



PORT STATE CONTROL

To : Shipowners, Ship Managers and Ship Masters

Summary

The objective of this Note is to remind shipowners, ship managers and ship masters of their responsibilities to ensure their ships are properly maintained and of the procedures to follow when deficiencies are found or when the ship is detained during a Port State Control (PSC) inspection. This Note supersedes Hong Kong Merchant Shipping Information Note No. 54/2015 issued on 9 December 2015.

Background of Port State Control

1. Port State Control (PSC) inspections are intended to be a backup to flag State implementation, a “second line of defence” against substandard shipping, and experience has shown that they can be extremely effective.
2. The International Maritime Organization (IMO) adopted resolution A.1138(31) on Procedures for Port State Control, 2019, to provide basic guidance on the conduct of PSC inspections (<https://www.mardep.gov.hk/en/others/pdf/pscguide.pdf>). This resolution stipulates, inter alia, the relevant instruments applicable to ships being inspected, and the procedures to be implemented during PSC inspections.
3. Over the years, port States have entered into regional agreements and signed Memorandum of Understanding (MOU) which now cover the majority of the world’s geographical areas. Currently there are ten regional programs and MOUs on PSC, namely, the United States PSC Program, Vina Del Mar (Latin American) Agreement, Paris MOU, Tokyo MOU, Mediterranean MOU, Caribbean MOU, Indian Ocean MOU, the Black Sea MOU, Abuja MOU and Riyadh MOU.

Hong Kong Registered Ships

4. Although the number of ships in the Hong Kong Shipping Registry is increasing, the PSC detention rate for Hong Kong registered ships was still well below the international average. We shall continuously upkeep the quality of Hong Kong registered ships in order to maintain our good reputation.

Responsibilities of Shipowners, Ship Managers and Ship Masters

5. Shipowners, ship managers and ship masters of Hong Kong registered ships are reminded of their responsibilities under Merchant Shipping Regulations for the proper maintenance and upkeep of their ships namely:

- i) the condition of the ship, its equipment, the safety management, security system and MLC are maintained and implemented so as to comply with the relevant provisions of the regulations;
- ii) after completion of surveys required by the regulations, no material change shall be made in the structural arrangements, machinery and equipment without the approval of the Certifying Authority; and
- iii) whenever an accident occurs to a ship or a defect is found which affects the safety of the ship or the efficiency, functioning or completeness of its equipment, it shall be reported at the earliest opportunity to the Marine Department and to the Recognized Organization responsible for issuing the relevant certificate.

Failure to comply with the above requirements may lead to detention by PSC authorities and/or prosecution.

6. If a ship and its equipment are maintained as required by the regulations, MLC requirements are complied and the crew is competent in the discharge of their duties, which include those related to the ISM Code and ISPS Code, the ship would unlikely to be detained as a result of PSC intervention. Despite complaints from shipowners against the criteria used by PSC Officers when detaining ships, our experience revealed that most of detention cases on the Hong Kong registered ships were with valid grounds. These detentions reflect the ineffective management of the ships and will affect the reputation of the Hong Kong fleet.

General Guidelines on PSC Detention

7. When a ship is subjected to a PSC inspection, the PSC Officer(s) will issue an inspection report (FORM A and FORM B) to the ship master, listing the deficiencies and non conformities, if any, found during the inspection and specify a time frame within which the outstanding items should be rectified.

8. Where the grounds for detention are the result of accidental damage suffered during the ship's voyage to a port, no detention order will be issued, provided that:

- i) due account has been given to the Convention requirements regarding notification to the flag State Administration, the nominated surveyor or the recognized organization responsible for issuing the relevant certificate;
- ii) **prior to** entering a port, the ship master or company has submitted to the port State authority details on the circumstances of the accident and the damage suffered and information about the required notification of the flag State Administration;
- iii) appropriate remedial action, to the satisfaction of the port State Authority, is being taken by the ship; and
- iv) the port State authority has ensured, having been notified of the completion of the remedial action, that deficiencies which were clearly hazardous to safety, health or environment have been rectified.

This same principle should be followed when a breakdown or failure of equipment occurs while the vessel is at sea and for some reasons cannot be rectified before arrival in port.

9. In the event of a Hong Kong registered ship being detained as a result of PSC intervention, the ship master or shipowner should immediately:

- i) forward a copy of the PSC inspection report (i.e. FORM A and FORM B), stating when, where and by whom the ship has been detained, to this Department; and
- ii) contact the local office(s) of the ship's Classification Society and/or the ship's Safety Management Certification Classification Society and/or the ship's Recognized Security Organization to arrange an inspection and/or audit for confirmation of the deficiencies and/or non conformities, and other necessary remedial action as directed by the port State.

10. Prompt receipt of information relating to detentions will enable this Department to take the necessary follow-up action, which include appeal to the port State or MOU and in compiling reports to the International Maritime Organization (IMO) on the outcome.

11. The lists of deficiencies including detainable ones frequently detected on Hong Kong registered ships over the recent years can be found in https://www.mardep.gov.hk/en/pub_services/pscinfo.html. In addition, the updated PSC information could also be found on MD's website (https://www.mardep.gov.hk/en/pub_services/cirletter.html). Shipowners, ship managers and ship masters should use these information to well prepare for PSC inspections to avoid detentions.

12. Any queries relating to this Note should be addressed to:

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13. This Note supersedes Hong Kong Merchant Shipping Information Note No. 54/2015 issued on 9 December 2015.

Marine Department
Shipping Division

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