

## Minutes of the 45<sup>th</sup> POC Meeting

**Date:** 5 May 2004 (Wednesday)

**Time:** 1000 hours

**Venue:** Conference Room A, 24th Floor, Harbour Building, Marine Department

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<b>Present</b>	Mr. S Y TSUI	<b>Chairman</b>
	Mr. K M LEE	Member
	Mr. Raymond FAN	Member
	Mr. Wallace WONG	Member
	Mr. KWOK Kam-tung	Member
	Mr. LI Pok-yan	Member
	Mr. Gordon CHAN	(on behalf of Mr. SO Ying-kit)
	Mr. Sunny HO	(on behalf of Mr. Clement YEUNG)
	Mr. Neil RUSSELL	Member
	Mr. Terence SIT	Member
	Mr. Terence TSE	Member
	Mr. Y S YOUNG	Member
	Mr. KU Chi-mun	Member
	Mr. Peter K Y WONG	Secretary
<b>In attendance</b>	Mr. Roger TUPPER	MD
	Mr. M K CHAN	MD
	Mr. W H WONG	MD
	Mr. Richard COLWILL	BMT

<b>Apologies</b>	Mr. Albert <b>WONG</b>	Member
	Mr. <b>TONG</b> Nai Piu	Member

## **1. Open of Meeting**

1.1 **The Chairman** welcomed all to the first meeting in 2004, in particular the following newly appointed members:

- (i) **Mr. Wallace WONG** (HKCTOA)
- (ii) **Mr. KU Chi-mun** (Oil Industry)
- (iii) **Mr. KWOK Kam-tung** (Ferry Operators)
- (iv) **Mr. LI Pok-yan** (Dockyard Operators)

## **2. Declaration Of Interests**

2.1 The Guideline for a One-tier Reporting System was tabled at the meeting. **The Chairman** briefed members on the purpose of the Guideline and advised members to adhere to the procedures set out therein should they have a potential conflict of interest in a matter placed before the Committee.

## **3. Confirmation of Minutes of the Last Meeting**

3.1 Minutes of the 44<sup>th</sup> Meeting held on 17 December 2004. The draft minutes of the 44<sup>th</sup> POC Meeting were endorsed, subject to the amendment to the 2<sup>nd</sup> sentence of paragraph 3.3.9 set out as follows:

*“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.”*

#### 4. New Items

##### 4.1 POC Paper No. 1/04

##### **Study on Marine Traffic Risk Assessment for Hong Kong Waters**

- 4.1.1 **The Chairman** said that the Stage I of the Consultancy Study undertaken by the Consultant BMT had been completed. Based on the study findings, the Marine Department would conduct an in-house study in collaboration with other relevant Government Departments to assess all possible mitigation options and develop a strategy to implement the selected option.
- 4.1.2 **Mr. Richard COLWILL** gave members an overview of the findings of Stage I of the consultancy study undertaken for the Marine Department.
- 4.1.3 With the recommended introduction of a Passage Plan Approval System (PPAS) for large vessels transiting the Ma Wan Channel **Mr. Wallace WONG** asked whether this arrangement would cause delays to vessels navigating in and out of the harbour. **Mr. Richard COLWILL** said that the PPAS would enable the channels to be better managed through better prediction of traffic utilization and early indication of potential vessel conflicts. He said that the idea of PPAS was originated from BMT's development work in Asia for the management of highly congested and confined waters. To implement the PPAS, **the Chairman** said that close coordination between the Marine Department (MD) and the pilots would be needed for the planning of vessel movements.
- 4.1.4 **Mr. Raymond FAN** asked the extent to which speedboats being used for smuggling activities were involved in marine accidents. Noting that the Police would continue to strengthen its surveillance and interception capability at sea, it was envisaged that the risks involving these speedboats would be lower. **Mr. Raymond FAN** asked whether this had been factored into the study. **Mr. Richard COLWILL** said that the majority of collisions occurred between river-trade vessels which were the key driver of marine risk in Hong Kong.

