



**IMO MEMBER STATE AUDIT SCHEME**

**AUDIT OF HONG KONG, CHINA**

**4 TO 13 NOVEMBER 2023**

**FINAL REPORT**

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## **1 Introduction**

1.1 The IMO Member State Audit Scheme creates a basis to assess the extent to which a Member State complies with its obligations set out in the various IMO instruments to which it was a Party. In addition, the IMO Instruments Implementation (III) Code (resolution A.1070(28)) stipulates a number of principles a Member State should adhere to in order for its maritime administration to deliver on its obligations and responsibilities, with respect to maritime safety and protection of the marine environment, and to be capable of improving its performance in the discharge of its duties.

1.2 This report has been drafted in accordance with the *Framework and Procedures for the IMO Member State Audit Scheme* (resolution A.1067(28)).

1.3 The audit of Hong Kong, China was undertaken from 4 to 13 November 2023, by four auditors drawn from Japan, Sri Lanka, Thailand and the IMO Secretariat. The scope of the audit included the flag, coastal and port State obligations of Hong Kong, China in relation to the mandatory IMO instruments.

1.4 The audit team was appointed by IMO on 28 September 2023.

1.5 The pre-audit questionnaire (PAQ) and additional pre-audit information (based on the model in Annex 3 of document C 125/6/1), as provided by Hong Kong, China, was submitted to the audit team members on 28 September 2023. The PAQ and the additional pre-audit information were major documents for the preparatory work of the audit team prior to the audit.

1.6 The Memorandum of Cooperation (MoC) between Hong Kong, China and IMO, concerning participation in the IMO Member State Audit Scheme, was signed on 13 April 2023.

1.7 The detailed audit timetable and programme regarding the audit of Hong Kong, China was confirmed on 5 November 2023.

1.8 The opening meeting was held at Marine Department of the Hong Kong Special Administrative Region (HKSAR) on 6 November 2023. Those entities of the maritime administration that were involved in the implementation and enforcement of the provisions of the various mandatory IMO instruments and which were represented at the meeting were:

- .1 Transport and Logistics Bureau (TLB); and
- .2 Marine Department (MD).

1.9 The closing meeting was held on 13 November 2023 at the Marine Department of the HKSAR.

1.10 The following report provides a detailed account of the findings and the evidence on which the findings are based. Additional information on the findings, along with the corrective actions provided by the maritime administration can be found in the appendices to this report.

## **2 Background**

2.1 The current audit of Hong Kong, China was undertaken using fully the principles established under the *Framework and Procedures for the IMO Member State Audit Scheme* and the III Code. This report sets out the outcome of this audit in the format adopted under section 7.2 of the Procedures for the Scheme.

### **3 Members of the Audit Team**

.1	Dr. Leslie Hemachandra (Sri Lanka)	Audit Team Leader
.2	Ms. Yasuko Suzuki (Japan)	Audit Team Member
.3	Mr. Damrongkiat Kiatopas (Thailand)	Audit Team Member
.4	Mr. Vasudeva Aji (IMO Secretariat)	Audit Officer

### **4 Involved Officials from the Member State**

The list of officials is given in annex 2.

### **5 Acknowledgement**

5.1 The auditors wish to express their considerable thanks to the Transport and Logistics Bureau (TLB), Marine Department (MD) and other entities of Hong Kong, China for their fullest cooperation during this audit. In particular, thanks are due to Mr. Barry C.F. Liu, Assistant Director of Multilateral Policy, MD, and the single point of contact for Hong Kong, China, for his efforts during the preparation for this audit and for its facilitation.

### **6 Scope, objectives and activities of the Audit**

6.1 The Scope of the audit addressed flag, coastal and port State obligations of Hong Kong, China.

6.2 The objectives of the audit were:

- .1 to determine the extent that Hong Kong, China met the obligations imposed upon it through its adoption of the following mandatory IMO instruments:
  - .1 the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974);
  - .2 the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT 1988);
  - .3 the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78);
  - .4 the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978 relating thereto (MARPOL PROT 1997);
  - .5 the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW 1978);
  - .6 the International Convention on Load Lines, 1966 (LL 1966);
  - .7 the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (LL PROT 1988);
  - .8 the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969); and
  - .9 the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREG 1972); and

.2 the effectiveness of the implementation of these objectives.

6.3 The audit was conducted using the programme set out in annex 1. The methodology used was to establish through a series of visits, interviews, examination of written records and databases, the objective evidence which would determine the extent to which the maritime administration achieved the objectives.

6.4 The programme followed a process which sought initially to determine the strategy for the implementation of the mandatory IMO instruments, the review processes in place and the arrangements for continual improvement. Following this, an examination of the national legislation in place and which provides the instruments with force of law was undertaken. The processes by which Hong Kong, China develops and makes known its interpretations, policies and instructions regarding these instruments, as well as the practical implementation of these arrangements were also reviewed.

6.5 An opening meeting was conducted on Monday, 6 November 2023 at Hong Kong, China in accordance with the Procedures and agenda and list of attendees is attached as annex 2. At the closing meeting, which was held on Monday, 13 November 2023 at Hong Kong, China a draft interim report was tabled to assist in focusing discussion and the next steps to be taken.

## **7 Overview and general maritime activities of Hong Kong, China**

### **General**

7.1 The maritime administration was divided between six entities. The Marine Department (MD) under the Transportation and Logistics Bureau (TLB) was the lead entity responsible for the implementation and enforcement of the mandatory IMO instruments. TLB was supported by other government entities, through the Marine Department, i.e. the Department of Justice (DOJ), Office of Communications Authority (OFCA), Drainage Services Department (DSD), Environmental Protection Department (EPD) and Hong Kong Observatory (HKO). Annex 3 sets out in diagrammatic format the general structure of the entities involved.

7.2 MD performed its functions through six divisions and functional areas of these divisions were:

- .1 Local Vessels and Examination Division (LVED), responsible for marine industrial safety, local vessel safety and survey, regulation of local vessels, examination, certification and discipline of seafarers;
- .2 Multilateral Policy Division (MPD), responsible for marine accident investigation, and the development of policies, standards and legislation;
- .3 Port Control Division (PCD), responsible for port operations, navigational safety, marine emergencies, search and rescue (SAR) coordination, licensing and control of local craft;
- .4 Shipping Division (SD), responsible for managing the shipping register, implementation and enforcement of international convention standards and surveys of foreign-going ships;
- .5 Government Fleet Division (GFD), responsible for design, procurement, operation, crewing and maintenance of government vessels; and

- .6 Planning and Services Division (PASD), responsible for strategic planning for port development, port security administration, cross-boundary ferry terminals, pollution control, public cargo working areas, aids to navigation (AtoN) and mooring, and hydrographic services.

7.3 DOJ provided legal advice to the maritime administration and developed local maritime legislation.

7.4 OFCA, operating under the Commerce and Economic Development Bureau, was responsible for licensing and regulating telecommunications and broadcasting services.

7.5 DSD, operating under the Development Bureau was responsible for providing reception facilities for sewage from ships.

7.6 EPD and HKO were operating under the Environment and Ecology Bureau. EPD was responsible for implementing various environmental policies including management of the ship-generated waste. Monitoring and forecasting weather conditions were carried out by HKO.

## **Strategy**

7.7 The annual policy address of the Chief Executive of Hong Kong, China provided policy objectives to all government entities for the coming years. Based on the policy objectives, bureaus and departments prepared a Controlling Officer's Report (COR) summarizing the aim, key areas of work, targets, performance as well as expenditure estimates, including the information on the resources required for delivery of services. Performance pledges were also developed by bureaus/departments based on, inter alia, the annual policy address. The achievement of targets and performance of each entity was reviewed through CORs of the following year by the Legislative Council (LegCo). CORs provided a comparison of the targets, achievements and performance during the preceding three years.

7.8 The entities in the maritime administration had developed their individual CORs in respective functional areas based on, inter alia, the annual policy address. CORs of MD, TLB, DOJ, OFCA, DSD, EPD and HKO during previous years were maintained in electronic format.

7.9 MD had established a mission ("We are One in Promoting Excellence in Marine Services") and formulated pledges in eight areas, including safety of life at sea, pollution control, boating community etc., and set targets for the services rendered by MD. Roles and duties to achieve the mission had been assigned to various branches and divisions of MD, and regular meetings were conducted by MD to review the activities performed and to analyse feedback for facilitating improvement.

7.10 The Secretary for Transport and Logistics and the Permanent Secretary of TLB held bi-monthly meetings with the Director of Marine (DM) to review the progress of planned actions and the performance of various maritime functions performed by MD. In addition, an annual review was carried out to keep the local maritime legislation up-to-date.

7.11 COR of MD was submitted every year which summarized the aim, key areas of work, targets, performance as well as expenditure estimates. These CORs, inter-alia, included development of maritime legislation and policy to support and protect maritime interests of the Hong Kong, China, formulation of policies on safety of ships, marine environment protection, seafarer qualifications and welfare in accordance with the requirements of the mandatory IMO instruments.

7.12 The entities responsible to implement the mandatory IMO instruments in Hong Kong, China were TLB, MD, DOJ, OFCA, DSD, EPD and HKO. Though each of these entities had individual COR annually in their functional areas, an overall strategy as recommended under paragraph 3 of the III Code, involving all relevant entities in the maritime administration could not be fully demonstrated. (See OB-1)

## **Legislation**

7.13 The “Basic Law”, served as a constitutional document in Hong Kong, China, and the systems and politics practiced were prescribed in the Basic Law. In accordance with article 153 of the Basic Law, the application of international agreements to which the People’s Republic of China is, or becomes a party, shall be decided by the Central People’s Government in accordance with the circumstances and needs, and after seeking the views of the Government of the Hong Kong Special Administrative Region (HKSAR). The legal system followed in Hong Kong, China was based on the common law supplemented by statutes.

7.14 As provided for in article 73 of the Basic Law, the power to enact, amend or repeal laws was with LegCo. The legislation was in the form of “ordinances” (primary legislation) and instruments made under ordinances (secondary legislation) (e.g. regulations, orders). The generic terms “enactment” and “statute” encompassed both ordinances and instruments of secondary legislation. The local legislation for the maritime administration was drafted by DOJ.

7.15 Before a new international treaty, or an amendment to an existing treaty, entered into force for HKSAR, the concerned bureau/department sought the advice of DOJ on the necessity of initiating a legislative exercise. Based on the advice of DOJ, appropriate local legislation was developed (i.e. drafting new legislation or amending an existing legislation). Hong Kong, China followed a policy of developing appropriate domestic law before the treaty (or an amendment to an existing treaty) entered into force.

7.16 For developing domestic legislation incorporating IMO instruments, TLB, in consultation with MD, sought the advice of DOJ for the need of legislative exercise. If legislation was required (including making a new legislation or amendment to an existing legislation), the legislative process of LegCo was followed. A booklet had been published by DOJ explaining the key features of the legislation-making process and to promote uniformity in drafting practices across both government and non-government legislation.

7.17 For developing primary legislation incorporating the mandatory IMO instruments, after consultation with stakeholders, MD prepared a Draft Drafting Instructions (DDI), in consultation with TLB and DOJ. After DDIs have been cleared by the Secretary for Transport and Logistics, TLB issued the Drafting Instructions (DI) to the Law Drafting Division of DOJ for drafting a bill. A draft bill would then be tabled at LegCo for consideration. The bill introduced into LegCo passed through formal procedural stages, usually referred to as the “three readings”. Upon approval of the bill by LegCo, the legislation was promulgated through gazette and MD informed stakeholders of the new legislation. Under article 17 of the Basic Law, laws enacted by LegCo had to be reported to the Standing Committee of the National People’s Congress for the record.

7.18 The same process was followed when legislation had to be amended to give effect to the amendments to the mandatory IMO instruments. In most cases, delegated powers in the primary law were used to promulgate local legislation. The amendments to a subsidiary legislation had to be promulgated through the gazette.

7.19 The maritime administration had a policy to inform stakeholders about the impending entry into force of the mandatory IMO instruments. A Merchant Shipping Information Note (MSIN) containing the details of the upcoming regulations was issued soon after an

amendment to a mandatory IMO instrument was adopted by IMO. A second MSIN was issued after the corresponding local legislation was promulgated.

7.20 A system was in place to promulgate appropriate local legislation before the entry into force of the mandatory IMO instruments. MPD in MD monitored amendments to the mandatory IMO instruments and initiated potential legislative exercises for the next two years. MPD liaised and consulted with DOJ, relevant divisions in MD, as well as the stakeholders about the transposition of these requirements into local legislation. The local legislation to implement the mandatory IMO instruments was found up-to-date.

7.21 The primary legislation promulgated in relation to the mandatory IMO instruments were:

- .1 Merchant Shipping (Safety) Ordinance (CAP 369) for SOLAS 1974, SOLAS PROT 1988, LL1966, LL PROT1988 and COLREG 1972;
- .2 Merchant Shipping (Prevention and control of pollution) Ordinance (CAP 413) for MARPOL;
- .3 Telecommunications Ordinance (CAP 106) for radiocommunication services;
- .4 Merchant Shipping (Registration) Ordinance (CAP 415) for TONNAGE 1969; and
- .5 Merchant Shipping (Seafarers) Ordinance (CAP 478) for STCW 1978.

## **Records and improvement**

7.22 The entities in the maritime administration communicated their relevant aims, key areas of work and targets in meeting international obligations with different stakeholders by publishing COR, the performance pledges, and targets through their website. Furthermore, MD held regular meetings with stakeholders to review and exchange on the latest developments and implementation of the mandatory IMO instruments.

7.23 Every new legislation was communicated through publication in the gazette. The e-Legislation was the official database for all local legislation, and the public and stakeholders could access the local legislation online. Verified copies of legislation published on the local legislation database had legal status under the Legislation Publication Ordinance (CAP 614). The local legislation was freely accessible through the Legal Information Institute webpage. In addition, MSINs were issued for notifying any new legislation, and seminars on technical matters were organized for stakeholders.

