



# MEMORANDUM

---

## **Dangers of Pilotage Operations in Klang Port Waters: National Security and Danger to Accidents**

**April 2011**





# MEMORANDUM

## Dangers of Pilotage Operations in Klang Port Waters: National Security and Danger to Accidents

To:



**Y. A. B Dato' Seri Mohd Najib Bin Tun Haji Abdul Razak**  
Prime Minister of Malaysia

Prime Minister's Office,  
Main Block, Perdana Putra Building,  
Federal Government Administrative Centre,  
62502 Putrajaya, MALAYSIA

From:

Norazura Abu Kasim

7 March 2011



PUSTAKA PERDANA



1013660



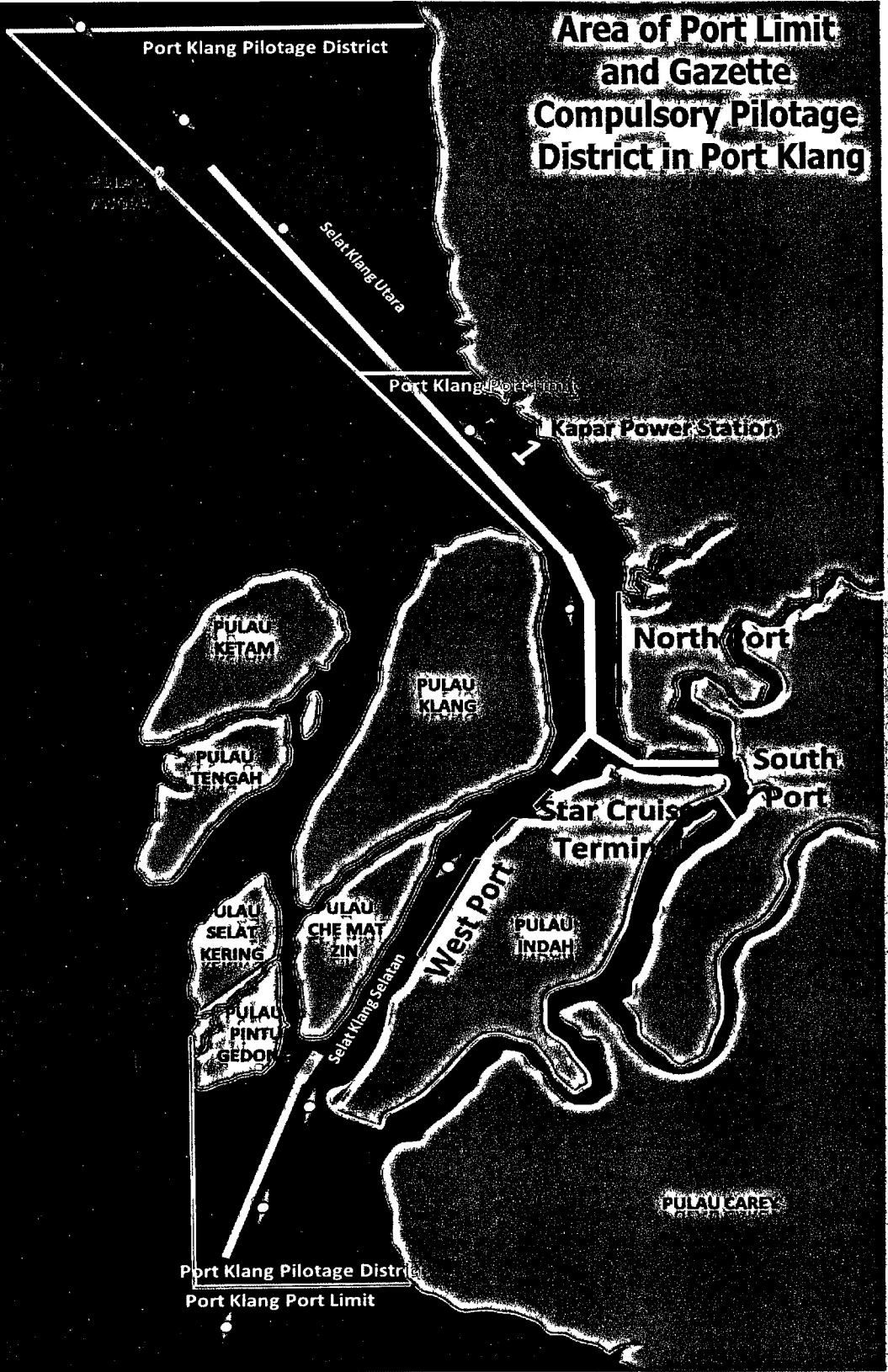


Malaysia sebagai sebuah negara maritim perlu memastikan bahawa setiap inci kawasan yang melibatkan kawasan kedaulatan dan kepentingan negara, dikawal sebaik mungkin sepanjang masa. Ini kerana Malaysia mempunyai perairan negara yang meliputi keluasan 614,000 kilometer persegi dan pantai sepanjang 4,492 kilometer di bawah zon maritim dan menekankan bahawa pelabuhan negara ini bergantung kepada keyakinan untuk akses yang bebas dan selamat bagi perkapalan....

***YAB Perdana Menteri Malaysia,  
Dato' Seri Mohd Najib Tun Abdul Razak,***

Berita Harian, Isnin November 26, 2007

# Area of Port Limit and Gazette Compulsory Pilotage District in Port Klang





In the Name of Allāh, the Most Gracious, the Most Merciful

Y.A.B Dato Seri,

After the atrocious attacks against the United States on September 11<sup>th</sup> 2002 the whole world was shaken to the core. However, it was a wake-up call to the maritime sector that none of our traditional concepts could be taken for granted and that it was necessary to examine all facets of the maritime industry to see where and to what extent our exposure to terrorist activities might exist. In maritime, pilots have a key role to play in this process because of our expert pilot knowledge of ships and navigation and being on board that usually enables pilot to identify irregularities. This will ensure port marine safety and compulsory from time to time Government need to improve pilotage safety. Early action will extremely help avoiding impacts harming pilots, ports, waterway and nation.

