

The “Provisions on the Administration of Water Traffic
Safety Special Supervision Area in the Pearl River
Estuary (for Trial Implementation)” came into Force on
July 1, 2024



Ingosstrakh's P&I Correspondent in China Messrs. Huatai Insurance Agency & Consultant Service Ltd., keeps us in loop of update concerning the newly introduced provisions on the Provisions on the Administration of Water Traffic Safety Special Supervision Area in the Pearl River Estuary.

On April 11, 2024, Guangdong MSA (Guangdong MSA) released the "Provisions on the Administration of Water Traffic Safety Special Supervision Area in Pearl River Estuary (for Trial Implementation)" (hereinafter referred to as the "Provisions"), which has been implemented on a trial basis from July 1, 2024 and will be valid for two years.

We hereby issue this Circular to provide a brief introduction with regard to the contents that closely related to the ships that navigating, berthing, and operating within the Special Supervision Area for the reference of Shipowners.

Main Contents

The "Provisions" consist of thirty-three Articles, among which the contents closely related to ships that navigating, berthing, and operating within the Special Supervision Area are set out and explained hereunder:

1. Requirements on Ship's UKC (Article 8)

Maintaining sufficient UKC (under keel clearance) is crucial for the safety navigating, berthing, and operation of ships. In order to avoid grounding accidents and in the meantime to better control the entry and exit of certain ships that beyond the regular operation capacity of a specific fairway, Article 8 of the "Provisions" provides explicit requirements on UKC for ships that navigating and operating within the Special Supervision Area based on factors such as the location of the ship, ship's type, ship's DWT and navigation status, in combination with the characteristics of the fairway as well as the hydrological and meteorological conditions within the Special Supervision Area.

2. General Navigation Regulations (Articles 9 to 14)

(1) Article 9 provides a description of the general actions and regulations that to be followed by ships navigating along the fairway. The content of the first paragraph is consistent with Paragraph 1, Rule 9 (Narrow Channels) of the "Convention on the International Regulations for Preventing Collisions at Sea, 1972" (COLREGS), which guides ships to steer as far as practicable to her starboard side respectively under the premise of ensuring their own safety, standardizes the traffic flow of ships navigating along the fairway to reduce the possibility of the formation of head-on situations and improve the navigation safety. In addition, the third and fourth paragraphs stipulate the fundamental principles for use of the fairway by shallow draught ships according to their specific drafts, so as to avoid small ships with drafts less than 5 meters occupying the main channel for

a long time and affecting the safety and efficiency passage of deep draught ships that can only navigate safely within the fairway.

(2) Article 10 specifies that a ship entering or leaving the fairway shall keep out of the way of the ship sailing along the fairway. In addition, the Article also draws on Paragraph 5, Rule 9 of the COLREGS, 1972 concerning the actions of ships when overtaking other ships in narrow channels or fairways, i.e. when entering or exiting the fairway can take place only if the ships sailing along the fairway has to take corresponding safety actions to permit safe entering or exiting, the ship entering or exiting the fairway shall contact and coordinate with the ship sailing along the fairway in advance to avoid collision and ensure navigation safety.

(3) Drawing on Paragraph 3, Rule 10 of the COLREGS, 1972 concerning the action to be taken by the ship when crossing the traffic lane, Article 11 of the "Provisions" specifies the collision avoidance actions and obligations to be taken between the ships when crossing the fairway, as well as the warning signals to be displayed or sounded by the crossing ship before crossing and the means of manoeuvre when crossing. Such stipulation effectively reduces the risk of collision between the ships crossing the fairway and the ships navigating along the fairway.

(4) Article 12, 13 and 14 aim to: (i) make it clear that ships shall avoid meeting at the turns of the fairway and define the collision avoidance relationship between ships when they meet in some specific water areas and (ii) considering there are curved sections within some special water areas, insufficient water depth outside the fairway, high traffic density and the confined collision avoidance spaces, ships within these areas are prone to collide when overtaking, navigating in parallel and turning around. Therefore, the aforementioned maneuvers are prohibited in certain water areas in order to minimize the risk of collision.

3. Speed Restrictions (Article 15)

Taking into account of the actual needs and conditions of the fairway, Article 15 specifies the rules for slow navigation in certain special areas and the specific speed limitations in some water areas listed therein. Considering the characteristics of high-speed passenger ships and the actual demand of passenger transport, the speed limit of high-speed passenger ships is exempted.

4. Navigation Requirements in Restricted Visibility (Article 16)

On the basis of Rule 19 and 35 of the COLREGS, Article 16 of the "Provision" specifies the rules for ship's actions when navigating in restricted visibility. In addition, it clarifies the requirements for restricting speeds and prohibiting navigation under certain visibility, as well as the circumstances under which reports must be made to MSA. This article also provides a conditional exemption for high-speed passenger ships and cruise liners.

5. Critical Equipment Testing and Reporting (Article 20)

Similar to the self-inspection requirements for ships entering the Yangtze River Deep water Channel, Article 20 of the "Provisions" put forward requirements on the testing of engines, steering gears, communication and emergency equipment for ships more than 50,000 DWT and intending to entering the Guangzhou Port seaward fairway or the main fairway of Gaolan Port in Zhuhai to ensure those equipment are in good technical condition. Ships shall confirm that such test have been completed in accordance with the requirements when reporting the voyage plans to the VTS center.