- 4.1.5 **Mr. Neil RUSSELL** asked whether the cost-effectiveness of the measures instilling navigational discipline in those mariners who show resistance-to-change had been assessed. **Mr. Richard COLWILL** said that a cost and benefit assessment had been carried out. For example, while the installation of a center dividing buoy in the Urmston Road had a benefit of reducing collision, it was identified that the cost benefit was offset by the need to maintain a local control craft resulting in a balance between cost and benefit.
- 4.1.6 **Mr. Roger TUPPER** asked and **Mr. Richard COLWILL** said that he was not aware of any priority or preference being given to ships calling at Singapore over ships in transit.
- 4.1.7 **Mr. K M LEE** asked whether the cost of law enforcement had been taken into account in the cost and benefit analysis of establishing a mid-channel buoy in Urmston Road. In this scenario, **Mr. Richard COLWILL** said that an annual patrol cost of HK\$5 million was set against the assessed cost of injury or loss of life resulting from a collision.
- 4.1.8 **Mr. K M LEE** said that Hong Kong and the Mainland tended to put different valuations upon life and asked whether these differentials had been factored into the cost-benefit analysis. **Mr. Richard COLWILL** said that although it was hard to put a value for life, a value was needed for the assessment. The HK\$33 million statistical value of life adopted in the study had been accepted and adopted in a number of risk projects in Hong Kong (e.g. HK Disneyland), and encompassed the direct and societal costs of a loss of life incurred as a result of an accident.
- 4.1.9 **The Chairman** asked whether the option of widening the Northern Fairway would in effect reduce the anchorage space in Kellett Bank for cargo vessels. **Mr. Richard COLWILL** said that this option had not been adopted, as the perceived benefit by spreading the traffic across a wider Northern Fairway was not realized as it was counteracted by increased risk arising from crossing traffic.

- 4.1.10 **Mr. Raymond FAN** asked whether the trend of having larger river barges of over 50 TEU had been taken into account in the study. **Mr. Richard COLWILL** said that the sizes of river-trade barges had grown from 20 TEU to its present size 50 TEU per vessel over recent years, and this trend had been factored into the study. Looking into the future, it was expected that river-trade operators would continue to consolidate with a view to achieving more economies of scale by building larger river-trade barges.
- 4.1.11 **Mr. Sunny HO** asked and **Mr. Wallace WONG** replied that there were no restrictions on the length of feeders or river-trade vessels using the berths at the container terminals. However, there were different dockage rates for different sizes of vessels.
- 4.1.12 After discussion, **the Chairman** said that MD would follow up with the implementation of risk control measures.

## **4.2 POC Paper No. 2/04**

### **Progress Report on Implementation of ISPS Code in Hong Kong**

- 4.2.1 **Mr. Jacky Wong** gave a general update on the latest progress of implementing the ISPS Code.
- 4.2.2 **The Chairman** said that the HKSAR Government had already advised the International Maritime Organization (IMO) through China that the Director of Marine had been appointed as the Designated Authority for the implementation of the ISPS Code. This allowed the MD to directly communicate with the IMO. **Mr. Roger TUPPER** said that MD would provide IMO with a list of port facilities that were compliant with the ISPS Code in May 2004 and would continue to update the list in the run-up to the deadline.
- 4.2.3 As far as port facilities were concerned, **the Chairman** said that they should be able to comply with the Code before the deadline. On the shipping side, he had some doubt at this stage as to whether all Hong Kong registered ships were able to comply with the Code before 1 July 2004. One of the reasons was because some shipowners had not accorded a high priority to the implementation of the ISPS Code. **The**

**Chairman** said that it was crucial that all Hong Kong registered ships that fell within the scope of the Code should submit their security plans to the authorized Classification Societies to enable them to be considered, approved and verified before the deadline.