7.24 The entities involved in the maritime administration were responsible for communicating information to IMO in their functional areas, under the overall coordination of MPD of MD. MPD regularly reviewed and updated relevant information provided to IMO. The information required to be communicated to IMO had been provided in most cases, such as the national legislation, specimen of certificates, information on delegation of authority, reception facilities, periodic evaluation under regulation I/7 of STCW 1978, arrangements for recognition of certificates of seafarers, SAR facilities and the radiocommunication infrastructure with the maritime administration. However, it was observed that CAP 106 related to radiocommunications, specimen of an updated supplement Form-B of IOPP Certificate and the availability of waste reception facility under Annex VI of MARPOL had not been reported to IMO. (See FD-1)

7.25 The relevant entities followed the government's electronic record keeping system (ERKS) and the policy on record keeping and filing. A recordkeeping system in accordance with ERKS had been documented for records management, which included creation/collection and capture of records, registration and classification, storage and preservation and retention and disposal of records. The records in the maritime administration were retained according



to the documented procedures in the Control of Documented Information Procedure (SDP-750). MD had established "Programme Records Disposal Schedules" relating to its primary functions and responsibilities. Records were essentially kept for at least two years after the concerned records become inactive and disposal requests were reviewed and approved by senior officers of MD. Records sought during the audit were provided.

7.26 Underpinned by the four cornerstones of "targets", "achievements", "monitoring" and "communication", the performance pledges developed by government entities aimed to engender a customer service culture within the civil service and to improve the standards across the full range of government services. The entities in the maritime administration had promulgated their performance pledges, with focus on continual improvement.

7.27 For effective implementation of the mandatory IMO instruments, audits were carried out by MD to ensure compliance with the regulatory requirements. Periodic management reviews, internal and external reviews and surveys of ships were conducted to monitor and continuously evaluate the functions of the maritime administration. The Shipping Division of MD had a quality management system (QMS) certified in accordance with ISO 9001:2015 standard, and policies and procedures to discharge their duties were documented in QMS. The functions of the Vessel Traffic Centre (VTC) and HKO were also performed under a QMS. Internal and external audits of QMS were conducted regularly to ensure compliance and to provide opportunity for improvement of performance in safety and environment protection activities.

7.28 MD conducted various drills/exercises to evaluate effectiveness of relevant activities and reviewed the performance of these drills/exercises to eliminate causes of potential non-conformities, if any, and to prevent their occurrence. Publicity materials and publications related to maritime safety and prevention of pollution were published by MD on their website to promote safety and pollution prevention culture. Safety seminars were held and MSINs were issued to disseminate information about upcoming amendments to the mandatory IMO instruments and to promote their effective implementation. Every quarter, MD released a newsletter ("Hong Kong Maritime News") through their website for the information of the public and stakeholders. Useful information about prevention of pollution and implementation of MARPOL was made online to promote prevention of marine pollution.

7.29 In order to enhance the environmental performance and to promote the government's initiative to improve air quality, the government departments were encouraged to implement the relevant provisions of the mandatory IMO instruments on the ships owned by the Government.

7.30 The maritime administration regularly collected feedback from the stakeholders for improvement of its functions. In addition to conducting annual customer satisfactory surveys, MD participated in the Marine Sub-committee of the Hong Kong Shipowners Association and collected feedback/input from the shipping industry on their concerns about the development of various local requirements. Regulatory developments had been regularly communicated to the personnel in MD through internal seminars. Drills and exercises on SAR and oil pollution response were conducted periodically to strengthen the emergency preparedness and to eliminate causes of potential non-conformities.

7.31 MD had a documented procedure in their QMS which defined requirements for reviewing and analysing non-conformities, determining the causes of non-conformities, identifying corrective actions and making necessary changes to QMS (SDP-1020, Procedure for non-conformance and corrective action). The implementation of corrective actions and the effectiveness of the corrective actions were monitored. In respect of the non-conformities related to marine incidents and accidents, MD carried out accident investigation and analysis, and issued marine notices to alert the shipping community and public on the lessons learned.

Potential non-conformities were identified by the proactive means established in QMS, such as risk assessment, analysis of reports from external organizations and other maritime administrations, and regular engagement with the industry.

### **7.32 Finding**

- .1 Even though the maritime administration had a system to communicate mandatory information to IMO, there was evidence that some of the requirements related to the communication of information to IMO under the mandatory IMO instruments were not fully fulfilled (SOLAS 1974, article III; MARPOL, article 11(1)(c); III Code, paragraph 9). See Form A, FD-1**

#### **Corrective action**

**The MD will strengthen the monitoring mechanism in order to ensure that all communication requirements under the mandatory IMO instruments are met, by**

- .1 assigning relevant duties to a designated post within the MD under the strengthened monitoring mechanism, whereby the officer holding that post is responsible to take up the duty of coordinating IMO reporting comprehensively within the HKSAR Government, while performing also the roles of continuous monitoring and timely review of the fulfilment of reporting requirements; and**
- .2 reviewing effective implementation of this mechanism during the periodical meeting of the interdepartmental collaboration system.**

**Target completion date: 8 August 2025**

#### **Root cause**

**Although the MD had a system to communicate mandatory information to IMO, the monitoring mechanism within the system was not tight enough to ensure that the communication requirements were fully met.**

### **7.33 Observation**

- .1 Although the entities in the maritime administration evaluated their performance individually in respective functional areas, an overall strategy that fulfilled the requirements of the III Code could not be fully demonstrated (III Code, paragraph 3). See Form A, OB-1**

#### **Corrective action**

**The MD, with close collaboration with other entities, will set up an interdepartmental collaboration system, to:**

- .1 assist in establishing and implementing by all entities comprising the maritime administration, an overall strategy as recommended by paragraph 3 of the III Code;**

- .2 conduct periodical meetings to review and evaluate the performance of Hong Kong, China under the III Code;
- .3 facilitate continuous improvement of the overall organisational performance to ensure full compliance with performance pledges; and
- .4 maintain the capability in and enhance the fulfilment of duties by Hong Kong, China under the mandatory IMO instruments.

**Target completion date: 8 August 2025**

**Root cause**

**There was no formal engagement amongst the entities to discharge the obligations of the mandatory IMO instruments in relation to flag State, coastal State and port State.**

**8 Flag State activities**

8.1 The entities responsible to carry out the flag State functions were the Marine Department (MD) under the Transport and Logistics Bureau (TLB); and the Office of Communications Authority (OFCA), an executive arm of the Communications Authority.

8.2 The flag State functions of MD were prescribed in CAP 369 and CAP 413. The divisions of MD performed these functions by developing relevant local legislation and guidelines for effective implementation and enforcement of the mandatory IMO instruments.

8.3 OFCA was responsible for issuing MMSI numbers and call signs to ships and issuing licenses to radio operators on board ships, under the Telecommunications Ordinance (CAP 106) overseeing both the broadcasting and telecommunications sectors.

8.4 The Administration had 2,139 ships on international voyages registered under its flag.

**Implementation**

8.5 The responsibilities of MD were carried out by six divisions, i.e. Local Vessels and Examination Division (LVED), Multilateral Policy Division (MPD), Port Control Division (PCD), Shipping Division (SD), Government Fleet Division (GFD) and Planning and Services Division (PASD). The duties and responsibilities of these six divisions were documented. MD had established processes and procedures to implement local legislation and the mandatory IMO instruments.

8.6 Appropriate secondary legislation had been issued under ordinances stated in paragraph 7.21 of this report to give full and complete effect to the mandatory IMO instruments, supplemented by administrative instructions and policies. After the adoption of an amendment to a mandatory IMO instrument, MD carried out the legislative exercise to implement the requirements through local legislation and guidance in a timely manner. After the legislative exercise, MD promptly informed the industry and stakeholders about the changes to the statutory requirements and the policies of the Administration through a Merchant Shipping Information Note (MSIN). These MSINs were published on the website of MD and were reviewed every year.

8.7 With regard to type approval of equipment onboard ships, the materials and equipment approved by the recognized organizations (ROs) authorized by MD or approved by

other maritime administrations were accepted (e.g. regulation 6 of CAP 369BA and MSIN 36/2023). Approval of plans and ship documents had been delegated to ROs.

8.8 Ship station licences for radiocommunication on ships were regulated by OFCA through CAP 106 (section 8) and radiocommunication equipment onboard ships were governed by MD through CAP 369BB and CAP 369AQ. OFCA issued maritime mobile service identities (MMSI) to ships under CAP 106, while MD was responsible to issue call signs and ensured the survey and certification of radio equipment on board ships. OFCA was the authority to issue radio operator licenses to seafarers. It was observed that local legislation (CAP 106) governing OFCA was not communicated to IMO. (See related FD-1)

8.9 Reports on independent evaluation under regulation I/8 of STCW 1978 were reported to IMO regularly. The fourth cycle independent evaluation report had been communicated to IMO and was approved by the Maritime Safety Committee in June 2023. The Administration did not adopt any equivalent or alternative certification or conducted trials under STCW 1978. The Administration recognized 62 certificates of competencies issued by other parties under regulation I/10 of the STCW 1978. The list of recognized certificates of competency was published on the website of MD and the details of recognition had been communicated to IMO. The Administration stated that they do not grant any dispensations from the requirements of STCW 1978. The Administration had established measures to enforce the requirements in respect of fatigue prevention and prevention of drug and alcohol abuse (CAP 478T and CAP 478D). The watchkeeping arrangements and principles to be observed as per regulation VIII/2 of STCW 1978 were prescribed in CAP 478T.

8.10 MSIN 37/2023 provided policies and guidance of the Administration in relation to areas in the mandatory IMO instruments that were “left to the satisfaction of the Administration”. The Administration had considered the relevant IMO guidelines and existing international standards while drafting the policy. When the subject matter was not included in these, it was dealt with on a case-by-case basis by the Administration, usually based on a recommendation from ROs.

8.11 The Administration had a documented procedure to issue safe manning certificates to ships (CAP 369AS and MSIN 29/2019). Appendix III to MSIN 29/2019 provided guidance on the scale of manning for various types and sizes of ships. The Principles of Safe Manning as stipulated in resolution A.1047(27) had been taken into account. A documented procedure (QMS CSSP-002) had been established for issuance of minimum safe manning certificates to ensure that all applicable regulations and requirements were followed. MD issued safe manning certificates to ships.

8.12 The relevant provisions in the mandatory IMO instruments that were applicable to domestic ships were implemented through the Merchant Shipping (Local Vessels) Ordinance (CAP 548) and related subsidiary legislation and guidelines.

### **Delegation of authority**

8.13 The Administration had delegated authority to nine ROs to carry out survey and certification of ships and plan approvals. The authority for granting exemptions and equivalent arrangements was with the Administration. Details of the relevant local legislation were included in the appointment of ROs. The classification societies authorised as ROs were:

- .1 American Bureau of Shipping (ABS);
- .2 Bureau Veritas SA (BV);
- .3 China Classification Society (CCS);
- .4 DNV AS (DNV);
- .5 Korean Register (KR);

- .6 Lloyd's Register Group Limited (LR);
- .7 Nippon Kaiji Kyokai (NK);
- .8 RINA Services S.p.A (RINA); and
- .9 Russian Maritime Register of Shipping (RS).

8.14 The authority had been delegated to these ROs by various ordinances and regulations (e.g. CAP 369 for SOLAS 1974, CAP 369 AD for LL 1966 and CAP 413 for MARPOL). All ROs had been authorized to carry out statutory surveys and certification of ships on behalf of the Administration.

8.15 In order to become an RO, an application for recognition had to be submitted by these ROs to MD for consideration. After an evaluation of the capabilities and resources of the applicant, MD established legal arrangements by sending written documents entitled "Appointment, Recognition and Authorization" and "Approval and Authorization" to the applicant, which included the elements set out in the RO Code, for their acknowledgement and acceptance. All nine ROs had accepted the terms and conditions set by the Administration as per this procedure before they were appointed as ROs. Specific instructions related to delegation of authority had been issued to all ROs along with the authorization.

8.16 In accordance with the "Appointment, Recognition and Authorization" and "Approval and Authorization" of ROs, meetings between MD and ROs had been conducted regularly once a year to discuss matters related to the operation of the authorization, including new and amendments to existing legislation. During the year, MD used MSINs as means to communicate with ROs as well as relevant stakeholders regarding legislation/guidelines.

8.17 To ensure the quality of work carried out by ROs, several measures had been implemented. Firstly, 5% of each type of certificates issued by each ROs were monitored and sampled by the Administration. Additionally, the Administration surveyors participated in the selected surveys/audits conducted by ROs.

8.18 Furthermore, Administration surveyors conducted additional audits of ROs to assess their performance. The performance of ROs was also monitored through the Flag State Quality Control (FSQC) system audit conducted by Administration surveyors. Periodic performance review meetings were organized with ROs covering five key areas, i.e. supply of documents, access to information, notification to the Administration, compliance with instructions and the effectiveness of statutory surveys and audits.

8.19 Since 2021, the Administration also reviewed the reports on ROs based on the International Association of Classification Societies (IACS) Quality System Certification Scheme (QSCS). These measures served as an additional tool for the Administration to monitor the performance of individual ROs.

8.20 All ROs had an obligation to grant access to MD regarding reports detailing their delegated work as well as the local legislation. MD gathered various data related to their ROs and published an annual report on the performance of ROs on the website of MD. In addition, MD actively engaged in direct communication with ROs to address urgent matters promptly through ad-hoc meetings or suitable alternate methods. The Administration did not have nominated surveyors.

## **Enforcement**

8.21 CAP 369, CAP 413 and CAP 281 contained provisions to enforce the requirements of the mandatory IMO instruments and to impose appropriate penalties to deal with violations. These provisions included fine, imprisonment or both. Six levels of fines were prescribed based

on the severity of an offence. The local legislation provided for a fine for an offence by reference to a level.