The security of our nation is of paramount importance. It must be maintained on a 24/365 basis. And as such, there is no such thing as a 'wrong timing' or a 'right timing' where the nation's security is concerned. The law of our waterways must not be seen as enforced only at certain times and for certain duration. Now we can see that our nation's security has been breached and compromised with impunity, with the collusion of our local people. It is a great privilege and honor in ensuring pilots to make sound judgements on the basis of what is required for safe navigation is not compromised because a single point failure in pilotage has a catastrophic consequence for the marine environment, all port users, commerce, industry and the local community.

A compulsory pilotage requirement is by far the most effective mechanism available to a government to protect its waters, assure the safety of its people and environment, and to facilitate waterborne

commerce. It is effective because it places on the bridge of a ship an individual whose purpose in being there is to protect the public interest. When a pilot has to compete for ship assignments, particularly assignments from a ship-owner or other entity that promotes competition, the pilot knows that his livelihood depends on acting in the interests not of the government and its people but of the person who controls the selection of the pilot. When a pilot's role is compromised in this fashion, the purpose of the compulsory pilotage requirement is frustrated. Once the pilotage operation is compromised, this will invite dangers and affected national safety and security at our port and waterways.

#### **Clear and present dangers**

#### **Affecting national safety and security**

**a. Notice 3/2004 Port Klang Authority.**

Pilot exemption certificate been given to the master of the vessel by Port Klang Authority (PKA) has made the master become stubborn, selfish and refuse to cooperate with pilot's instruction during navigational.

*(See appendix 1)*

**b. Tendency of waterway being sabotage.**

Once our authority start giving pilotage exemption certificate to master of vessel meaning we are inviting chances for the port and our waterway being sabotage. One example of a major impact resulting on giving pilotage exemption to master of vessel is a case of carrying 48 illegal Indonesia on passenger ship.

*(See article in appendix 2)*

**c. Port Klang Pilot shall be a Malaysian citizen only.**

The importance of employing qualified pilots in approaches to ports and other areas where specialized local knowledge is required and was formally recognized by IMO in 1968, when the Organization adopted Assembly resolution A159 (ES.IV) Recommendation on Pilotage.

Westport is hiring pilot from ex-army Burma and do the expatriate pilot concern about our water safety? Do they care about our national safety and security?

