

## Minutes of the 46<sup>th</sup> POC Meeting

**Date:** 7 October 2004 (Thursday)

**Time:** 1430 hours

**Venue:** Training Centre at Government Dockyard, Stonecutters Island

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<b>Present</b>	Mr. S Y <b>TSUI</b>	<b>Chairman</b>
	Mr. K M <b>LEE</b>	Member
	Mr. Terence <b>SIT</b>	Member
	Mr. Terence <b>TSE</b>	Member
	Mr. <b>YOUNG</b> Yick Sing	Member
	Mr. <b>SO</b> Ying-kit	Member
	Mr. Albert <b>WONG</b>	Member
	Mr. K M <b>FUNG</b>	(on behalf of Mr. Raymond <b>FAN</b> )
	Mr. Paul <b>HO</b>	(on behalf of Mr. Wallace <b>WONG</b> )
	Mr. Sunny <b>HO</b>	(on behalf of Mr. Clement <b>YEUNG</b> )
	Mr. <b>CHEUNG</b> Tai Kee	(on behalf of Mr. <b>KWOK</b> Kam Tung)
	Mr. Michael <b>YUK</b>	(on behalf of Mr. <b>KU</b> Chi Mun)
	Mr. Peter K Y <b>WONG</b>	Secretary
<b>In Attendance</b>	Mr. Roger <b>TUPPER</b>	MD
	Mr. Raymond <b>CHUNG</b>	MD
	Mr. M K <b>CHAN</b>	MD
	Mr. H K <b>LEUNG</b>	MD

Mr. Simon **HO** MD  
Mr. Y P **SHUM** HKPA

**Apologies** Mr. Neil **RUSSELL** Member  
Mr. **LI** Pok-yan Member  
Mr. **TONG** Nai Piu Member

## 1. Open of Meeting

1.1 **The Chairman** welcomed all to the meeting.

## 2. Confirmation of Minutes of the Last Meeting

2.1 The minutes of the 45<sup>th</sup> meeting held on 5 May 2004 were endorsed without any amendment.

## 3. New Items

### 3.1 POC Paper No. 3/04

**Proposed Policy to Implement the revised Regulation 13G and new Regulation 13H of Annex I of MARPOL 73/78**

3.1.1 Upon the invitation of **the Chairman, Mr. H K LEUNG** briefed members on the background of the new Marpol regulations for phasing out single-hull tankers and banning the carriage of heavy grade oil in such tankers as well as their proposed implementation in Hong Kong.

3.1.2 As far as single-hull oil tankers registered in Hong Kong were concerned, **the Chairman** said that the implementation of the new regulations had been discussed and dealt with by the Shipping Committee.

3.1.3 As for locally licensed tankers, **the Chairman** said that MD

would exercise discretion to permit local single hull tankers to continue operations beyond the cut-off dates as specified under the new regulations. For example, existing local tankers engaged in the carriage of HGO within Hong Kong waters would be permitted to operate until 5 April 2008 subject to satisfactory maintenance of the tankers. As regards local tankers older than 25 years of age, they might be permitted to operate if they were not for the carriage of HGO subject to the compliance of more stringent inspection requirements such as annual dry-docking and measurement of hull plate thickness.

- 3.1.4 For foreign registered tankers, **the Chairman** said that MD would implement the phase out timetable as specified in the new regulation.
- 3.1.5 In response to HKPA's concern regarding the ambiguity caused by the term "unfinished contract" in paragraph 9 (ii), **Mr. H K LEUNG** said that the aim of this exemption condition was to allow a degree of flexibility for Hong Kong or foreign registered tankers having an unfinished contract after 5 April 2005 to continue to operate for a reasonable period of time. However, after having consulted the four major oil companies in Hong Kong, they confirmed to MD that they would strictly follow the Marpol Annex 1 requirements after the phase out date and hence would not engage single-hull tankers for the carriage of oil to Hong Kong.
- 3.1.6 **Mr. Y P SHUM** asked and **the Chairman** said that foreign registered tankers in transit through Hong Kong were required to comply with the new phase out regulation. As for coastal single hull tankers trading between Hong Kong and Mainland China, MD would need to discuss with the Mainland authorities before finalizing the policy on this type of tankers.
- 3.1.7 In response to **Mr. KU's** written concern regarding the adequacy of consultation, **the Chairman** said that at the

outset MD had closely involved and consulted all key stakeholder groups, including the four major oil companies and both domestic and foreign ship owners. As such, sufficient consultation had been carried out to solicit the views of all key stakeholders on the new regulations for phasing out single hull oil tankers.

3.1.8 **Mr. Sunny HO** asked about the likelihood of exempted single hull oil tankers being denied entry at foreign ports. **Mr. H K LEUNG** said that all ports States that intended to prohibit the entry of single hull tankers after 5 April 2005 had to communicate their intention to IMO, which would inform other members. Likewise, flag states should inform IMO those ships to which they had granted exemption from complying with the phase out regulation.

3.1.9 After discussion, the committee endorsed the paper. **The Chairman** said that MD would keep members abreast of the progress of implementation.