8.22 The local legislation prescribed flag State inspection of ships which required the Administration to verify the condition of the ship concerning her safety, risk of pollution, crew protection and welfare. The Administration had a FSQC system to verify that actual condition of the ships and its crew were in conformity with the certificate it carried. FSQC also identified systematic maintenance problem on ships and helped the Administration to work with companies to improve the condition of ships. Through the implementation of this system, the Administration took steps to prevent recurrence of deficiencies, improve safety of crew and passengers on board, reduce risks of pollution and promote health and welfare of seafarers.

8.23 In general, around 10% of the ships were inspected under FSQC per year based on a risk assessment. The assessment was done through a combination of factors such as the age and type of the ship, performance of the ship/management company during port State control (PSC), survey/audit results from RO and accident/incident records. A detailed inspection under FSQC included in-depth checking and function testing of certain equipment and crew's competence in safety operation or emergency preparedness. FSQC audit instructions had been issued by the Administration for consistent implementation of the system. The objective evidence was maintained for substantiating the deficiencies found and photographs were taken for the physical condition of defects. If a serious deficiency was related to the area of responsibility of RO, it was reflected on the FSQC audit report and was included as a part of monitoring the performance of RO. A comprehensive computerized database was maintained for each ship, management company and RO. Results of all FSQC inspections and audits, PSC records, survey records, and other relevant details were documented, which formed the backbone of the selection criteria for FSQC inspections and audits. More attention was paid, among others, to older ships, ships changing ROs, and ships having higher target-factor values under the PSC regimes. The policy established in QMS, risk-based approach and the list were reviewed and updated every six months.

8.24 The Administration could cancel or withdraw certificates if the ship did not comply with the requirements of the mandatory IMO instruments. Records showed that three and five ships were deregistered in 2022 and 2023, respectively, due to quality issues. Also, the full-term document of compliance under the ISM Code (DOC) of three companies were replaced by short-term DOC by the Administration, as a part of enforcement measures.

8.25 In addition, the Administration had established a Pre-registration Quality Control (PRQC) system to ensure that ships met all the safety and pollution prevention standards as per the mandatory IMO instruments and the Administration requirements, before registration. Under PRQC, the Administration carried out a desktop evaluation of the quality level of the ship considering various factors (e.g. ship age, ship type, number of PSC detention, number of PSC deficiencies, existing flag, existing classification society, the ship's survey records and accident records) to consider if the ship warrants an onboard PRQC assessment. Where necessary, ships were inspected by ROs before they were recommended for registration. Only those ships that fulfilled the quality assessment criteria were registered under the flag.

8.26 The Administration had appointed Local Consultants (LCs) in seven regions worldwide for supporting its FSQC system. The results of FSQC were monitored by surveyors of the Administration in the headquarters or regional desk. LCs had to possess prescribed qualification and undergone familiarization training before carrying out tasks under FSQC.

8.27 CAP 369 had provisions to prohibit unsafe ships from going to sea and penalties were established to prohibit unsafe ships proceeding to sea. The "power to inspect" under various provisions in the Merchant Shipping Ordinances/Regulations included preventing a ship

proceeding to sea if it was not in compliance with the requirements. Appropriate penalties were prescribed to enforce these provisions.

8.28 The Administration had a documented procedure describing the actions to be taken when a ship entitled to fly the flag of the State had been detained by a port State (ref: CSS/QA/RDP-005), and to oversee that appropriate corrective measures were taken to bring the ship in question into compliance with the mandatory IMO instruments.

8.29 ROs were advised about the actions to be taken by them in case of detention of ships under PSC. Usually, an Extended Inspection (EI) by RO was carried out to the scope of the corresponding statutory annual surveys and/or additional audits were carried out in the areas where deficiencies were found. Where necessary, an on-board FSQC audit was carried out thereafter. The master of the ship was required to inform the Administration about detention of the ship under PSC.

8.30 The Administration had developed a control and monitoring programme to proactively identify problem areas and to prepare ships for a PSC inspection, before a ship arrived in a foreign port. The framework established by the Administration required the company and the master to assess the physical condition of the ship, and the effectiveness of the safety management system on board through a pre-arrival checklist. This checklist had to be completed at least once every three months and reported to the Administration before entering foreign ports. For a ship with PSC detention record within the last twelve months, the checklist had to be completed at least once every month. The report to the Administration contained an executive summary, comment on the overall condition of the ship, the deficiencies detected and a corrective action plan to address the deficiencies. The Administration reviewed the report and followed up with the company for suitable actions. The report had to be retained on board for necessary follow-up action during flag State inspection and/or FSQC audit.

### **Flag State surveyors**

8.31 The Administration had defined and documented responsibilities and duties of flag State surveyors.

8.32 The Administration had a documented system for recruitment, qualification and experience needed for appointment of a flag State surveyor. The flag State surveyors in the Administration had been recruited on the basis of this criteria.

8.33 The flag State surveyors were appointed to perform statutory duties pertaining to maritime safety and pollution prevention. They had to undergo induction training after appointment and conduct 10 supervised inspections by senior surveyors before performing inspections individually.

8.34 The Administration arranged its staff to undergo training in relation to maritime safety, ISM Code, marine pollution, career development etc. to enhance their technical knowledge on a continual basis. During the COVID-19 pandemic, online courses were organized.

8.35 Performance of the flag State surveyors were monitored by senior surveyors and the Principal Surveyor. Training programme for surveyors for the following year was developed based on the assessment made by the supervisor.

8.36 The Administration had a documented refresher and retraining plan for all the flag State surveyors and technical staff to update their knowledge on new conventions and amendments to existing conventions. The annual plans for the training of surveyors had been developed (e.g. 2021-2023) and training sessions had been organized for flag State surveyors to update their knowledge as appropriate to the tasks they were authorized to undertake.

However, records showed that some of the surveyors did not receive this training as per the plan. (See FD-2)

8.37 The Administration had an established procedure for appointment of additional surveyors for specific tasks, such as conducting flag State inspections through FSQC audits as Local Consultant (LC). The qualification, training and experience needed for LC were documented. These surveyors were also updated on local legislation and international requirements under the mandatory IMO instruments. The tasks performed by LCs were carried out under the supervision of a flag State surveyor in the regional office of the Administration, and an evaluation was made after each task performed by LC.

8.38 It was confirmed that the flag State surveyors had been provided with an identification document.

### **Evaluation and review**

8.39 The Administration evaluated its performance with respect to the implementation of flag State obligations as required by the mandatory IMO instruments. Flag State performance was evaluated through periodic management review of QMS (ref: QMS Manual SDP-922: Procedure for Internal Audit, and SDP-930: Procedure for Management Review). During the review, the Administration considered factors such as PSC detentions, the results of FSQC, casualty statistics, PSC deficiencies report and reports of violations. The Shipping Division of MD was responsible for the flag State evaluation, which had a QMS in line with the ISO 9001:2015 standard to facilitate a periodical review.

8.40 Every quarter, the Administration evaluated the status of the local maritime legislation to implement the mandatory IMO instruments. The list of MSINs was reviewed every year to ensure that the policies of the Administration were aligned and consistent.

8.41 In addition, the Administration used the flag State performance self-assessment form to evaluate the flag State performance for the preceding five years in accordance with resolution A.912(22). The report was released to public to provide the information on the performance of the Administration to shipping industry and public. Record was available from 2011 to 2022 and annual statistics of the marine accidents was analysed every year.

8.42 FSQC system was a tool to evaluate performance of ROs and report was published annually on the performance of ROs. MD had an Open Data Plan for 2023-25 which included transport/marine accident statistics and analysis.

### **Investigation of maritime accidents**

8.43 The mandatory requirements for reporting marine accidents to the Administration was prescribed in CAPs 84, 313, 369 and 413, and the Administration had powers to conduct safety investigation into the marine casualties. Marine Accident Investigation Branch (MAIB) led by a Principal Surveyor was responsible for marine casualty investigations. MAIB was moved from SD to MPD in January 2000 to enable marine accidents to be investigated independently of other divisions of the Administration, in particular SD and PCD, which were the regulatory and administrative authorities for ship safety and port safety, respectively.

8.44 A documented procedure had been established to investigate into ship casualties and to report in accordance with the Casualty Investigation Code (CI Code). The Marine Accident Investigation Guidance Notes (MAIGN) issued by the Administration adhered to the CI Code and the relevant international standards for conducting safety investigations. MAIGN was followed during every marine safety investigation. MAIGN was updated regularly to provide a



consistent methodology and approach for conducting effective investigations and handling investigation matters.

8.45 The local legislation had provisions for access to experts in the areas such as navigation, marine pollution, effective human elements, fire safety, ship construction etc., as and when required, during a marine safety investigation.

8.46 MAIB had a dedicated team of investigators consisting of three surveyors, one assistant surveyor, two assistant ship inspectors and supporting staff. Maritime casualty investigators were appointed amongst the government surveyors. They were required to go through the familiarization trainings such as on the CI Code, MAIGN and the interview techniques. An “Investigation Skills Training Programme” conducted by the Police College, Hong Kong, China and a “Marine Accident Investigation Procedures Course” held at International Maritime Safety Security and Environment Academy, Italy (IMSSEA) were also provided to the investigators. A supervisor was assigned for the newly joined investigators based on their experience and qualification and they carried out investigations under the supervision of the experienced investigators during the training period.

8.47 Under the ordinances (CAP 369, CAP 313 and CAP 548), marine accidents occurring to or onboard ships, regardless of the location, had to be investigated by MAIB. It was mandatory for masters of ships and the companies who managed these ships to report every accident to the Administration within 24 hours of its occurrence. The guidelines were stipulated in MD Headquarters Circular No. 47/2022.

8.48 Investigators were guided by MAIGN and investigations had been carried out in compliance with the Part I and II of the CI Code. In addition, the Administration investigated those cases where the seafarer was absent from their duties for 72 hours or more. The information collected was used only for safety investigation purposes and not for prosecution purposes.

8.49 The investigation reports were assessed and approved by the Principal Surveyor of MAIB for less serious accidents, while very serious accidents were assessed and approved by Director of Marine (DM). Before approval, DM may form an independent review panel to review the conclusions and recommendations in the report. The final investigation reports were sent to the Chief Executive, who could decide further course of action, as necessary. Upon approval of the report, MAIB informed the relevant divisions of the Administration of the conclusion/recommendations for necessary follow-up actions. In the case of a foreign-flagged ship, MAIB cooperated with the relevant flag administration and a copy of the report was provided to them, for information.

8.50 Reports or summaries of important accident investigations carried out by MAIB were released through the website of the Administration. Annual statistics of the marine accidents by all ships was maintained.

8.51 The Administration aimed to provide an initial report of “very serious casualties” and “serious casualties” to IMO within six months after its occurrence. For other categories of accidents, a report was made to IMO only when important lessons were identified. The full report of an accident was submitted to IMO after all legal proceedings, if any, of the accident concerned have been completed and cleared. The status of the marine safety investigations in progress were reviewed every month.

8.52 The Administration communicated lessons learned after an investigation to all interested parties, including seafarers and ship owners, through their website and through MSINs.

## **8.53 Finding**

- .1 Although the Administration had a documented plan and identified the areas for continuously updating surveyors' knowledge as appropriate to the tasks they were authorized to undertake, the plan was found not fully implemented (III Code, paragraph 35). See Form A, FD-2**

### **Corrective action**

**The MD will implement the following actions:**

- .1 develop and implement the documented training plan and establish a mechanism to ensure that surveyors will attend the identified trainings in a timely manner. There will also be a feedback mechanism and periodic review on the effectiveness of the training activities, to ensure that surveyors are continuously updating their knowledge, as appropriate, and will be well prepared to discharge their duties competently; and**
- .2 review the effectiveness of the established mechanism during the periodic meeting of the interdepartmental collaboration system.**

**Target completion date: 8 August 2025**

### **Root cause**

**Although the MD had a documented plan with identified areas for continuously updating surveyors' knowledge as appropriate to the tasks they were authorized to undertake, the plan did not include the procedure of covering the monitoring and review aspects thus causing some surveyors to not have received the training as per the training plan.**

## **8.54 Observation**

**None**

## **9 Coastal State activities**

### **Implementation**

**9.1 Marine Department (MD) was responsible for providing search and rescue (SAR) services, hydrographic services, ship's routing, vessel traffic services, radiocommunications and aids to navigation (AtoN). The meteorological services and warnings were provided by the Hong Kong Observatory (HKO).**

### **Radiocommunication services**

**9.2 The responsibility for radiocommunication services were divided between two entities. The Office of the Communications Authority (OFCA) acted as the unified regulator for both the broadcasting and telecommunications, while the maritime infrastructure for radiocommunication services was maintained by MD.**

9.3 Sea areas A1, A2, A3 and A4 for providing maritime radiocommunication services were defined and adequate infrastructure had been made available for providing these services. The infrastructure of the maritime administration consisted of two VHF DSC coast stations, one MF DSC coast station, one HF DSC coast station and one NAVTEX station. The Vessel Traffic Centre (VTC) under the Vessel Traffic Section of MD provided traffic information and advice to mariners through VHF. Meteorological information provided by HKO and maritime safety information was broadcasted to ships through NAVTEX by VTC. Any sighting of new or suspect hazards to navigation, or damage or defects of AtoN was reported to VTC and transmitted through VHF to mariners.

### **Meteorological services and warnings**

9.4 HKO was established in 1883 under the government and was responsible for the collection of meteorological data, monitoring and forecasting weather and dissemination of weather and meteorological information. HKO had around eighty voluntary observing ships (VOS) and encouraged VOS to send regular weather reports to nearby coastal radio stations. Port Meteorological Officers (PMO) of HKO regularly visited VOS to check meteorological instruments and advised the crew on meteorological matters.

9.5 HKO provided the latest meteorological information through its platform so-called "Gowise 2" which was accessible through a designated user account. Whenever HKO issued a warning or weather-related hazard, such as thunderstorm warning or tropical cyclone warning signal, this information was forwarded to MD. VTC was responsible for distributing such weather information to ships. VTC broadcasted weather and maritime safety information to ships through NAVTEX six times a day. During situations of restricted visibility, VTC gathered up-to-date visibility range data by communicating with ships in coastal waters through VHF, and the visibility reports were forwarded to HKO for their information and reference. HKO was a member of World Meteorological Organization (WMO) and uploaded the meteorological information on Global Telecommunication System (GTS) database of WMO for data sharing.