For example, Thailand and Myanmar only employed their ex-navy as their license pilot due to their national safety and security reasons.

*(See picture in appendix 3)*

**d. Towage and marine services is monopolized by Singapore Company which is a joint partner company with Malaysian.**

All tugs services in Malaysian ports are supported by Singapore tugs. An operation of Pilot boats in Port Klang is currently supplied by Straits Perkasa Sdn Bhd that is owned by Singaporean company while the tug boat operation is run by Sang Muara Sdn Bhd who is also a Singaporean owned company. These two companies currently monopolized towage and marine operation services in ports of Peninsular Malaysia i.e. Port Klang port, Pasir Gudang port, Tg Pelepas port and Penang port.

*(See appendix 4)*

**e. Disposal and sales of government assets.**

For national safety purposes, Northport should not dispose tug boats given by government during port privatization as this action will result in misconduct of national safety. By right, our Government port is fully equipped with pilot and tug boats in assisting daily operation. Unluckily, 3 out of 4 these tug coming back as a harbor tug and operate in Westport under new registration

(Singapore Flag). Their new name is as below: KST 43, KST 44 and KST 45. Recently these tugs change their registry to Port Klang by the name of KSP 43 and KSP 44.

*(See appendix 5)*

**f. Issuance of pilot exemption certificate to sub-standards vessels such as bunkering vessel, ferry, tug and barge.**

This will lead to a free movement without law and ignoring all the safety aspect at sea. At least 20 bunkering ship which is handled by foreigner especially Indonesian is given a pilot exemption within our pilotage limit and our water can be jeopardized by them if our authority just closes their eyes.

*(See appendix 6)*

There is a case where a French yacht was out to the sea without informing authority body and accidentally hit another going ship at the middle of North Channel. Due to this incident, the channel entirely close for 2 weeks and affecting economic growth for our ports as quite numbers of ship passed our port and straight move to Singapore port.

*(See appendix 7)*

**g. Unknown activities in ours waterway.**

Due to pilot exemption notice, there is an unknown pilot boat at our waterway and nobody knows what are they doing and where are they heading to. The boat is BPK 646P which previously served as a pilot boat at our port and now their services terminated. The boat is using national pilot color code and the pilot flag rose up which meaning that the pilot is on board. But where is the pilot heading to? Is it a foreign pilot doing secret movement at our waterway and use our place as their secret base?

The boat is not belonging to Northport or Westport. (The boat owned by Zengo Marine Sdn Bhd – another Singapore company).

*(See picture in appendix 8)*

**h. Regulatory Enforcement.**

Marine Department and other relevant authority shall monitor, restrict and issuing regulations pertaining to the United Nations shipping agency requirement that agreed to accelerate a ban on single-hulled oil carrier's fleet by 2010 in order to fulfill international environmental circulation. The authority should monitor and restricted single hull vessel that entering our water as to ensure that it won't cause any danger to our port and environment. Single hull vessel is more dangerous and no safety against oil spill if there is any accident and furthermore, they are all overloaded.

*(See picture in appendix 9)*

**i. Smuggling Activities.**

Ships alongside at the Government jetty without using a pilot service at South Port. Smuggling can easily arise in this kind of situation. There is a case where a barter trade boat itself carrying weapons such as M16. It could be they themselves are pirates in Malacca Straits. (Case happened in year 1998)

*(See picture in appendix 10)*

**j. National safety and security.**

Pilot experienced themselves with fire armed crews on the deck. (Israel crews on ZIM ships)

**k. No coordination and wrong practices by Port Klang Authority.**

Regulatory body gives a big contribution to the failure of enhancing and enforcing national security and safety at port and waterways. It is difficult to control two different pilot operation movements in one passage and the officer at the control centre are not competent and qualified to become the traffic controller (VTMS).

*(See case study in appendix 11)*

**l. Competition among port operators.**

Drastic plan in extending wharf at Westport is totally irrelevant and unsafe for navigation (Westport Development Proposed Construction and Completion of Land Reclamation and Dredging Works at CT6, CT7, CT8 and CT9 at Westport, Pulau Indah, and Port Klang). The construction for the extension of wharf is not by nature shoreline but by reclaiming it. Unsafe for navigation because the port have two different pilot service provider and there is no cooperation among them during navigational at sea specially at the new extension wharf area.

