

Question on oil leakage and sinking of stranded cargo vessel
(Paper IDC 114/2017)

Written reply of Marine Department

The reply of the Marine Department (MD) to the question raised by Ms Amy YUNG is as follows:

According to records, during the passage of Severe Typhoon Hato on 23 August, the MD received a report around midday that a cargo vessel was stranded in Nim Shue Wan. The MD conducted an on-the-spot inspection in the afternoon of the same day as soon as the Hong Kong Observatory cancelled the Hurricane Signal No. 10. It was found that the vessel had dropped its anchor and was lying against a seawall. The vessel was in a stable condition with no sign of oil leakage and all crew members had evacuated. The MD officer then immediately contacted the local agent of the vessel by phone requesting for a prompt removal of the vessel. In the evening of the same day, MD officers met and asked the master of the vessel to submit a Report of Marine Incident. On 24 August, the MD issued to the agent and the master a Removal Notice and a written direction for setting up oil booms, and notified the vessel's Protection and Indemnity Club (P&I Club, comparable to an insurance company) of the incident.

In response to the direction of the MD, on 25 August, the local agent of the vessel owner arranged for a diving survey by a local salvage contractor in preparation for a salvage operation, and for the return of the disembarked crew members to the vessel to provide assistance. The contractor launched the salvage operation on 26 August. However, with the approach of another typhoon, Pakhar, in the evening, the salvage operation was aborted in the early morning of 27 August. Nevertheless, prior to its departure, the contractor had complied with the direction of the MD by setting up oil booms around the vessel and blocking the pipes and ventilation openings of the oil tanks to prevent oil leakage and thus pollution.

As both the owner and the P&I Club of the vessel were not in Hong Kong, on 28 August, the P&I Club commissioned a local salvage consultancy to follow up the tender on the engagement of a professional salvage company for the subsequent and more difficult salvage work. The MD had been maintaining close communication with the salvage consultancy commissioned by the P&I Club, and had urged the P&I Club to commence the salvage operation as soon as possible. On 1 September, the condition of the vessel worsened further and eventually sank from flooding. A small amount of oil was found seeping intermittently from the vessel's engine compartment into the sea. The salvage consultancy therefore arranged a contractor to take anti-oil pollution measures at the scene to constrain the oil within the oil booms and follow up the cleaning.

After completing the tendering procedures in late September, the P&I Club appointed a professional salvage company to submit a salvage plan to the MD. It also guaranteed to minimise the impact on the existing marine traffic in Nim Shue Wan during the salvage operation, and that neither noise nor light nuisance would be caused to the residents of the district. In addition, the MD arranged meetings for the stakeholders to

discuss matters related to the salvage operation and asked the Management Company of Discovery Bay to brief the residents there on the arrangements of the salvage operation. With relevant preparation work conducted, the salvage company started the salvage operation on 3 October. With the collaboration between various parties, the vessel was refloated on 9 October. The remaining fuel oil on board was then removed and the damaged hull repaired. Later, arrangements will be made as soon as possible to remove the vessel from Nim Shue Wan and tow it away from the waters of Hong Kong.

According to the existing maritime legislation, it is the responsibility of the owner to remove a stranded, abandoned or sunken vessel and clean up the oil. If the owner does not take follow-up actions after receiving the MD's Removal Notice, the MD will, having regard to the circumstances, consider handling the vessel under the established procedures, including seizing and detaining the vessel, salvaging and disposing of the sunken vessel, etc. Subsequently, the costs will be recoverable from the vessel owner as a civil debt in accordance with the law.

In respect of precautionary measures against typhoon, the MD steps up its campaign before the typhoon season every year, including issuing a Marine Department Notice (**see annex**) to remind the industry and stakeholders of the need to take precautionary measures during the approach of tropical cyclones. Examples of these measures include carrying a sufficient number of crew members on board at all times, complying with the directions issued by the MD and paying extra attention to the movement of a typhoon in order to prevent accidents.

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MARINE DEPARTMENT NOTICE NO. 72 OF 2017

(Navigational Warnings and Related Information)

Typhoon Season

Owners, agents and charterers are requested to remind their ship masters of the need to take precautionary measures during the approach of tropical cyclones.

2. Masters, owners, agents and persons in control of vessels are also reminded of their obligation to comply with any direction issued by the Director of Marine concerning the safe operation of vessels and the port, or in relation to any matter which the Director may give directions under the Laws of Hong Kong.

3. When a tropical cyclone warning is issued by the Hong Kong Observatory, every vessel which is moored to the following government mooring buoys shall clear anchors and cables and prepare the main propulsion machinery to full power condition and such vessel shall, if so directed by the Director, leave the mooring buoy:-

“A” mooring

A17, A36, A43

A71, A72, A73

A74, A78

“B” mooring

Nil

Other details of government mooring buoys can be obtained at Marine Department’s website (http://www.mardep.gov.hk/en/pub_services/ocean/moor.html).

4. The master of a ship moored to a government mooring buoy may, at his discretion, drop a bow anchor under foot to lessen the tendency to sheer. This should not impair the efficiency of the mooring, although an anchor should not be used during normal weather conditions.

5. Masters are reminded that every vessel within the waters of Hong Kong must maintain a continuous listening watch on the VHF radio channel appropriate to the VHF sector in which the vessel is located, or another VHF channel as may be specified by the Vessel Traffic Centre (call sign “MARDEP”). The Centre will broadcast tropical

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cyclone information from time to time when the tropical cyclone warning signals have been issued. Masters should also listen to local radio broadcasts for weather advisory information bulletins.

6. An inadequately manned vessel during the passage of a tropical cyclone not only places itself at risk but also endangers the port and other vessels. The attention of masters, owners, agents, and charterers of vessels is therefore drawn that sufficient number of qualified crew capable to carry out all duties to ensure the safety of the ship having regard to the pertaining circumstances shall be maintained on board at all times during the passage of a tropical cyclone. Further information on minimum safe manning levels on ships while in the waters of Hong Kong can be found in Marine Department website (http://www.mardep.gov.hk/en/pub_services/proc.html).

7. This Notice supersedes Marine Department Notice No. 64 of 2016.

Maisie CHENG
Director of Marine

Marine Department
Government of the HKSAR
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