### **Search and rescue (SAR) services**

9.6 The Maritime Rescue and Coordination Centre (MRCC) at Hong Kong, China coordinated SAR operations of the maritime administration. Its dedicated team of qualified SAR-trained officers ensured that there was continuous watch and assistance available 24 hours a day, all year round. MRCC was equipped with shore-based GMDSS equipment, which enabled them to monitor and receive distress alerts effectively. MRCC had software to simulate the drifting pattern in conducting SAR operations. MRCC had a back-up of communication equipment in a separate location.

9.7 The Security Bureau Circular No.2/2017 entitled "Contingency Plan for Maritime and Aeronautical Search and Rescue" provided general guidelines for maritime and aeronautical SAR operations. The Contingency Plan formed a crucial part of the local legislation that all government agencies had to follow. According to the Circular, Director of Marine (DM) was assigned as the Search Director for all maritime SAR incidents occurring in the SAR region. DM initiated a SAR operation upon receiving a distress signal. A SAR assets list was available and used by MRCC and SAR Mission Coordinator, but it was not a part of the Contingency Plan. All SAR operators in MRCC had undergone training in conducting SAR operations.

9.8 GMDSS identities were available at MRCC own database on a 24-hour basis. MRCC coordinated with the port health doctor to provide radio medical advice to ships. During SAR operations, MRCC collaborated with the Fire Services Department, the Government Flying Service and the Marine Police for a coordinated SAR effort.

9.9 MRCC maintained strong collaborations with SAR agencies from other maritime administrations to ensure efficient joint SAR operations at sea. MRCC also was able to broadcast SAR related information through SafetyNET. Details about MRCC had been communicated to IMO.

9.10 SAR exercises were conducted annually. The latest SAR communication exercise was carried out in September 2023 with a passenger ship. After conducting exercise, a review of the outcome was carried out in order to evaluate effectiveness of the plan. As per regulation V/7.3 of SOLAS 1974, MRCC had kept copies of plans of cooperation with SAR services, provided by passenger ships. MRCC had kept all required publications in line with IMO guidelines.

### **Hydrographic services**

9.11 Hydrographic Office (HO) of MD provided hydrographic services and nautical publications. HO carried out bathymetric surveys of coastal waters and produced nautical charts and Electronic Navigational Charts (ENC). HO had three dedicated survey boats for hydrographic surveying activities fitted with required equipment such as multi-beam echo sounders and sonars.

9.12 HO had taken a crucial role in ensuring navigational safety for port users. They fulfilled this role by providing nautical information and continually conducting hydrographic surveys to gather data, including water depths and seabed characteristics. All the sea areas within their jurisdiction had been surveyed by HO. Additionally, HO maintained a database and produced up-to-date nautical publications along with other essential navigational information after evaluation of collected data.

9.13 HO released bi-weekly notices to mariners (NMs) to help mariners keep their charts up to date. Furthermore, before new editions of their charts and/or NMs were published, any navigational warnings or new dangers that could affect navigational safety within the coastal waters were broadcasted through VHF and/or NAVTEX of MRCC and VTC.

9.14 HO had a bilateral arrangement with the United Kingdom Hydrographic Office (UKHO) for mutual exchange of charts and nautical publications.

### **Ships' routeing, ship reporting systems and vessel traffic services**

9.15 There were two traffic separation schemes (TSSs) known as the East Lamma Channel and the Tathong Channel adopted by IMO. These two TSSs were managed through the promulgation of hydrographic publications, the implementation of the collision regulations and the provision of Vessel Traffic Service (VTS). There was also the recommended TSS in place, north of Cheung Chau for High-Speed Craft, which had not been adopted by IMO.

9.16 VTC had an authority to provide VTS services within their waters 24/7 throughout the year. This authority was defined by part II of the Shipping and Port Control Regulations (CAP 313A) and Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations (CAP 369N). Additionally, VTC was responsible for broadcasting meteorological services and warnings, ship's routeing and ship reporting systems in accordance with the mandatory IMO instruments. Meteorological information was issued six times per day in normal circumstances and eight times per day when there were typhoon or cyclone/gale warnings.

9.17 All ships, including domestic ships, were required to participate in VTS. Ships participating in VTS were obligated to reports to VTC at specific locations known as Calling-in Points (CIP). There were five designated VHF working stations and channels (VHF Ch.02, 12, 14, 63, and 67) for the purpose of reporting. The mandatory reports, as stated in CAP 313A,

included the following: Pre-arrival report; Initial report; Pilot report; Arrival report; Movement report; Move finished report; Departure report; Delay report; Special reports; Observation report; and Calling-in point (CIP) report. VTC was equipped with CCTV installed in various locations, such as congested areas, to provide real-time images. Since December 2021, VTC had successfully implemented a QMS. As part of QMS, an annual management review was implemented to review the effectiveness of the VTS, TSS and identify its areas for further improvement.

9.18 It was mandatory for VTS operators and supervisors to undergo training based on the guidelines of International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA). The training was conducted in the MD training centre which was accredited by IALA. There were 49 operators and 12 supervisions under VTC. For any given time, there were seven VTS operators and one supervisor stationed at VTC and out of seven VTS operators, five of them were on duty and two were on stand-by to take over the duty of any operators, as necessary. Refresher course was provided to them at five-year interval for updating them on new regulations, technologies and case studies.

### **Aids to navigation (AtoN)**

9.19 Planning and Services Division (PASD) under MD was responsible for strategic planning for AtoN. Aids to Navigation and Mooring Unit (ANMU) under PASD managed the establishment and maintenance of around 600 AtoN facilities. They had sufficient stand-by AtoN facilities which can be used as replacement for defective aids. All lights were unmanned and had back-up arrangement. AtoN facilities were maintained in accordance with the regular scheduled maintenance plan. ANMU had two boats, one vehicle and access to the helicopter service of Government Flying Services (GFS) for effective maintenance of AtoN.

9.20 A marine traffic risk assessment (Marine Traffic Risk Assessment for Hong Kong Waters (MARA study)) was carried out in 2004 to assess the adequacy and efficiency of the existing mitigation and control systems and develop supplementary measures to tackle the risks. AtoNs within coastal waters were established based on the guidelines from IALA.

9.21 ANMU monitored availability of AtoN facilities and records showed a 99.9% availability. Defective AtoN were reported by ships/crew through VTC, or directly to the relevant section of ANMU. Upon receipt of such report, ANMU informed VTC to transmit navigation warnings. If it was permanent ones, ANMU contacted NAVAREA coordinator to issue the notices. The information was also disseminated to local users through MD Notices and to mariners through NMs, through online means. Additional AtoN equipment was installed in 2022/2023 based on the project and risk assessment for new areas.

### **Oil spill response**

9.22 Pollution Control Unit (PCU) of MD was responsible for responding to oil discharges into sea and cleaning it up. PCU was on call at 24-hour basis to receive reports of oil discharges through the police force, VTC or the Harbour Patrol Section. PCU regularly inspected ships bunkering or transferring oil in coastal waters, advised the masters on the precautions to be taken, and checked oil terminals to ensure that their anti-oil pollution equipment was in good order. CAP 413C required the masters of ships to report to MD when the ship was involved in a pollution incident.

9.23 Regulation 35 of CAP 413A empowered MD to conduct investigation on pollution incidents that happened on ships within coastal waters. Report of oil spill was included in the Incident Initial Report (IIR), and the IIR was passed to Port Management Office (PMO) for follow-up recording until the end of the incident. MD was committed to dispatch response team to any oil spill incident scene inside harbour limits within two hours from the notification.

9.24 A Marine Oil Spill Response Plan (MOSRP) had been established and effectiveness of MOSRP had been reviewed periodically through drills and exercises. The plans contained cooperation with other entities in case of major spills. PCU had 23 staff members who were trained under the IMO oil spill control training.

9.25 PCU carried out monthly drills using their own assets and annual regional exercises with neighbouring maritime administrations to test effectiveness and the readiness of pollution response team and MOSRP. All stakeholders such as fire service department, GFS, police force, government laboratory, several oil companies and pollution control companies participated in the drills conducted shortly preceding the audit, namely OILEX 2023 and Marine HNS 2023. These exercises were coordinated by MD and Environmental Protection Department (EPD). PCU maintained a list of pollution response equipment and was responsible for supply, as necessary. Dispersants were approved by EPD and use of them were upon approval of the EPD. There were eight stations where stocks of oil spill control equipment and materials such as booms, absorbent and dispersants stocked. These were sufficient for tier-II level response. The maritime administration had agreement with the neighbouring maritime administrations to handle tier-III level response.

## **Enforcement**

9.26 The provisions for enforcing the coastal State obligations stemming from the mandatory IMO instruments were prescribed in CAP 369 and CAP 413. The penalties for breaching the regulations could be a monetary fine or imprisonment, or both. Six levels of fines were prescribed in the legislation based on the severity of an offence. MD had the responsibility to enforce these provisions.

9.27 The removal of- or damages to AtoN was prescribed as an offence and the fines were prescribed in section 7 of CAP 313. Non-compliance with collision regulations was an offence under section 10 of CAP 313 and the penalty for violation of ship routeing was given in CAP 313A.

9.28 The statistical data related to vessel traffic services, SAR, hydrographic services and AtoN were analysed as a part of control and monitoring through QMS of MD.

9.29 The enforcement provisions to deal with pollution caused by ships in the coastal waters was prescribed in CAP 313. Section 46 of CAP 313 contained penal provisions for discharge of oil into the coastal waters in violation of the regulations. In the case of a pollution incident, the maritime administration cooperated with other maritime administrations in investigating the case.

## **Evaluation and review**

9.30 A QMS had been implemented since end of 2021 for the daily operation of VTC to ensure that the service provided was up to international standards. Regular review and evaluation of VTC had been carried out as per the QMS requirements. The effectiveness of TSSs had been evaluated based on paragraph 5.4 of resolution A.572(14). The evaluation of radiocommunication services and VTSs were carried out during the management review of QMS of VTC. Records of annual reviews were maintained (QM-01). In addition, operational availability of the VTSs system (in %) was reviewed every year through Controlling Officer's Report (COR) of MD. The effectiveness of VTS in terms of the volume of traffic or the degree of risk has been reviewed in 2013 resulting in the installation of third generation system in 2016 as well as the establishment of additional two VHF Sectors and Channels in 2018, respectively.

9.31 MOSRP has been established and its effectiveness has been reviewed periodically through drills and exercises. MOSRP contained plans for cooperation with other entities in case of major spills. Monthly drills and annual exercises were carried out by PCU of MD to test and strengthen the readiness of the oil pollution response team and evaluate/review effectiveness of oil pollution control measures.

9.32 The performance of HKO was evaluated annually through accurate forecasts as assessed by ship captains (%) during COR of HKO.

9.33 QMS for MRCC included an evaluation of SAR services and an annual review was carried out during the annual management review. Every six months, the SAR Liaison Group Meeting reviewed the performance of SAR services and the co-operation between MRCC and SAR units. Records of review of SAR operations were maintained (FM-03 and FM06-08).

9.34 The hydrographic service was evaluated through performance indicators (in square kilometres) and publication of new nautical publications. These were evaluated through COR of MD.

9.35 The availability of AtoN was monitored on a continuous basis. The availability of AtoN (in %) and the reliability/continuity of AtoN in service up to international standard (in %) were evaluated through COR of MD. With regard to oil spill response, a target of two hours was set for responding on site to oil spillages inside harbour limits, and the performance was monitored through an annual review of COR of MD.

#### **9.36 Finding**

None

#### **9.37 Observation**

None

### **10 Port State activities**

10.1 Responsible entities for port state activities were Marine Department (MD), Environmental Protection Department (EPD), and Drainage Services Department (DSD). MD was responsible for port state control (PSC), monitoring of verified gross mass (VGM) of containers and dangerous goods, and maintaining register of fuel oil suppliers, while EPD and DSD were responsible for providing and monitoring relevant reception facilities.

10.2 The maritime administration had appointed Dangerous Goods Unit (DGU) of MD as the designated local competent authority under IMDG Code (paragraph 7.9.3) and Cargo Ship Safety Division (CSS) of MD was the designated local competent authority responsible under IMSBC Code. Ships were required to report any dangerous goods coming into their waters to DGU, 24 hours prior to their arrival.

#### **Port State control (PSC)**

10.3 Legal basis for the implementation of PSC was stipulated in CAP 369 and CAP 413. It stipulated the provisions including inspection, detention and report of detention for foreign ships under PSC.

10.4 The maritime administration had established documented procedures to administer a PSC programme. The maritime administration was a member of the Tokyo Memorandum of Understanding on Port State Control in the Asia-Pacific Region (the Tokyo MOU). PSC

inspections were carried out based on resolution A.1155(32) and the Tokyo MOU PSC Manual. There was an appeal mechanism under CAP 313 to challenge a PSC detention.

10.5 PSC procedures had been documented in QMS (PSCP-001) which adopted the Tokyo MOU manual for PSC inspections. In the case of detention, the flag State authorities and ROs were informed. The port clearance to a detained ship was granted only after verification of the rectification actions.

10.6 There were strict procedures for port State control officers (PSCOs) to be free from any commercial, financial and other pressure and no commercial interest with any parties. A regulation in CAP 201, under bribery ordinance, contained a basis to prevent PSCO from soliciting or accepting advantage which the maritime administration strictly followed.

10.7 There were six PSCOs to conduct PSC inspections, who were recruited as government surveyors with suitable criteria and qualifications. They were required to receive several trainings prior to becoming a PSCO. It was confirmed that the PSCOs had their identification document when they conducted their duties as stipulated in CAP 369.