### **3.2 POC Paper No. 4/04**

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

3.2.1 **Mr. Raymond CHUNG** reported that the port of Hong Kong was fully compliant with the ISPS Code by the end of June 2004. The Designated Authority had endorsed 24 port security plans covering a total of 31 port facilities. In terms of Hong Kong registered ships, 752 ships out of a total of 758 had submitted their ship security plans. So far 723 ISSC had been issued. On the legislative side, the Merchant Shipping (Security of Ships and Port Facilities) Ordinance (Cap 582) and Rules (Cap 582A) was enacted in June 2004. Looking into the future, a number of further measures would be introduced to enhance port security such as regular drills and exercises, security audits and continued monitoring of the compliance status for Hong Kong registered ships.

3.2.2 **Mr. Michael YUK** said that his terminal had encountered

situations in which even the tankers were operating at level 1, they still requested the completion of a DoS with the terminal. He was worried that if the request for a DoS became a routine in the absence of reasonable grounds of doing so, this would defeat the purpose of the DoS mechanism. **The Chairman** said that DoS was effectively an agreement between a ship and a port facility that confirmed the security responsibilities of each party during the ship/port interface. If a ship was in doubt and requested for a DoS, the other party must respond to this request. The ISPS Code had clearly set out the circumstances under which a DoS was deemed necessary. **Mr. TUPPER** said that if necessary this matter could be brought up with IMO. Meanwhile, **Mr. TUPPER** said that ships registered in Hong Kong would be reminded that they should only request for a DoS with port facilities on the basis of reasonable grounds.

- 3.2.3 **Mr. Terence SIT** asked whether similar situations were experienced at Kwai Chung container terminals. **Mr. Paul HO** responded that some ships did request for signing a DoS but it was not a frequent occurrence at container terminals.
- 3.2.4 Noting that the port of Shanghai had recently held a high-profile anti-terrorism exercise, **Mr. Sunny HO** asked whether Hong Kong would organize a similar one. **The Chairman** said there were plans to conduct port security exercises in Hong Kong but there was no intention to widely publicize such exercises.
- 3.2.5 **Mr. Terence TSE** asked and **Mr. TUPPER** said that if the local security level went higher than level 1 marine police would be involved and the mid-stream operators would be given specific instructions regarding security actions to be taken at level 2 or more.

### **3.3 POC Paper No. 5/04**

#### **Study on Marine Traffic Risk Assessment for Hong Kong Waters: Implementation of Recommended Improvement Measures**

- 3.3.1 **Mr. M K CHAN** briefed members on the findings of Stage II MARA study.
- 3.3.2 Although a specific timeframe had yet to be decided for implementing the recommended improvement measures, **the Chairman** said that MD would examine and bring forward some of these measures in the light of improving vessel traffic conditions within Hong Kong waters. For example, MD was now actively exploring the feasibility of implementing the Passage Plan Approval System (PPAS).
- 3.3.3 **Mr. TUPPER** said that the Pilotage Advisory Committee (PAC) had considered the recommendations and was generally supportive of them. In order to enhance the safe passage of vessels around the Ma Wan Channel, it was agreed by the PAC to set up a working group to examine and start works on the PPAS system which was still in the conceptual stage in Hong Kong.
- 3.3.4 Noting that the number of vessel transits through the Ma Wan Channel had increased sevenfold since 1992, **Mr. So** asked whether MD would consider implementing other measures in addition to PPAS to enhance the safety of navigation in the waters north of Ma Wan. As a matter of fact, **Mr. K M LEE** said that MD had carried out a study of vessel traffic around the Ma Wan Channel in 2001, resulting in a series of recommendations. One of the safety measures taken forward was the introduction of a new traffic arrangement to restrict vessels exceeding 10 m length to sail through Kap Shui Mun Channel in a southeasterly direction only.
- 3.3.5 **Mr. K M LEE** suggested a working group be set up to look into the matter of navigational safety in the Ma Wan Channel and waters north of Lantau. After some discussions, it was agreed that the ambit of the Working Group (WG) to be formed under the PAC be widened to address the traffic issues related to North Lantau and Ma Wan. **The Chairman** said that MD would follow up with the

preparation of the Terms of Reference (TOR) for the WG and then invite experts and interested members to participate in the WG.

3.3.6 **Mr. Terrence SIT** asked and **Mr. K M FUNG** said that the Tonggu Waterway was a Mainland project proposed by Shenzhen to provide better access to the port areas in the western part of Shenzhen. An Environment Impact Assessment (EIA) study was currently being carried out for the project.

3.3.7 **Mr. SHUM** asked whether the impact of the Tonggu Waterway had been taken into consideration in the study. **Mr. M K CHAN** said that the study assumed that the Waterway would not be in operation before 2006 but would be in place by 2011. This project would have the effect of reducing ocean-going vessel transits that passed through Hong Kong waters.

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

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

#### **5. Close of Meeting**

5.1 The meeting was closed at \_\_\_\_\_ hours.

Confirmed this \_\_\_\_\_ day of \_\_\_\_\_ 2005

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**Chairman**

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**Secretary**