of whether or not the legislation was in place, **the Chairman** said that MD would ensure compliance with the security requirements under the ISPS Code by way of administrative measures. During the briefing for the ES Panel, **the Chairman** said that LegCo members were supportive of the legislation and were aware of the international obligation to enact the legislation to give effect to the new security requirements adopted by the IMO.
- 3.2.10 **Mr. David HO** asked whether MD would get involved in approving training courses. **The Chairman** said that, although MD did not intend to approve any training course at this stage, it would examine and monitor such courses organized in Hong Kong in order to ensure that they were in line and consistent with the requirements in the ISPS Code. **Mr. Roger TUPPER** said that IMO had issued a model course for CSO, SSO and PFSO. The model course provided useful guidance for developing training courses. Under the ISPS Code, security personnel and other staff having security responsibilities should have sufficient knowledge to perform their security duties and thorough knowledge of the security requirements of the ISPS Code and their security plans.
- 3.2.11 **Mr. Terrence TSE** asked and **the Chairman** replied that MD did not run any security training course; however, if there was an industry demand, MD would consider organizing such courses in the future.

3.3 POC Paper 10/03

Study on Marine Traffic Risk Assessment for Hong Kong Waters (MARA Study)

- 3.3.1 **Mr. M K CHAN** said that the aim of the paper was to give members an update on the progress of the MARA Study, the objectives of which were to assess the present and future levels of marine traffic risks in Hong Kong waters and to recommend improvement measures to mitigate the risks identified in the study. **Mr. Richard COLWILL** then took members through the paper and the findings for the benchmark years of 2006 and 2011.
- 3.3.2 **Mr. David HO** asked whether current and future developments such as Hong Kong-Zhuhai-Macau Bridge, Shenzhen Western Corridor, Hong Kong Disneyland and so forth had been taken into account in the study. **Mr. COLWILL** said that the Hong Kong Port Cargo Forecasts (2000/2001) formed the foundation of the cargo traffic forecasts as they looked into the macro and local economic drivers and, as far as possible, future developments had been factored into the study. In addition, the study also looked at a number of local and regional factors that might impact marine operations.
- 3.3.3 **Mr. David HO** asked and **Mr. COLWILL** responded that the input data to the model could be updated. The model was built on some 500 shipping routes based on a range of forecasts and assumptions. In terms of vessel traffic, vessels were classified into different classes and for each vessel class projections were made on the basis of available forecast data.
- 3.3.4 **Mr. K M LEE** asked the reason for the predicted decrease in the number of river-trade vessels for the benchmark years. **Mr. Richard COLWILL** said that river-trade operators were envisaged to consolidate with a view to achieving economies of scale in the next five to 10 years. As these larger operators would have the financial resources to build

bigger river-trade vessels, it was anticipated that river-trade vessels would grow from the current average cargo capacity of about 40 TEUs to 85 TEUs over the forecast period.

- 3.3.5 **Mr. K M LEE** opined that the future size of river-trade vessels would likely be retained at 50 metres in length in order to allow them to gain access to existing Public Cargo Working Areas (PCWAs) located within the typhoon shelters. As this assumption about future size of river-trade vessels would directly affect the traffic volume predictions for the benchmark years, BMT was advised to consult both the industry and the administration across the border on future vessel size. **Mr. K L CHOI** said that some of the river-trade vessels had actually increased in size over recent years. There was a trend towards having greater vessel beam than longer length. The length of river-trade vessels had to be limited to 50 meters in order to access existing typhoon shelters for the purpose of working cargo and seeking refuge therein. **Mr. Richard COLWILL** said that the study would, following the POC comment, run a scenario which limited river-trade size to present levels, for comparative purposes.
- 3.3.6 Noting an increase in the number of ocean-going vessels visiting Hong Kong during the forecast period, **the Chairman** asked what was the reason for the decrease in the number of ocean-going vessel arrivals in 2003 when compared with the last three years. **Mr. Richard COLWILL** said that this was mainly attributed to a continuing trend towards larger containerships over the past few years and this factor had been taken into account in the model.
- 3.3.7 **Mr. Roger TUPPER** asked and **Mr. Richard COLWILL** replied that it was assumed in the study that the Tonggu Waterway would be in operation by 2010 and it would reduce ocean-going cargo volumes through Hong Kong by 2%.

- 3.3.8 **Mr. K M LEE** asked whether the traffic model had considered that tackle operation would cease by mid-2004 after the passage of the Local Vessel Bill. It was expected that the cessation of tackle operation might eliminate a lot of vessel movements within the anchorages. **Mr. Richard COLWILL** said that this point would be addressed within the study.
- 3.3.9 **Mr. K L CHOI** said that Yau Ma Tei Anchorage would become a concentrated area for barging and cargo transferring operations after the banning of tackle operations. Noting that the present tendency of accidents to occur on river-trade vessels, the potential increase in safety risk as a result of more concentrated cargo operations in Yau Ma Tei Anchorage should be fully addressed and duly mitigated in the study. **Mr. Richard COLWILL** said that this issue would be addressed in the study.
- 3.3.10 **David HO** asked and **Mr. Richard COLWILL** responded that the objective of the traffic model was to give the MD a planning tool to assess the impact on traffic patterns arising from the major infrastructure and port developments within the Hong Kong waters with due regard to such factors as vessel routings, control and vessel operating patterns.
- 3.3.11 **The Chairman** said that the study was about to proceed to Phase III in which MD would conduct an in-house study to assess all possible mitigation options. Members would be kept abreast of future progress.

4. Date of the Next Meeting

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

5. Close of Meeting

5.1 The meeting was closed at 1230 hours.

Confirmed this day of 2004

Chairman

Secretary