10.8 The progress of PSC activities was monitored monthly and annually based on the PSC inspection reports. MD was committed to carry out PSC inspection on 15% of the visiting ships every year and this was one of the performance pledges of the Ship Safety Branch of MD.

### **Reception facilities**

10.9 EPD, operating under the Environment and Ecology Bureau provided reception facilities at the Chemical Waste Treatment Centre (CWTC). The need for providing port reception facilities was assessed based on the statistics of waste received over the last 25 years. The reception facility at CWTC was built by the government and managed by a private operator to receive waste from ships.

10.10 Ship-generated waste under Annexes I, II and VI of MARPOL were collected by CWTC while waste under Annexes IV, and V of MARPOL were collected by the service providers designated by MD. A list of reception facilities was published on the MD's website. Instructions had been issued to the port reception service providers for conducting their operations. The service providers issued a receipt of the collection of ship-generated waste to the master of the ship. The collection of waste was monitored and evaluated by EPD.

10.11 The reception facilities available within the Administration had been communicated to IMO except the facility for accepting waste under MARPOL Annex VI. (See related FD-1)

10.12 CWTC had two barges (of capacity 600 tons and 400 tons) for collection of shipborne waste, and an advance notice of 72 hours had to be given by ships through their local agent. Treatment and safe disposal of ship-generated waste were done as per local legislation. A fee was charged for collection of waste under Annexes I and II of MARPOL, while the waste under Annexes IV and V of MARPOL were collected free of cost to ships.

### **Register of fuel oil suppliers**

10.13 MD maintained a register of 16 local suppliers of fuel oil on its website. Supplies of fuel oil to ships were regulated in accordance with regulation 18, Annex VI of MARPOL through section 88 of the Merchant Shipping (Prevention of Air Pollution) Regulations (CAP 413P). Sampling for fuel supplied was taken as per MARPOL requirements and records of bunker delivery notes were maintained in the office for seven years.



## **Dangerous goods and grain loading**

10.14 IMDG Code was implemented through CAP 413H, CAP 295, CAP 295F and CAP 295G. Section 29 of CAP 295F covered training of personnel on handling of dangerous goods. DGU was responsible for regulating the carriage of dangerous goods within their waters and also maintaining the dangerous goods manifest. CAP 295 prohibited employment of persons without having appropriate training to handle or deal with dangerous goods under the IMDG Code.

10.15 As evidence of training of personnel before handling dangerous goods, it was mandatory under CAP 59 and CAP 313X to possess a “Green card” for the shore-based personnel and a “Blue card” for those who had to work on ships in the port. Training of shore-based personnel under IMDG code 1.3.1 was implemented by the Labour Department.

10.16 CAP 313 empowered MD officers to inspect ships carrying dangerous goods. Inspections were conducted for selected ships on a sampling basis to verify the compliance to the requirements of IMDG code and the local regulations including required documents such as document of compliance (DOC) for carriage of dangerous goods, dangerous goods lists, manifest, stowage plan, as well as packaging certificates, marking, labelling, placarding, stowage and segregation of the containers with dangerous goods. When a ship was found failing to comply with the relevant local regulations and the IMDG Code, the inspection officers issued a direction to discharge the cargo from the ship and took prosecution action, as necessary.

10.17 Radiation Ordinance (CAP 303) stipulated all matters related to conveyance of radioactive substances and the Radiation Board was established for the purposes of CAP 303. The handling of Class 7 cargo in ports was in accordance with the management system prescribed under CAP 303.

10.18 Verification of gross mass of cargoes in packed containers was prescribed in regulation 3A of CAP 369AV. The responsibilities of shippers with regard to weighment of packaged containers were also prescribed in CAP 369AV. Officers in Marine Industrial Safety Section of Local Vessels and Examination Division of MD implemented the verification of gross mass as per the procedure in QMS (MISO-006).

10.19 Local regulations had been issued for carriage of grain, bulk cargoes and liquid chemicals (CAP 369AA (Grain), CAP 369AV (Carriage of Cargoes and Oil Fuel), CAP 369AZ (IMSBC Code), CAP 413B (Control of Pollution by Noxious Liquid Substances in Bulk), CAP 413D (BCH Code) and CAP 413E (IBC Code)). The certificates and documents required for carriage of bulk cargoes, grain and liquid chemicals were subject to PSC inspections. Requirements for providing material safety data sheets of bulk cargo was prescribed in regulation 7A of CAP 369AV. Acceptability for shipment for solid bulk cargoes were prescribed in regulation 8 of CAP 369AV.

## **Enforcement**

10.20 The provisions for enforcing the port State obligations stemming from the mandatory IMO instruments were prescribed in CAP 369 and CAP 413. The penalties for breaching the regulations could be a monetary fine or imprisonment, or both. Six levels of fines were prescribed in the local legislation based on the severity of an offence. MD had the powers to enforce the local legislation. Control and monitoring of entities under MD was carried out based on QMS of MD.

10.21 Regulation 3A(4) of CAP 369AV prohibited the master to load containers without verifying the gross mass of the container and penalties for violations were prescribed in

CAP 369AV. Random checks were carried at the location of the shippers and in the ports by officers of MD. Records of violations detected and enforcement actions taken were available. Penalty for contravening the requirements of material safety data sheet and cargo information were prescribed in CAP 369AV.

10.22 For ships failing to comply with the requirements of the relevant local regulations and the IMDG Code, the inspection officers issued a direction to remove the dangerous goods from the ship and took prosecution action as deemed necessary. Employing personnel for handling dangerous goods in ports, or on-board ships in the port, without undergoing training was an offence. Supply of incorrect fuel to ships was an offence under section 89 of CAP 413.

10.23 PSC inspections were carried out by officers duly authorized by the maritime administration. Section 69 of CAP 369 had provided for compensation when a ship was unduly detained. The maritime administration followed a no more favourable treatment policy during PSC inspections through sections 11, 33, 46 and 72 of CAP 369. MD Notice 56 of 2019 (with reference to CAP 201) was issued to ensure that PSCOs and persons assisting them during PSC inspections were free from any commercial, financial, and other pressures and have no commercial interest.

### **Evaluation and review**

10.24 The performance as a port State was evaluated through processes specified in the departmental QMS, such as management review, customer feedback and annual internal and external audits. During the management review meetings, records and statistics were analyzed and issues identified for further actions were discussed.

10.25 PSC inspection programme was reviewed monthly and annually by the PSC Section of MD, including an analysis of statistical data of PSC inspections. Five performance pledges associated with PSC services were set (section 6.2 (iii) of QMS Manual) which served as the performance indicators during evaluation. After every PSC inspection, feedback form (Form QAP 820) which covered seven parameters was collected from the master and an analysis of the feedback was carried out by the maritime administration.

10.26 A Dangerous Goods Standing Committee (DGSC), formed by the government on all matters pertaining to dangerous goods, monitored and reviewed the effectiveness in the implementation of legislation related to the transport of dangerous goods.

10.27 EPD had key performance measures in respect of the waste programme, which included management of ship generated waste and these were reviewed quarterly by EPD and report of annual review was done through COR of EPD. The performance of the service provider for port reception facilities were monitored monthly by EPD officials. MD assessed adequacy of the reception facilities by monitoring the feedback on GISIS and took appropriate actions when feedback was received about alleged inadequacies of port reception facility. CWTC maintained the annual environmental performance data.

10.24 The performance in supply of fuel oil to ships were monitored by MD through monthly report received from fuel oil suppliers and the reports in GISIS. At the time of the audit, there was no adverse feedback about the quality of fuel supplied from the ports.

10.25 The effectiveness of measures to verify gross mass of containers were reviewed through results of random and spot checks. Overall evaluation of port State functions was carried through QMS of MD.

## **10.26 Finding**

None

## **10.27 Observation**

None

## **11 Comments**

11.1 In order to ensure a consistent review of each Member State's activities falling within the III Code, all items from the verification index, which closely follows the requirements of the III Code, have been verified and the outcome provided in appendix 2 to this report.

### **Areas of positive development**

11.2 Areas of positive development include:

#### **Best practices (if any)**

- .1 The Administration took proactive action to ensure compliance of ships flying the flag of the State with the mandatory IMO instruments via completion of a pre-arrival checklist before entering foreign ports. The pre-arrival checklist provided the framework for assisting the management company, master and chief engineer in assessing the physical conditions of the ship, and to find out how effectively the safety management system was being implemented onboard.
- .2 The Administration issued Merchant Shipping Information Notes (MSIN) to notify relevant stakeholders regarding the amendments to mandatory IMO instruments soon after their adoption by IMO and issued subsequent MSIN after the completion of local legislation in order to ensure the timely and smooth implementation and enforcement of the mandatory IMO instruments.
- .3 Port reception facilities were provided to receive waste from Annexes IV and V for all ships free of charge, as a policy to safeguard the health and welfare of community from any adverse environmental effects associated with the improper handling and disposal of waste.

### **Areas for further development**

11.3 Areas for further development include:

- .1 The maritime administration should consider a list of all search and rescue (SAR) assets available as an annex to the current Contingency Plan for Maritime and Aeronautical Search and Rescue for effective and efficient SAR operations and to complement table-top exercises with full-scale exercises, as necessary, taking into account volume of maritime traffic.
- .2 Process for implementing mandatory IMO instruments had been incorporated into the quality management system (QMS) of the Administration. The Administration should consider making the Marine Accident Investigation Guidance Note (MAIGN) a formal document.

- .3 The Office of Communications Authority (OFCA) was responsible for assigning call signs to ships flying the flag of the State. However, in practice, this had been done by MD. The Administration should consider formal authorization to perform this function.

\*\*\*

**APPENDIX 1**

**FINDINGS AND OBSERVATIONS**

**IMO MEMBER STATE AUDIT SCHEME**

**(Form A)**

<b>FINDINGS/OBSERVATIONS NOTICE</b>	
<b>Member State: Hong Kong, China</b>  <b>Department: Marine Department</b>	<b>Audit period: 4 to 13 November 2023</b>
<b>Finding No.: FD-1</b>	<b>Observation No.:</b>
<b>STATEMENT:</b>  <p>Even though the maritime administration had a system to communicate mandatory information to IMO, there was evidence that some of the requirements related to the communication of information to IMO under the mandatory IMO instruments were not fully fulfilled.</p>	
<b>EVIDENCE:</b>  <p>Samplings showed that the following were not communicated to IMO (1) Local legislation (Ordinance CAP106), (2) specimen of Supplement Form B to IOPP certificate and (3) Port reception facilities under MARPOL Annex VI</p>	
<b>APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT:</b>  <p><b>SOLAS 1974, article III</b> "Communication of information"</p> <p><b>MARPOL, article 11</b> "Communication of information"</p> <p><b>III Code, paragraph 9</b> "Communication of information - The State shall communicate its strategy, as referred to in paragraph 3, including information on its national legislation to all concerned"</p>	
<b>Team leader: Leslie Hemachandra</b>	<b>Date: 13 November 2023</b>
<b>Member State: Hong Kong, China</b>	<b>Date received:</b>

(Form A)

<b>FINDINGS/OBSERVATIONS NOTICE</b>	
<b>Member State: Hong Kong, China</b>	<b>Audit period: 4 to 13 November 2023</b>
<b>Department: Marine Department</b>	
<b>Finding No.: FD-2</b>	<b>Observation No.:</b>
<b>STATEMENT:</b>  Although the Administration had a documented plan and identified the areas for continuously updating surveyors' knowledge as appropriate to the tasks they were authorized to undertake, the plan was found not fully implemented.	
<b>EVIDENCE:</b>  Annual plans for the training of surveyors had been developed (e.g.2021-2023). The records showed that some surveyors did not receive this training to update their knowledge as per the plans.	
<b>APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT:</b>  III Code, paragraph 35  "Flag State surveyors - The flag State shall implement a documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake"	
<b>Team leader: Leslie Hemachandra</b>	<b>Date: 13 November 2023</b>
<b>Member State: Hong Kong, China</b>	<b>Date received:</b>

**(Form A)**

FINDINGS/OBSERVATIONS NOTICE	
Member State: Hong Kong, China Department: Maritime administration	Audit period: 4 to 13 November 2023
Finding No.:	Observation No.: OB-1
<p><b>STATEMENT:</b></p> <p>Although the entities in the maritime administration evaluated their performance individually in respective functional areas, an overall strategy that fulfilled the requirements of the III Code could not be fully demonstrated.</p> <p><b>EVIDENCE:</b></p> <p>TLB, MD, DOJ, OFCA, HKO, EPD and DSS had Controlling Officer's Report summarizing aims, key areas of work, targets, performances and budgetary requirements in respective areas. An overall strategy of the maritime administration, consisting of the flag, port and coastal state functions, as recommended by paragraph 3 of III code, could not be fully demonstrated.</p>	
<p><b>APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT:</b></p> <p>III Code, paragraph 3</p> <p>"Strategy - In order to meet the objective of this Code, a State is recommended to [...]"</p>	
Team leader: Leslie Hemachandra	Date: 13 November 2023
Member State: Hong Kong, China	Date received:

## APPENDIX 2

### ASSESSMENT OF AREAS RELATED TO THE III CODE (VERIFICATION INDEX)

Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
COMMON AREAS		
STRATEGY		
3.1	An overall strategy exists to ensure that international obligations and responsibilities as a flag, port and coastal State are met	See OB-1
3.2	Methodology established to monitor and assess that the strategy ensures effective implementation and enforcement of relevant international mandatory instruments; and	See OB-1
3.3	Continuous review of the strategy undertaken to achieve, maintain and improve the overall organizational performance and capability as a flag, port and coastal State	See OB-1
GENERAL		
4	Means in place to ensure compliance with relevant international rules and regulations in respect of maritime safety and protection of the marine environment	Yes
4	National legislation exist to give effect to the provisions of relevant IMO instruments	Yes
INITIAL ACTIONS (NATIONAL LEGISLATION)		
8	Capability to implement and enforce the provisions of the applicable IMO instruments through appropriate national legislation and to provide the necessary implementation and enforcement infrastructure	Yes
8.1	Capability to promulgate laws which permit effective jurisdiction and control in administrative, technical and social matters over ships flying its flag	Yes
8.2	A legal basis in place for the enforcement of national laws and regulations, including the associated investigative and penal processes	Yes
8.3	Sufficient personnel with maritime expertise to assist in the promulgation of the necessary national laws and to discharge all the responsibilities of the State, including reporting as required by the respective conventions	Yes
COMMUNICATION		
9	Strategy, including information on relevant national legislation, communicated to all concerned	See FD-1



Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
RECORDS		
10	Records established and maintained	Yes
10	Records are legible, readily identifiable and retrievable	Yes
10	Documented procedure defining controls on identification, storage, protection, retrieval, retention time and disposition of records	Yes
IMPROVEMENT		
11	Demonstrates continual improvement of measures giving effect to conventions and protocols accepted	Yes
11	Improvement made through rigorous and effective application and enforcement of national legislation, as appropriate, and monitoring of compliance	Yes
12	A culture exists providing opportunities to people for improvement of performance in maritime safety and environmental protection activities	Yes
13	Action taken to identify and eliminate causes of any non-conformities in order to prevent recurrence	Yes
13.1	Non-conformities reviewed and analysed	Yes
13.2	Implementation of necessary corrective actions monitored	Yes
13.3	Reviews of corrective actions taken	Yes
FLAG STATE SPECIFIC REQUIREMENTS		
IMPLEMENTATION		
15.1	Policies implemented through national legislation and guidance	Yes
15.2	Responsibilities within the Administration assigned to update and revise any relevant policies adopted	Yes
16	Resources and processes capable of administering a safety and environmental protection programme in place	Yes
16.1	Administrative instructions to implement applicable international rules and regulations issued	Yes
16.2	Resources in place to ensure compliance with the requirements of IMO instruments, through an independent audit and inspection programme	Yes
16.3	An audit and inspection programme independent of any administrative bodies is in place, for requirements of STCW 1978, as amended	Yes
16.3	Training, assessment of competence and certification of seafarers are in accordance with the provisions of STCW 1978	Yes
16.3.2	STCW certificates and endorsements accurately reflect the competencies of the seafarers, using the appropriate terminology	Yes
16.3.3	Impartial investigation capabilities ensured	Yes

Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
16.3.4	Ability exists for certificates or endorsements to be effectively withdrawn, suspended or cancelled	Yes
16.4	Resources in place to ensure the conduct of investigations into casualties and adequate and timely handling of cases of ships with identified deficiencies	Yes
16.5	Resources in place to develop, document and provide guidance of requirements found in relevant mandatory IMO instruments	Yes
17	Ships entitled to fly the flag of the State are sufficiently and efficiently manned	Yes
<b>DELEGATION OF AUTHORITY (as far as applicable)</b>		
18.1	The Administration determines that recognized organizations (ROs) have adequate resources	Yes
18.2	Formal written agreements between the Administration and ROs in place	Yes
18.3	Specific instructions issued to ROs detailing action to be followed when a ship is unfit to proceed to sea	Yes
18.4	ROs provided with all appropriate instruments of national law and interpretations thereof	Yes
18.5	ROs required to maintain records and give the Administration access to them	Yes
20	An oversight programme established or participation in such a programme ensured, with adequate resources	Yes
20.1	Authority exercised to conduct supplementary surveys	Yes
20.2	Supplementary surveys conducted, as necessary	Yes
20.3	Staff available with requisite knowledge to carry out effective oversight of ROs	Yes
21	Nominations of surveyor(s) regulated, as appropriate	Yes
<b>ENFORCEMENT</b>		
22	All necessary measures to secure observance of international rules and standards by ships entitled to fly the flag of the State and by entities and persons under its jurisdiction so as to ensure compliance with their international obligations	Yes
22.1	Legal/administrative mechanism exist to prohibit ships from sailing for non-compliance	Yes
22.2	Periodic inspection of ships entitled to fly the flag of the State to verify that the actual condition of the ship and its crew is in conformity with the certificates it carries	Yes
22.3.1	Surveyors ensure that seafarers assigned to the ships are familiar with their specific duties	Yes
22.3.2	Surveyors ensure that seafarers assigned to the ships are familiar with ship arrangements, installations, equipment and procedures	Yes

Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
22.4	Surveyors ensuring that ship's complement, as a whole, can effectively coordinate their activities in an emergency situation and perform functions vital to safety or to the prevention or mitigation of pollution	Yes
22.5	Penalties of adequate severity to discourage violation of international rules and standards exist in national laws and regulations	Yes
22.6	Capability to institute proceedings – after an investigation has been conducted – against ships which have violated international rules and standards, irrespective of where the violation has occurred	Yes
22.7	Penalties of adequate severity to discourage violations of international rules and standards by individuals issued with certificates or endorsements under their authority exist in national laws and regulations	Yes
22.8	Capability to institute proceedings – after an investigation has been conducted – against individuals holding certificates or endorsements who have violated international rules and standards, irrespective of where the violation has occurred	Yes
23	Control and monitoring programme developed and implemented	Yes
23.1	Prompt and thorough casualty investigations, with reporting to IMO, provided	Yes
23.2	Statistical data collected and trend analyses conducted	Yes
23.3	Timely response to deficiencies and alleged pollution incidents reported by port or coastal States	Yes
24.5	Training and oversight of the activities of flag State surveyors and investigators ensured	Yes
25	Appropriate corrective measures to bring own ships into compliance with the applicable international conventions can be taken	Yes
26	Provision for flag State or RO to determine international certificates only issued to ships meeting all applicable standards	Yes
27	International certificate of competency or endorsement only issued after it has been determined that the person meets all applicable requirements	Yes
<b>FLAG STATE SURVEYORS</b>		
28	Responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention defined and documented	Yes
29	Personnel responsible for, or performing surveys, inspections and audits on ships and companies covered by the relevant IMO mandatory instruments appropriately qualified	Yes

Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
32	Personnel have appropriate practical and theoretical knowledge of ships, their operation and the provisions of the relevant national and international instruments necessary to perform their duties as flag State surveyors obtained through documented training programmes	Yes
33	Personnel assisting surveyors have education, training and supervision commensurate with the tasks they are authorized to perform	Yes
35	Documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake	See FD-2
37	Identification document issued for the surveyor to carry when performing his/her tasks	Yes
<b>FLAG STATE INVESTIGATIONS</b>		
38	Casualty investigations conducted by suitably qualified, impartial investigators, competent in matters relating to the casualty	Yes
38	Qualified investigators provided, irrespective of the location of casualty or incident	Yes
39	Individual investigators have working knowledge and practical experience in those subject areas pertaining to their normal duties	Yes
39	State has ready access to expertise in listed areas: navigation and the Collision Regulations; flag State regulations on certificates of competency; causes of marine pollution; interviewing techniques; evidence gathering; and evaluation of the effects of the human element	Yes
40	Any accidents involving personal injury necessitating absence from duty of three days or more and any deaths resulting from occupational accidents and casualties investigated, and the results of such investigations made public	Yes
41	Ship casualties investigated and reported in accordance with the relevant IMO conventions, and the guidelines developed by IMO	Yes
41	Investigation reports forwarded to IMO together with the flag State's observations	Yes
<b>EVALUATION AND REVIEW</b>		
42	Performance evaluated with respect to the implementation of administrative processes, procedures and resources necessary to meet their obligations as required by the conventions to which they are party	Yes

Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
COSTAL STATE SPECIFIC REQUIREMENTS		
IMPLEMENTATION		
46.1	Policies implemented through issuance of national legislation and guidance	Yes
46.2	Responsibilities assigned to update and revise any relevant policies adopted	Yes
47	Legislation, guidance and procedures established for the consistent implementation and verification of the rights, obligations and responsibilities of the State contained in the relevant international instruments to which it is a party, in general;	Yes
48.1	For radiocommunication services;	Yes
48.2	For meteorological services and warnings;	Yes
48.3	For search and rescue services;	Yes
48.4	For hydrographic services;	Yes
48.5	For ship routeing;	Yes
48.6	For ship reporting systems;	Yes
48.7	For vessel traffic services; and	Yes
48.8	For aids to navigation	Yes
ENFORCEMENT		
49	All necessary measures taken to ensure observance of international rules when exercising the rights and fulfilling the obligations as a coastal State	Yes
50	Control and monitoring programme considered, developed and implemented	Yes
50.1	Statistical data collected and trend analyses conducted	Yes
50.2	Mechanisms for timely response to pollution incidents established	Yes
50.3	Cooperation with flag States and/or port States in investigation of maritime casualties	Yes
EVALUATION AND REVIEW		
51	Performance periodically evaluated in respect of exercising its rights and meeting its obligations under the applicable international instruments	Yes
PORT STATE SPECIFIC REQUIREMENTS		
IMPLEMENTATION		
54.1	Policies implemented through issuance of national legislation and guidance	Yes
54.2	Responsibilities assigned to update and revise any relevant policies adopted	Yes

Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
55	Legislation, guidance and procedures established for the consistent implementation and verification of the rights, obligations and responsibilities of the State contained in the relevant international instruments to which it is a party, in general;	Yes
56.1	For provision of appropriate reception facilities or capability to accept all waste streams regulated under the instruments of the Organization;	Yes
56.2	For port State control activities; and	Yes
56.3	For keeping a register of fuel oil suppliers	Yes
<b>ENFORCEMENT</b>		
57	All necessary measures taken to ensure observance of international rules when exercising the rights and fulfilling the obligations as a port State	Yes
59	No more favourable treatment put in place when carrying out port State control	Yes
60	Processes to administer a port State control programme established consistent with the relevant resolution adopted by the Organization	Yes
61	Port State control carried out only by authorized and qualified port State control officers in accordance with the relevant procedures adopted by the Organization	Yes
62	Port State control officers and persons assisting them free from any commercial, financial and other pressures and have no commercial interest, either in the port of inspection or the ships inspected	Yes
62	Port State control officers and persons assisting them not employed by or undertake work on behalf of recognized organizations or classification societies	Yes
62	Procedures implemented to ensure that persons or organizations external to the port State cannot influence the results of port State inspection	Yes
<b>EVALUATION AND REVIEW</b>		
63	Performance periodically evaluated in respect of exercising its rights and meeting its obligations under the applicable instruments of the Organization	Yes

### APPENDIX 3

### IMO MEMBER STATE AUDIT SCHEME

Form B

CORRECTIVE ACTION			
<b>Member State:</b>	Hong Kong, China	<b>Audit Period:</b>	4 to 13 November 2023
<b>Department:</b>	Marine Department (MD)	<b>Team leader:</b>	Dr Leslie Hemachandra
<b>Finding No.:</b>	FD-1	<b>Observation No.:</b>	
<b>Root Cause(s):</b>  Although the MD had a system to communicate mandatory information to IMO, the monitoring mechanism within the system was not tight enough to ensure that the communication requirements were fully met.			
<b>Corrective action:</b>  The MD will strengthen the monitoring mechanism in order to ensure that all communication requirements under the mandatory IMO instruments are met, by <ul style="list-style-type: none"> <li>(i) assigning relevant duties to a designated post within the MD under the strengthened monitoring mechanism, whereby the officer holding that post is responsible to take up the duty of coordinating IMO reporting comprehensively within the HKSAR Government, while performing also the roles of continuous monitoring and timely review of the fulfilment of reporting requirements; and</li> <li>(ii) reviewing effective implementation of this mechanism during the periodical meeting of the interdepartmental collaboration system.</li> </ul>			
<b>Proposed target completion date:</b>  8 August 2025			
<b>Action Plan Submitted:</b>  By <u>WONG Sai-fat</u>  On <u>8 May 2025</u>			
<b>To: Audit Team Leader</b> <u>Dr Leslie Hemachandra</u> <small>(name)</small> <b>IMO Secretariat</b> <u>Tatjana Krilic</u> <small>(name)</small>			
<input type="checkbox"/> For review:  <u>08/05/2025</u> <small>(signature) (date)</small>		<input type="checkbox"/> For information:  <u>13/05/2025</u> <small>(signature) (date)</small>	
Copies to : <input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	



## Form B

<b>CORRECTIVE ACTION</b>			
<b>Member State:</b>	Hong Kong, China	<b>Audit Period:</b>	4 to 13 November 2023
<b>Department:</b>	Marine Department (MD)	<b>Team leader:</b>	Dr Leslie Hemachandra
<b>Finding No.:</b>	FD-2	<b>Observation No.:</b>	

**Root Cause(s):**

Although the MD had a documented plan with identified areas for continuously updating surveyors' knowledge as appropriate to the tasks they were authorized to undertake, the plan did not include the procedure of covering the monitoring and review aspects thus causing some surveyors to not have received the training as per the training plan.

**Corrective action:**


The MD will implement the following actions:

- (i) develop and implement the documented training plan and establish a mechanism to ensure that surveyors will attend the identified trainings in a timely manner. There will also be a feedback mechanism and periodic review on the effectiveness of the training activities, to ensure that surveyors are continuously updating their knowledge, as appropriate, and will be well prepared to discharge their duties competently; and
- (ii) Review the effectiveness of the established mechanism during the periodic meeting of the interdepartmental collaboration system.


**Proposed target completion date:**


8 August 2025

**Action Plan Submitted:**

By WONG Sai-fat  On 8 May 2025

**To:** Audit Team Leader Dr Leslie Hemachandra IMO Secretariat Tatjana Krilic  
(name) (name)

☐ For review:  08/05/2025  
(signature) (date)

☐ For information:  13/05/2025  
(signature) (date)

Copies to : ☐ ☐  
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## Form B

CORRECTIVE ACTION			
Member State:	Hong Kong, China	Audit Period:	4 to 13 November 2023
Department:	Maritime Administration	Team leader:	Dr Leslie Hemachandra
Finding No.:		Observation No.:	OB-1

**Root Cause(s):**

There was no formal engagement amongst the entities to discharge the obligations of the mandatory IMO instruments in relation to flag State, coastal State and port State.