*(See picture in appendix 12)*

**m. Dangerous and uncontrolled bunkering activities in port limit**

Port Klang Authority must control and monitor strictly before giving pilot exemption certificate. They have to check thoroughly on the history of the master of the vessel and the vessel itself. For example, Kapatra Sdn Bhd is currently been giving permission to operate a bunker station in the port area that is between wharf 25 of Northport and Kapar Power Station. This will resulting in a very bad traffic as the entire bunker will move in and out to that bunker station which affected the movement of merchant vessel to the Port Klang port. Furthermore, transfer of tones of oil in the most dangerous area – Kapar Power Station is seemed to be like an atomic bombing area once exploded.

**n. Issue on vessel free anchorage at port limit**

According to Port Klang Marine Information Handbook under Anchorage-Deep Water Point (North), saying that:

*'Area north of the line between buoy 14 and the mainland extending up to a line between buoy 10 and mainland. Maximum LOA 200 metres and a permissible draft of not more than 10 metres.'*

For example, there is a vessel named 'Super Star Libra' LOA 216 metres and exceeding allowable length by the Port Klang Authority. This vessel anchored by her without using pilot service (exempted vessel). Why this vessel allowed anchoring at North point? The anchorage position is unsafe for safety navigation in port area.

*(See picture in appendix 13)*

There is also a case where vessels anchored on the submarine cable.

*(See picture in appendix 14)*

**o. Oil spill in port area**

No enforcement on the oil spillage at port area and sea.

*(See picture 15)*

## Danger to accidents

### **a. Port Klang has two different pilot offices.**

This major issue always queries by foreign ship captain as they encounter many difficulties in term of cooperation and communication aspects. These two different offices may lead into unhealthy competition in pilotage services. Some reasons why competition is harmful to compulsory pilotage are:

- i. Competition is inconsistent with the nature and function of both compulsory pilotage and comprehensive pilotage regulatory systems.
- ii. Competition compromises safety and security
- iii. Competition leads to discriminatory service.
- iv. Competition discourages necessary investment in a pilotage service.
- v. Competition is economically inefficient.

One single calling Pilot Station is efficient and effective in enhancing the pilotage and marine system in Port Klang and to stop pilot competition at Port Klang.

*(See picture in appendix 16)*

### **b. Lack of communication and cooperation.**

Very lack of communication between pilots of these two different companies which resulting in many near-missed accidents throughout channel.

*(See appendix 17)*

**c. Commercial pressures on the pilot as always a source of stress.**

These may be in the form of requests to use fewer tugs to berth/unberthing within certain time-frames that common in practice at our port.

*(See picture in appendix 18)*

**d. Ship to ship cargo transfer inviting unsafe operation in port limit and pilotage area.**

It may cause oil spill in the port area where currently there is no such oil combat facilities at our port. Movement without pilot also causes danger as the ship alongside each other freely. No proper fender system use by them.

*(See picture in appendix 19)*

*Use of pilot services on board during ship to ship transfer can help government to monitor the movement specially to avoid any unexpected incidents happen likes oil spillage and fire causing from the involved vessel.*

**e. Unmonitored bunkering activities in port limit.**

Unmonitored and uncontrolled bunkering activities can cause contamination and unsafe to environment.

*(See picture in appendix 20)*

**f. Uncontrolled number of bunkering ships at Port Klang**

There are quite a big number of bunker vessels in Port Klang and all are pilot exempted.

*(See appendix 21)*

**g. Pilot Exemption bunker vessels in Port Klang waters inviting dangerous movement.**

Pilot Exemption bunker vessels crossing mother ship's bow and disobey piloting instruction by the pilot onboard. This is such a dangerous navigation in pilotage district.

*(See picture in appendix 22)*

**h. International requirement for pilotage.**

All vessels are compulsory to use pilotage service in pilotage district and port limit, and no more exemption being allowed in order to monitor the safe passage of Port Klang. This is also a solution for reducing accident rate in port area.