- 4.2.4 **Mr. Roger TUPPER** said that MD and the Police had agreed on the arrangement for the setting of maritime security levels under the ISPS Code. MD would issue the maritime security levels (MSL) for the port of Hong Kong and Hong Kong registered ships on 1 June 2004 and the MSL would be published on MD's website (at <http://marsec.mardep.gov.hk/marseclevels.html>).
- 4.2.5 At the Seventh Asia Pacific Head of maritime Safety Agencies Forum held in New Zealand between 14 to 16 April 2004, **Mr. Roger TUPPER** learned that foreign ships bound for the US after 1 July 2004 would be boarded and inspected before they could enter a US port. Vessels that were not in compliance with the requirements of the Code could be delayed when attempting to enter a US port as a result of additional enforcement actions imposed by the US Coast Guard.
- 4.2.6 **Mr. Roger TUPPER** said that the US Coast Guard would also visit foreign ports to assess their implementation of the ISPS Code. They would meet with appropriate authorities to discuss maritime security issues and the implementation of the ISPS Code. As far as Hong Kong was concerned, **Mr. Roger TUPPER** said that it would fully discharge its port state control requirements on the ISPS Code in accordance with the guidelines issued by the IMO and adopted by the Tokyo Memorandum of Understanding on Port State Control.
- 4.2.7 With the need to provide training to port facility security officers and security personnel engaged in security activities, **Mr. KU Chi-mun** asked whether MD could provide assistance for the training of security personnel. **The Chairman** said that a number of courses were on offer by Classification Societies and Consultants for port facility security officers, company security officers and ship security officers. He also noted that the Maritime Services Training Institute (previously known as the Seamen's Training Centre)

was interested in developing security training courses to meet the needs of the industry.

- 4.2.8 **Mr. KU Chi-mun** asked and **the Chairman** replied that as each port facility security plan was required to clearly set out the responsibilities and duties of the security personnel, this would help the Court to determine who should be held liable for contravening the Merchant Shipping (Security of Ships and Port Facilities) Bill 2004.
- 4.2.9 **Mr. Sunny HO** asked what would happen to non ISPS-compliant ships intending to enter Hong Kong waters. **The Chairman** said that MD had in collaboration with the Police worked out proper procedures for handling different scenarios in connection with non-compliance with ISPS Code. Indeed, a calling ship without an ISSC was one of the scenarios being dealt with in the procedures. A ship without an ISSC might be directed to anchor at an outer anchorage for inspection by the Police before being allowed to enter Hong Kong waters. After entry, MD would carry out port state control inspections on the ship according to the current practice and established guidelines from IMO or Tokyo MOU. Since ships without an ISSC were actually in breach of the SOLAS, MD would consider the detention of such ships. **Mr. Roger TUPPER** said that MD was awaiting IMO to formulate the detailed guidelines for handling non ISPS-compliant ships under the port state control regime.
- 4.2.10 **Mr. Terence SIT** asked how would non-compliant port facilities be dealt with. **The Chairman** envisaged that all the 31 port facilities under the Code would be able to meet the security requirements before the deadline. In circumstances where a ship wanted to interface with a non ISPS-compliant facility, she should request a Declaration of Security (DOS). A DOS was a requirement under the Code which addressed the security requirements that could be shared between a port facility and a ship and would state the responsibility for security each should take. Ships had to keep copies of DOS with any other information about the last ten calls at port facilities for inspection by port state officers.

4.2.11 Mr. Terence SIT asked and Mr. TUPPER responded that as far as the port of Hong Kong was concerned, MD would not refuse the entry of vessels into the port unless it was determined that they posed a security threat to the port of Hong Kong.

4.2.12 Noting that there could be a quite number of ships which were non-ISPS compliant after the deadline, Mr. Gordon CHAN asked where the special anchorage for accommodating non-ISPS compliant vessels would be located. The Chairman said that the anchorage would be near the entrance to the Hong Kong waters.

## **5. Any Other Business**

5.1 No other business was raised

## **6. Date of the Next Meeting**

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

## **7. Close of Meeting**

7.1 The meeting was closed at 1200 hours.

Confirmed this                      day of    2004

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**Chairman**

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**Secretary**