**Corrective action:**

The MD, with close collaboration with other entities, will set up an interdepartmental collaboration system, to:

- (i) assist in establishing and implementing by all entities comprising the maritime administration, an overall strategy as recommended by paragraph 3 of the III Code;
- (ii) conduct periodical meetings to review and evaluate the performance of Hong Kong, China under the III Code;
- (iii) facilitate continuous improvement of the overall organisational performance to ensure full compliance with performance pledges; and
- (iv) maintain the capability in and enhance the fulfilment of duties by Hong Kong, China under the mandatory IMO instruments.


**Proposed target completion date: 8 August 2025**

**Action Plan Submitted:**

By WONG Sai-fat  On 8 May 2025

To: Audit Team Leader Dr Leslie Hemachandra IMO Secretariat Tatjana Krilic  
(name) (name)

☐ For review:   
(signature) 08/05/2025  
(date)

☐ For information:   
(signature) 13/05/2025  
(date)

Copies to : ☐

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## ANNEX 1

### AUDIT PROGRAMME

SUNDAY – 5 November 2023			
Time (1)	Activity (2)	Participants (3)	Division and Location (4)
<b>15.00-17.00</b> <b>Session 1</b>	Pre-audit meeting with SPC to discuss about opening meeting arrangements, travel arrangements, site visits, changes to audit timetable <b>(about 2 hours)</b>	Audit team +SPC	Meeting room in the iClub AMTD hotel and then go to MD

Day 1 Monday 6 November 2023			
Time (1)	Activity (2)	Participants (3)	Division and Location (4)
<b>09.30-10.15</b> <b>Session 2</b>	<b>Opening Meeting</b>  <b>Introduction of auditors and audit</b>	<b>All auditors</b>  <b>Transport and Logistics Bureau</b> DS(5), AS(10C)  <b>Marine Department</b> DM, DD(1), AD/LVE, AD/MP, AD/PAS, AD/PC, AD/S, GM/Ops, GM/S, GM/SE, GM/SRQ, GM/SS, GM/VTs, Hydro, PS/MAI, PS/MP	Conference Room A, 24/F, Harbour Building, 38 Pier Road, Hong Kong
<b>10:15 – 11:00</b> <b>Session 3</b>	<b>Introduction of Hong Kong, China</b> <ul style="list-style-type: none"> <li>The maritime administration of Hong Kong, China involved in the implementation and enforcement of relevant IMO instruments</li> <li>Responsibilities among various entities involved in implementation and enforcement</li> </ul>	<b>All auditors</b>  <b>Transport and Logistics Bureau</b> DS(5), AS(10C)  <b>Marine Department</b> DM, DD(1), AD/LVE, AD/MP, AD/PAS, AD/PC, AD/S	Conference Room A, 24/F, Harbour Building, 38 Pier Road, Hong Kong
<b>11:00-11:15</b>	<b>Coffee break</b>		

Day 1 Monday 6 November 2023			
Time (1)	Activity (2)	Participants (3)	Division and Location (4)
11.15-12.30 Session 4	<b>Common areas –Strategy</b> <ul style="list-style-type: none"> <li>Overall maritime policy and strategy of Hong Kong, China</li> <li>Linkage of entities to overall maritime strategy</li> <li>Overall coordination and communication of strategy</li> <li>Performance measurement and continual review for improvement of overall organisational performance</li> </ul>	<b>All auditors</b>  <b>Transport and Logistics Bureau</b> DS(5), AS(10C)  <b>Marine Department</b> DM, DD(1), AD/LVE, AD/MP, AD/PAS, AD/PC, AD/S, GM/Ops, GM/S, GM/SE, GM/SRQ, GM/SS, GM/VTs, Hydro, PS/MAI, PS/MP	Conference Room A, 24/F, Harbour Building, 38 Pier Road, Hong Kong
12:30 – 14:00	Lunch break		
14.00 – 15:00 Session 5	<b>Common areas</b>  <b>Records and record keeping</b>  <b>Communication of information to IMO</b> <ul style="list-style-type: none"> <li>Mechanism of communication and coordination within the maritime administration</li> </ul> <b>Improvement</b> <ul style="list-style-type: none"> <li>Culture for continuous improvement in maritime administration (continual training programme, national and regional drills, reward and incentive mechanism etc.)</li> <li>Overall evaluation/review</li> <li>Control measures (identifying non-conformities, review and analysis, corrective actions and review of effectiveness actions taken)</li> </ul>	<b>All auditors</b>  <b>Marine Department</b> AD/LVE, AD/MP, AD/PAS, AD/PC, AD/S, GM/Ops, GM/S, GM/SE, GM/SRQ, GM/SS, GM/VTs, Hydro, PS/MAI, PS/MP, SS/PD	Conference Room A, 24/F, Harbour Building, 38 Pier Road, Hong Kong

Day 1 Monday 6 November 2023			
Time (1)	Activity (2)	Participants (3)	Division and Location (4)
15:00-16:30 Session 6	<b>Legislation Processes</b> <ul style="list-style-type: none"> <li>• Legal system and hierarchy of legislation (Overall)</li> <li>• Process for the integration of IMO mandatory instruments and their amendments into national law</li> <li>• How is a treaty ratified / promulgated / implemented and enforced? (e.g., SOLAS)</li> <li>• Relevant principal legislations under various ministries (SOLAS, MARPOL, LL, etc.)</li> <li>• Primary and subsidiary legislation (Acts, regulations, circulars, policies and officially published guidance)</li> <li>• General enforcement procedures and related provisions in legislation</li> <li>• Enforcement, investigative and penal processes, assessment of fines and penalties, including severity</li> <li>• Review of legislation, interpretations, and guidance notes</li> <li>• Sampling of legislation recently promulgated by Hong Kong, China</li> <li>• Resources for effective promulgation of legislation</li> </ul>	<b>All auditors</b>  <b>Marine Department</b> Multi-Lateral Policy Division – AD/MP, PS/MP, PS/MAI	Conference Room A, 24/F, Harbour Building, 38 Pier Road, Hong Kong

Day 1 Monday 6 November 2023			
Time (1)	Activity (2)	Participants (3)	Division and Location (4)
16:30 – 17:30 Session 7	<b>COLREG, TONNAGE and LL</b> <ul style="list-style-type: none"> <li>• Status of legislation</li> <li>• Review of legislation including amendments, interpretations and guidance notes</li> <li>• Review / Update of policies for the implementation of COLREG / TONNAGE / LOAD LINE</li> <li>• Enforcement and penalties, including appropriate examples</li> <li>• Reporting to IMO</li> </ul>	<b>All auditors</b> <b>Marine Department</b> Multi-Lateral Policy Division – PS/MP Shipping Division – GM/SS, S/CSS(3) -Cargo Ships Safety Section -Passenger Ships Safety Section	Conference Room A, 24/F, Harbour Building, 38 Pier Road, Hong Kong
17:30 -18:00	Debriefing and private meeting	All auditors + SPC	

Day 2: Tuesday 7 November 2023			
Time (1)	Activity (2)	Participants (3)	Division and Location (4)
09:00 – 12:00 Session 8	<b>SOLAS</b> <ul style="list-style-type: none"> <li>Review of policies for the implementation and enforcement of SOLAS including mandatory Codes (e.g., IMDG)</li> <li>Legislation, design and construction, stability and equipment approval</li> <li>Implementation and enforcement of SOLAS (Chapters IV and V (flag State))</li> <li>Survey and certification</li> <li>Exemptions, dispensations etc.</li> <li>Control measures, review and improvement</li> <li>Interpretations left to the “satisfaction of the Administration”</li> <li>Safe manning of ships</li> <li>Reporting to IMO</li> </ul>	<b>All auditors</b>  <b>Marine Department</b> Multi-Lateral Policy Division – PS/MP Shipping Division – GM/SS, S/CSS(3), SS/PD -Cargo Ships Safety Section -Passenger Ships Safety Section  Office of the Communications Authority	Conference Room A, 24/F, Harbour Building, 38 Pier Road, Hong Kong
12.00 – 13.30	<b>Lunch break</b>	<b>All auditors</b>	
13:30 – 16:30 Session 9	<b>MARPOL</b> <ul style="list-style-type: none"> <li>Review of policies for the implementation and enforcement of MARPOL,</li> <li>Legislation, equipment approval</li> <li>Environment protection measures, penal provisions</li> <li>Implementation and enforcement of MARPOL</li> <li>Provision and adequacy of port reception facilities</li> <li>Control measures, review and improvement</li> <li>Issuance of interpretations and guidance notes, Interpretations left to the “satisfaction of the Administration”</li> </ul>	<b>All auditors</b>  <b>Marine Department</b> Multi-Lateral Policy Division – PS/MP Shipping Division – GM/SS, S/CSS(3) -Cargo Ships Safety Section -Passenger Ships Safety Section	Conference Room A, 24/F, Harbour Building, 38 Pier Road, Hong Kong

Day 2: Tuesday 7 November 2023			
Time (1)	Activity (2)	Participants (3)	Division and Location (4)
	<ul style="list-style-type: none"> <li>Reporting to IMO</li> </ul>		
16:30 – 17:30 Session 10	<b>STCW</b> <ul style="list-style-type: none"> <li>Review of policies and legislation</li> <li>Implementation and enforcement of STCW</li> <li>Table A-I/16 of STCW Code</li> </ul>	<b>All Auditors</b>  <b>Marine Department</b> Multi-Lateral Policy Division – PS/MAI, SS/SP Shipping Division – SS/CSS - Cargo Ships Safety Section Local Vessels and Examination Division – GM/SE - Seagoing Examination and Mercantile Marine Office	Conference Room A, 24/F, Harbour Building, 38 Pier Road, Hong Kong
17:00 -17:30	Debriefing and private meeting	All auditors + SPC	

Day 3: Wednesday 8 November 2023			
Time (1)	Activity (2)	Participants (3)	Division and Location (4)
09.00-10.30 Session 11	<b>Flag State surveyors</b> <ul style="list-style-type: none"> <li>• Process of recruitment of flag State surveyors, port State control officers (PSCOs), investigators etc.</li> <li>• Qualification, training and continual improvement</li> </ul>	<b>Auditors – (Team A - LH and YS)</b>  <b>Marine Department</b> Shipping Division – SS/PSC, SS/CSS, SS/MAI and SS/PD Local Vessels and Examination Division – GM/SE	Conference Room A, 24/F, Harbour Building, 38 Pier Road, Hong Kong
09.00-10.30 Session 12	<b>Delegation of authority and RO monitoring</b> <ul style="list-style-type: none"> <li>• Policy</li> <li>• Authorisation and RO Agreements</li> <li>• Instructions to RO</li> <li>• RO monitoring and oversight</li> <li>• Resources</li> </ul>	<b>Auditors – (Team B – DK and AV)</b>  <b>Marine Department</b> Multi-Lateral Policy Division – SS/EP Shipping Division – GM/SS, SS/QA - Cargo Ships Safety Section - Quality Assurance Section	Conference Room C, 21/F, Harbour Building, 38 Pier Road, Hong Kong
10:30 – 11:30 Session 13	<b>Port State Control:</b> <ul style="list-style-type: none"> <li>• PSC legislation</li> <li>• Training and certification - PSC officers</li> <li>• Records</li> <li>• Statistics, evaluation and review</li> <li>• Practical implementation</li> <li>• Reporting to IMO</li> </ul>	<b>All Auditors</b>  <b>Marine Department</b> Shipping Division – GM/SS, SS/PSC - Port State Control Section	Conference Room A, 24/F, Harbour Building, 38 Pier Road, Hong Kong
11:30 – 13:00 Session 14	<b>Flag State survey/inspection:</b> <ul style="list-style-type: none"> <li>• Policy on survey/inspection, type of surveys/inspection</li> <li>• Exemption policies</li> <li>• Flag State instructions, IMO guidance</li> <li>• Certificate forms, records</li> <li>• Survey/inspection checklist</li> <li>• Enforcement of ships, owners, and operators (examples)</li> <li>• Practical implementation</li> <li>• Statistics, evaluation and review</li> </ul>	<b>All Auditors</b>  <b>Marine Department</b> Shipping Division – GM/SS, GM/SRQ, SS/CSS, SS/QA - Cargo Ships Safety Section - Ship Registration and Quality Branch	Conference Room A, 24/F, Harbour Building, 38 Pier Road, Hong Kong



Day 3: Wednesday 8 November 2023			
Time (1)	Activity (2)	Participants (3)	Division and Location (4)
13.00 – 14.00	Lunch break		
14.00 – 15:30 (with 10 min break) Session 15	<b>Coastal State activities (Overview, legislation and policies)</b> SOLAS Chapters IV, V and COLREG <ul style="list-style-type: none"> <li>• Safety of navigation,</li> <li>• Meteorological services</li> <li>• VTS and Ship routing and reporting</li> <li>• SAR coordination and coastal rescue</li> <li>• Radiocommunication services</li> <li>• Hydrographic services, publications</li> <li>• Aids to navigation</li> <li>• Operational pollution response (coastal areas)</li> <li>• Reporting to IMO</li> <li>• Evaluation and review</li> </ul>	<b>All auditors</b>  <b>Marine Department</b> Planning and Services Division – AD/PAS, GM/S, SMO/PL - Aids to Navigation and Mooring Unit - Pollution Control Unit – AMO/PCU Port Control Division - GM/VTS, SMO/VTC, SMO/SAR - Vessel Traffic Section - Search and Rescue Section Hydrographic Office – Hydro	Conference Room A, 24/F, Harbour Building, 38 Pier Road, Hong Kong
15:30 – 15:45	Coffee break		
15:45 – 17:15 Session 16	<b>Port State activities (Overview, legislation and policies)</b> <ul style="list-style-type: none"> <li>• Provision of port reception facilities</li> <li>• Handling of dangerous goods (e.g. IMDG Code,)</li> <li>• Implementation of VGM</li> <li>• Operational pollution response (port areas)</li> <li>• FO supply</li> <li>• Coordination, review and improvement</li> <li>• Reporting to IMO</li> <li>• Evaluation and review</li> </ul>	<b>All auditors</b>  <b>Marine Department</b> Multi-Lateral Policy Division – PS/MP, SS/EP Planning and Services Division – GM/S - Pollution Control Unit – SMO/PL Port Control Division – GM/Ops - Dangerous Goods and Prosecution Section – SMO/DGandP Local Vessels and Examination Division - Marine Industrial Safety Section – SSSO/MISS, SS/QM	Conference Room A, 24/F, Harbour Building, 38 Pier Road, Hong Kong
17:15 -17:30	Debriefing and private meeting	All auditors + SPC	

