

To: Legislative Council Secretariat  
Panel on Economic Development  
From: Chun Wah Tak, Bruce  
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Comments on Proposal to establish new principal fairway in North Lantau

I would like to express my support in amending the Shipping and Port Control Regulations (Cap. 313A) and related regulations regarding the establishment of principal fairways from Urmston Road to Ma Wan. The amendment is considered essential to safe navigation in the area, for large ocean liners as well as smaller local crafts.

After the turn of the century, a number of fatal ship collisions happened in Hong Kong. In 2002, Kota Hadiah collided with AM Vella near Ha Pang, eight crewmembers killed. In 2008, Yao Hai collided with Neftegaz-67 (YH and N67) at CP buoyed channel, killed 18 crew. In 2012, Sea Smooth and Lamma IV at north Lamma Island, killed 39. Any identified solution that could have avoided these accidents should be done.

In the most recent collision case in the area along the proposed fairways is the collision between YH and N67. The trial judge at district court concluded in her judgement, para 385 (DCCC No.669 of 2008), that the seamen navigate from Ma Wan to the CP buoyed channel and within it accordance with narrow channel/fairway rule. Based on a number of reasons, the judge held that the CP buoyed channel a narrow channel (DCCC, para 387). The ruling was agreed by higher courts in subsequent appeal and final appeal (para 198, FACC Nos 6 and 7 of 2012).

The Court of Final Appeal also pointed out that the channel in Urmston Road is also a narrow channel (FACC, para 165). In other words, the channel along Urmston Road through CP buoyed channel is a narrow channel where relevant regulations for preventing collision (Cap. 369N) apply.

Proposed establishment of the principal fairways in the area were actually existed for years without proper status, and sometime not even a proper name. The amendments to the Shipping and Port Control Regulations regarding the establishment can be considered as an exercise to clarify any possible doubt. The YH and N67 case might have been avoided if the requirement on keeping to the outer limit of the channel/fairway on her starboard side has not been confused.

Dated back to 2004, a Marine Traffic Risk Assessment Study of the Marine Department did suggested a fairway along the area in question. However, it was not adopted. It was argued that the traffic volume using these waters was not high enough to justify the costs. It is the time to change.

It is a serious safety matter to regulate traffic movements at the junction area of any traffic management scheme or fairway. It is known to be the most dangerous with highest possibility of collision. Keeping fishing activities out of the area is absolutely a necessity.

Yours faithfully,



Chun Wah Tak, Bruce