(Question Serial No. 5161)

Head: (100) Marine Department

Subhead (No. & title): (-) Not Specified

Programme: (3) Local Services

Controlling Officer: Director of Marine (Agnes WONG)

Director of Bureau: Secretary for Transport and Housing

Question:
Under Matters Requiring Special Attention in 2020-21, the Administration has indicated that it will enhance the improvement measures in relation to the collision of vessels near Lamma Island in 2012. In the context of maritime safety and protection of people’s lives, will the Government inform this Committee whether such measures include exploring the feasibility of establishing an independent marine accident investigation authority by making reference to the Air Accident Investigation Authority formed by the Civil Aviation Department which is independent and directly under the Transport and Housing Bureau? If yes, what are the details? If no, what are the reasons?

Asked by: Hon TAM Man-ho, Jeremy (LegCo internal reference no.: 616)

Reply:

To ensure the impartiality and objectiveness of the marine accident investigations, and that no person or party can interfere in marine investigations, the Multi-lateral Policy Division of the Marine Department (MD), which oversees the Marine Accident Investigation Section (MAIS), does not participate in any substantive business on port management or safety survey of ships. This mechanism enables marine accidents to be investigated independently of other divisions of MD. The International Maritime Organization (IMO) conducted a comprehensive audit of MD in 2010 and the audit result confirmed that the current framework of MAIS could maintain its impartiality and was in full compliance with “The Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code)” of IMO. Furthermore, the Independent Commission Against Corruption conducted a study in 2015 covering, amongst other aspects, the practice and procedures, prevention of corruption and potential conflict of interests within MAIS, and it raised no concern on the existing organisational structure of MAIS.

At present, IMO has no intention to require flag States/Administrations to have an independent authority for investigating marine accidents. The shipping industry is also satisfied with the existing arrangement. Since the regulatory regime of civil aviation and
maritime services are not the same, their respective accident investigation arrangements do not mirror each other. Nevertheless, MD will closely monitor the development of the relevant requirements in IMO to ensure that Hong Kong complies with the latest maritime standards and continues to maintain the independence of MAIS.

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