Day 4: Thursday 9 November 2023 (Field visit)			
Time (1)	Activity (2)	Participants (3)	Division and Location (4)
09:00-17:00 Session 17	<p>Visit to:</p> <p><b>AM:</b> <b><u>VTC</u></b></p> <ul style="list-style-type: none"> <li>VTS, ship routeing</li> </ul> <p><b><u>MRCC</u></b></p> <ul style="list-style-type: none"> <li>SAR services,</li> <li>Radiocommunication service</li> </ul> <p><b><u>HKO</u></b></p> <ul style="list-style-type: none"> <li>Meteorological services</li> </ul> <p><b>PM:</b> <b><u>HO</u></b></p> <ul style="list-style-type: none"> <li>Hydrographic service</li> </ul> <p><b><u>MDTC</u></b></p> <ul style="list-style-type: none"> <li>Training of VTC Staff</li> </ul>	<p><b>Auditors – (Team A - LH and KD)</b></p> <p><b>Marine Department</b></p> <ul style="list-style-type: none"> <li>Port Control Division - GM/VTs</li> <li>- Vessel Traffic Section - SMO/VTC</li> <li>- Search and Rescue Section - SMO/SAR</li> <li>- Training Section - SMO/Training</li> </ul> <p>Representative of Hong Kong Observatory (HKO)</p> <p>Hydrographic Office – Hydro</p>	<p><b>AM:</b></p> <ol style="list-style-type: none"> <li>9:00 - 10:00 Vessel Traffic Centre (VTC) (4/F, Outer Island, Macau Ferry Terminal, Hong Kong)</li> <li>10:15 – 11:15 Marine Emergency and Maritime Rescue Co-ordination Centre (MRCC) (5/F, Outer Island, Macau Ferry Terminal, Hong Kong) (30 mins, from MRCC to HKO)</li> <li>11:45 – 12:45 Hong Kong Observatory (HKO) (134A Nathan Road, Tsim Sha Tsui, Kowloon) (30 mins, from HKO to GD)</li> </ol> <p>13:15 -14:00 Government Dockyard (GD)(lunch time)</p> <p><b>PM:</b></p> <ol style="list-style-type: none"> <li>14:00 -15:15 Hydrographic Office (HO) (2/F, Hydro Building, Government Dockyard, Ngong Shung Road, Stonecutters Island, Sham Shui Po, Kowloon)</li> <li>15:30 – 16:45 Marine Department Training Centre (MDTC)(1/F, Hydro Building, Government Dockyard, Ngong Shung Road, Stonecutters Island, Sham Shui Po, Kowloon) (15 mins, from MDTC to MD)</li> </ol>

Day 4: Thursday 9 November 2023 (Field visit)			
Time (1)	Activity (2)	Participants (3)	Division and Location (4)
09:00-17:00 Session 18	<p><b>Visit to:</b></p> <p><b>AM:</b> <b><u>MTL</u></b></p> <ul style="list-style-type: none"> <li>Handling of dangerous goods, IMDG/IMSBC/Grain Codes, VGM</li> <li></li> </ul> <p><b><u>CWTC</u></b></p> <ul style="list-style-type: none"> <li>Port reception facilities</li> </ul> <p><b>PM:</b> <b><u>ANMU</u></b></p> <ul style="list-style-type: none"> <li>AtoN</li> </ul> <p><b><u>PCU</u></b></p> <ul style="list-style-type: none"> <li>Oil spill response</li> </ul> <p><b><u>Fuel oil supply</u></b></p> <ul style="list-style-type: none"> <li>MARPOL(Fuel oil supplier)</li> </ul>	<p><b>Auditors – (Team B - YS and AV)</b></p> <p><b>Marine Department</b> Multi-Lateral Policy Division - PS/MP, SS/EP Local Vessels and Examination Division - Marine Industrial Safety Section - SSSO/MISS Planning and Services Division – SMO/PL - Aids to Navigation and Mooring Unit - Pollution Control Unit Port Control Division – SMO/DGandP - Dangerous Goods and Prosecution Section</p>	<p><b>AM:</b> (30mins, from Hotel to MTL)</p> <ol style="list-style-type: none"> <li>9:30 -10:45 Modern Terminals Limited (MTL) (Berth One, Kwai Chung, Hong Kong) (15 mins, from MTL to CWTC)</li> <li>11:00 -12:15 Chemical Waste Treatment Centre (CWTC) (51 Tsing Yi Road, South, Tsing Yi, N.T.) (15 mins, from MTL to GD)</li> <li>13:00 -14:00 Government Dockyard (lunch time)</li> </ol> <p><b>PM:</b></p> <ol style="list-style-type: none"> <li>14:00 - 15:00 Aids to Navigation and Mooring Unit (ANMU) (1/F, Block E, Government Dockyard, Ngong Shung Road, Stonecutters Island, Sham Shui Po, Kowloon)</li> <li>15:15 – 16:00 Oil spill response Unit (Government Dockyard, Ngong Shung Road, Stonecutters Island, Sham Shui Po, Kowloon.) (30mins, from GD to FOS)</li> <li>16:30 -17:15 Fuel Oil Supplier (FOS) (9/F, Luk Kwok Centre, 72 Gloucester Road, Wan Chai, Hong Kong) (15 mins, from FOS to MD)</li> </ol>
17:00 -17:30	Debriefing and private meeting	All auditors + SPC	

Day 5: Friday 10 November 2023			
Time (1)	Activity (2)	Participants (3)	Division and Location(4)
09:00 – 11:00 Session 19	<b>Casualty Investigation</b> <ul style="list-style-type: none"> <li>• Implementation policy</li> <li>• Processes</li> <li>• Trend analysis, lessons learned</li> <li>• Evaluation, performance review, reporting to IMO</li> <li>• Outstanding issues</li> </ul>	<b>All auditors</b>  <b>Marine Department</b> Multi-Lateral Policy Division - Marine Accident Investigation Section – PS/MAI, SS/MAI	Conference Room C, 21/F, Harbour Building, 38 Pier Road, Hong Kong
11:00 – 13:00 Session 21	Flag State and PSC practical implementation by MD field surveyors	<b>Audit Team LH and KD</b> <b>Marine Department</b> Shipping Division – S/QA(1), SS/PSC. S/PSC(1) - Cargo Ships Safety Section - Ship Registration and Quality Branch - Port State Control Section	Conference Room A, 24/F, Harbour Building, 38 Pier Road, Hong Kong
11:00 – 13:00 Session 22	Flag State implementation and other functions at Regional Desk (Singapore)	<b>Audit Team AV and YS</b> Marine Department Shipping Division – GM/SRQ, RH(Singapore), SS/PD	Conference Room C, 21/F, Harbour Building, 38 Pier Road, Hong Kong (Regional Desk (Singapore) - Online)
13.00 – 14:00	<b>Lunch break</b>		
14:00 – Session 23	<ul style="list-style-type: none"> <li>• Outstanding issues</li> <li>• Private meeting and debriefing of SPC about FDs/OBs (if any)</li> <li>• Drafting of report</li> </ul>	<b>All auditors</b> <b>Marine Department</b> To be confirmed with Audit team leader during audit (AD/S, AD/MP, AD/PAS, AD/PC, AD/LVE, SS/PD)	Conference Room A, 24/F, Harbour Building, 38 Pier Road, Hong Kong

Day 8: Monday 13 November 2023			
Time (1)	Activity (2)	Participants (3)	Division and Location (4)
09.30 – 11.00 Session 24	<b>Closing Meeting</b>  Submission of draft interim report including findings and observations, and draft executive summary report	<b>All auditors</b>  <b>Marine Department</b> DM, DD(1), AD/LVE, AD/MP, AD/PAS, AD/PC, AD/S, GM/Ops, GM/S, GM/SE, GM/SRQ, GM/SS, GM/VTs, Hydro, PS/MAI, PS/MP.	Conference Room A, 24/F, Harbour Building, 38 Pier Road, Hong Kong

### List of participants

LH	: Dr. Leslie Hemachandra (Sri Lanka), Audit team leader
YS	: Ms. Yasko Suzuki (Japan), Audit team member
DK	: Mr. Damrongkiat Kiatopas (Thailand), Audit team member
AV	: Mr. Vasudeva Aji (IMO/MSA Department), Audit officer
DM	: Director of Marine
DD(1)	: Deputy Director of Marine (1)
DS(5)	: Deputy Secretary for Transport and Logistics 5 (Commissioner of Maritime and Port Development) (Transport and Logistics Bureau)
AS(10C):	: Assistant Secretary for Transport and Logistics 10C (Transport and Logistics Bureau)
AD/LVE	: Assistant Director/ Local Vessels and Examination
AD/MP	: Assistant Director/ Multi-lateral Policy
AD/PAS	: Assistant Director/ Planning and Services
AD/PC	: Assistant Director/ Port Control
AD/S	: Assistant Director/ Shipping
GM/Ops	: General Manager/ Operations
GM/S	: General Manager/ Services
GM/SE	: General Manager/ Seafarers and Examination
GM/SRQ	: General Manager/ Ship Registration and Quality
GM/SS	: General Manager/ Ship Safety
GM/VTs	: General Manager/ Vessel Traffic Services

Hydro	: Hydrographer
MD	: Marine Department
PS/MAI	: Principal Surveyor/ Marine Accident Investigation
PS/MP	: Principal Surveyor/ Maritime Policy
SMO/DGandP	: Senior Marine Officer/ Dangerous Goods and Prosecution
SMO/PL	: Senior Marine Officer/ Port Logistics
SMO/SAR	: Senior Marine Officer/ Search and Rescue
SMO/Training	: Senior Marine Officer/ Training
SMO/VTC	: Senior Marine Officer/ Vessel Traffic Centre
SS/CSS	: Senior Surveyor of Ships/ Cargo Ships Safety
SS/EP	: Senior Surveyor of Ships/ Environmental Policy
SS/MAI	: Senior Surveyor of Ships/ Marine Accident Investigation
SS/PD	: Senior Surveyor of Ships/ Professional Development
SS/PSC	: Senior Surveyor of Ships/ Port State Control
SS/QA	: Senior Surveyor of Ships/ Quality Assurance
SS/QM	: Senior Surveyor of Ships/ Quality Management
SS/SP	: Senior Surveyor of Ships/ Seafarers Policy
S/CSS(3)	: Surveyor of Ships/ Cargo Ships Safety(3)
S/QA(1)	: Surveyor of Ships/ Quality Assurance (1)
SSSO/MISS	: Senior Shipping Safety Officer/ Marine Industrial Safety

## **ANNEX 2**

### **AGENDA AND LIST OF ATTENDEES TO THE OPENING MEETING**

#### **Agenda of the opening meeting**

1. Opening statement
2. Introduction of the audit team
3. Background history and the purpose of the audit
4. Review and confirmation of the provisional audit programme, including the purpose, scope, and objectives of the audit
5. Short summary of the methods and procedures to be used to conduct the audit
6. Official communication links between the audit team and the Member State's officials
7. Facilities and administrative arrangements
8. Programme of visits to the Member State's regional offices and other involved organizational elements
9. Time, date and place of the closing meeting and any interim meetings of the audit team and the Member State's senior management
10. Procedures for documenting audit findings and observations, providing response to such findings and observations and agreeing them
11. Confidentiality of findings and observations, i.e., the auditors to agree with the auditees any controls on evidence obtained during the audit and disposal of report findings and observations and report copies; and
12. Agreement that a draft audit interim report and a draft executive summary report should be tabled during the closing meeting.
13. Other items

### List of Participants - Opening meeting

No.	Name	Designation	Name of entity
1	Ms Carol YUEN	Director of Marine	Marine Department
2	Mr S F WONG	Deputy Director of Marine (1)	Marine Department
3	Ms Lydia LAM	Deputy Director of Marine (2)	Marine Department
4	Miss Amy CHAN	Deputy Secretary for Transport and Logistics 5	Transport and Logistics Bureau
5	Miss Bronwyn YEUNG	Assistant Secretary for Transport and Logistics 10C	Transport and Logistics Bureau
6	Mr C F LIU	Assistant Director/ Multi-lateral Policy	Marine Department
7	Mr C T LAI	Assistant Director/ Port Control	Marine Department
8	Mr Q SHI	Assistant Director/ Local Vessels and Examination	Marine Department
9	Mr L K LAW	Assistant Director/ Planning & Services	Marine Department
10	Mr Jerry TANG	Assistant Director/ Shipping	Marine Department
11	Mr K Q WU	General Manager/ Operations	Marine Department
12	Mr Y J SUN	General Manager/ Services	Marine Department
13	Mr Jammy NG	General Manager/ Seafarers and Examination	Marine Department
14	Mr Eric LEE	General Manager/ Ship Registration and Quality	Marine Department
15	Mr K L LUI	General Manager/ Ship Safety	Marine Department
16	Mr J H HUANG	General Manager/ Vessel Traffic Services	Marine Department
17	Mr T M KOO	Hydrographer	Marine Department
18	Mr C W HO	Principal Surveyor/ Marine Accident Investigation	Marine Department
19	Mr Z H HUANG	Principal Surveyor/ Maritime Policy	Marine Department
20	Mr Matthew SHU	Senior Surveyor/ Professional Development	Marine Department



## ANNEX 3

### STRUCTURE OF THE MARITIME ADMINISTRATION