**i. Danger to accidents.**

a. No pilot on board and one of Port Klang Beacon i.e. no 25 is broken and nobody knows which objects such as tug and barge is responsible in causing that damage.

b. A lot of accidents happen especially to those pilot exempted bunker ships, barter trade ships and also barge as their master is not expert of our water.

*(See picture in appendix 23)*

c. LBT is a Government jetty and there should not allowed any vessel berth or unberthing without using pilot service to the Government jetty.

*(See picture in appendix 24)*

#### j. Safe transfer

Transferring pilot between ship and a pilot boat is importance and every entity must take this into consideration and safety must come first.

*(See picture in appendix 25)*

#### **Reason for port pilot offices to combine**

Here we are pointing out a few infirmity of the current system in marine services department and why the Government must consider merging them and making it as one single entity for strengthening Port Klang's competitiveness via better cooperation thru formation under one roof.

As per discuss in the early section of memorandum, it shows that our port are facing a very bad attitude in terms of their operational system and management. We need to minimize corruption and safety should not compromise. The main reason for pilotage office combination is SAFETY AND SECURITY...

The following are some specific objectives and reasons for port pilot office to combine:

- to enhance the efficiency of port marine services
- to discourage competition in pilotage
- to reduce the costs of port marine services
- to promote the port marine services to foreign master of the vessel
- to monitor the security and safety of piloting and navigational works
- to acquire management expertise
- to enhance the pilotage system
- to strengthen entrepreneurial and managerial capacity
- to ease the introduction of modern management methods

- to solve/improve labour problems
- to eliminate/minimize bureaucratic/political influence
- to stop the monopoly supply of towage services by outsiders

## Conclusion

As a conclusion, a compulsory pilotage requirement is by far the most effective mechanism available to a government to protect its waters, assure the safety of its people and environment, and to facilitate waterborne commerce. It is effective because it places on the bridge of a ship an individual whose purpose in being there is to protect the public interest. Pilots are in a unique position to observe the twin requirements of safety and security. Pilots work every day at the intersection of safety and security.

As long as ships have put to sea, they have been taking on pilots to guide them into port or through dangerous water. In 19<sup>th</sup> century, the majority of maritime nations throughout the world including Malaysia established compulsory pilotage to protect their channels, riversides and ports to ensure safety of navigation and to enhance efficiency of waterborne commerce. This show how the role of pilot can protect national interest besides protecting national economic growth.

Pilots navigate ships day and night, through dense fog and high winds, avoiding delays and carrying the optimum cargo capacity through the available channel depths to the benefit of the port and the ship. Pilots are the security assets of Malaysia. It is important to make our ports and waterways more secure from attacks while maintaining the safety of navigation. Therefore, it is become more useful to consider as accommodating, rather than balancing both safety and security.

With all the evidence and incidents happen, we believe that it is enough information for Government to take into consideration and fast action to save our port and national waterways at Port Klang. Make a compulsory rule that all the vessel entering port area compulsory to use pilot

service. This will help in enhancing the port safety and security as pilot on the bridge of a ship could be in the best position to assess security vulnerabilities. Therefore, pilots have long been aware of the possibility that a ship could be involved in an act of terror, either as a target or as a weapon.

The main importance action to be taken by Government:

- Cancellation of Notice no.3/2004 issued by Port Klang Authority and restriction of the issuance of pilot exemption certificate to master of the vessel.
- None of port operator in Klang Port shall hold a license pilot and marine operation service provider.

*(Miscommunication and lack of cooperation among these two offices can be reduce once Government withdraw back license pilot from both offices as per mentioned in MSO 1952 section 443(1) where it stated that at any time the Minister satisfied that the public safety is affected then Minister can requisition the service pilots into Government service).*

- Make only a single and independent pilotage and marine operation service provider at Klang Port.

We should also remember that pilotage is and will continue to be the single cost efficient means of maintaining the high level of safety now demanded by community around the world. That's why we urgently need to ensure the fulfillment of the nations responsibility to control the traffic safety and security, the warranty of free and non-discrimination access to the ports, the insurance of facilitation of the traffic, the protection of the environment and if necessary the prevention of economical damage. Our pilots also act as National frontlines to ensure safety for environment, ships, port and our waterways.