6. Navigation Requirements in Bridge Areas (Articles 22 to 24)

The navigable waters in the bridge areas are restricted and the traffic flow is dense, resulting in higher navigation risks. Article 22 to 24 of the "Provisions" explicitly prohibit ships from crossing non-navigable bridge openings and it is required that when ships pass through bridges in the Special Supervision Areas, they should choose and use appropriate bridge openings based on their tonnage and the technical scale of the bridge openings, navigate with their engine on stand-by. At the same time, they should endeavor to avoid meeting beneath the bridge openings. In addition, in order to protect the safety of the piers of non-navigable openings in Shenzhong Passage and the Huangmaohai Cross Sea Passage, Article 24 also sets navigation prohibited areas.

HUATAI'S SUGGESTIONS

The implementation of the "Provisions" has provided guarantee for strengthening the management of water traffic safety, maintaining regional water traffic order, and ensuring the safety of navigation, berthing and operation of ships in the Pearl River estuary Special Supervision Area.

We suggest ships strictly abide by the regulations and carefully study the "Provisions", especially the important Articles mentioned above, before entering the Special Supervision Area so as to fully understand the navigation environment, such as the characteristics, width and depth of the fairway to be used, the traffic flow, the distribution of bridges, turning areas, navigation prohibited areas, the offshore wind farms and the specific location of obstacles and dangerous areas etc. within the supervision area.

Meanwhile, ships should develop detailed voyage plans and effectively implement them, maintain safe speed and good communication with other ships. Officers in charge of navigation should maintain proper lookout and a high degree of situation awareness, closely monitor the surrounding navigation environment, take early collision avoidance measures to avoid collision accidents.

Full text of the Circular is available via the [link](#).

A brief look at the agenda of the IMO III 10 Sub-Committee

The IMO Sub-committee on Implementation of IMO Instruments (III) 10th session will be held from 22 to 26 July. BIMCO will be there to monitor developments and intervene on behalf of its Members. The agenda of the meeting includes several important items, including inadequacy of port reception facilities, analysis of marine casualties and incidents investigation reports and guidance on remote surveys. The article covers some of the important and relevant items for BIMCO and its Members.

The Sub-committee on the implementation of IMO instruments (III) addresses the effective and consistent global implementation and enforcement of IMO instruments concerning maritime safety, security and environmental protection.

The agenda for III 10, taking place from 22 to 26 July 2024, covers a variety of topics; below, we have highlighted some key and notable items of interest to BIMCO and its Members:

Port Reception Facilities (PRFs)

A major topic of discussion will be PRFs. Data provided to the Sub-committee provides an indication of improvement concerning availability of PRFs, with a decrease in the number of reported cases and an increase in the response rate by port states.

Nevertheless, an issue persists on availability particularly where discharge of garbage ashore is concerned, creating issues for ships, which often have limited garbage storage facilities. The accumulation of excessive garbage onboard leads seafarers to store them in places not designated for such purpose, posing additional risks to the seafarers and the environment, and creating the risk of deficiencies, fines or detentions by port state control authorities.

Moreover, we have to consider the possibility that the reported information does not fully reflect reality, since not all cases of inadequate port reception facilities are reported to the flag states. It is common knowledge that the awareness of reporting obligations is limited in many ports.

Taking the above into consideration, BIMCO will fully support all proposed actions in order for port states' responses to be assessed and the reporting on behalf of the ships, companies and ports to be enhanced.

Accident investigations and lessons learned

Regularly, accident reports are assessed during III sessions for the purpose of knowledge sharing and to enable integration safety improvements. The most notable outcome of the analysis submitted by InterManager to III 10 is that a significant under-reporting of accidents still exists. BIMCO strongly advocates for timely and consistent reporting and thorough investigations of all accidents to improve safety measures and prevent

recurrence.

On the other hand, we expect an interesting discussion on the concerns raised by Panama regarding the measures taken onboard to ensure that the different operations are performed safely. Panama's submission attempts to address the matter holistically, relating incidents and accidents to the managers, operators and recognized organizations of the vessels, and identifying the correct maintenance plan, crew familiarization and training, and the quality of internal and external audits as areas for improvement.

Finally, China has submitted a document discussing the lack of mandatory requirements regarding fumigation onboard the ships and mitigation of associated risks. BIMCO shares the concern that insufficient attention is paid to fumigation onboard ships and will follow up developments.

Updated survey guidelines under HSSC / Guidance on remote surveys

Work to update the HSSC survey guidelines and guidance for remote surveys continues, with most significant the development of guidance on remote surveys, ISM Code audits, and ISPS Code verifications, including eligibility criteria, the use of remote technology and the agreement of flag and port States on the acceptance of remote survey pertaining to PSC deficiencies. BIMCO will closely follow up developments.

Other Considerations

China has raised the issue that currently shipping companies holding a Document of Compliance for "other cargo ship" could manage several different types of ships, while the technical, operational and management requirements might be significantly different. China proposes revising the forms of the DoC in the appendix to the ISM Code, as well as requiring for additional verification when new ship types are added to an existing DoC under "other cargo ship".

BIMCO supports in principle the need to explicitly specify the ship types under the category "other cargo ship", however proposes to consider the amendment of SOLAS Chapter IX and relevant IMO instruments to specify and distinguish the ship types currently categorized as "other cargo ship", while believes that ISM Code sufficiently regulate any addition of new ship types and, thus, disagrees with the need for additional verification.

A report on the outcome of the IMO III Sub-committee will be published shortly after the meeting conclusion. We advise Shipowners to familiarize themselves with this document.

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