

**INTERNATIONAL COURT OF JUSTICE**

**CASE CONCERNING SOVEREIGNTY OVER  
PEDRA BRANCA / PULAU BATU PUTEH,  
MIDDLE ROCKS AND SOUTH LEDGE  
(MALAYSIA / SINGAPORE)**

**MEMORIAL OF  
SINGAPORE**

**VOLUME 7**

**( Annexes 149 to 206 )**

**25 MARCH 2004**

**Annex 149**

**Sections 270 to 278 of the Singapore Criminal Procedure Code  
(1980 Reprint)**

269. When a case is revised under this Chapter by the High Court it shall certify its decision or order to the court by which the finding, sentence or order revised was recorded or passed, and the court to which the decision or order is so certified shall thereupon make such orders as are conformable to the decision so certified, and if necessary, the record shall be amended in accordance therewith. [260]

Orders on revision.

## PART VIII

## SPECIAL PROCEEDINGS

## CHAPTER XXX — INQUIRIES OF DEATHS

Am. Act 20/70.

270. In this Chapter unless the context otherwise requires —

Interpretation.

Subs. Act 20/70.

“inquiry” means an investigation as to the cause of any death held by a Coroner;

“institution” means any place in which under any written law any person is or may be detained;

“medical officer” means any pathologist or any medical officer in charge of any hospital;

“view” includes the making of any necessary external examination. [261]

*Procedure in case of Unnatural Death*

271. The superintendent, manager or other person in charge of any institution within which any person dies shall forthwith give notice of the death to a Coroner within whose jurisdiction the institution lies. [262]

Notice of death by superintendents of institutions.

272.—(1) On information being given to a police officer of the death of any person or that the dead body of a person has been found and that there is reason to suspect that the person came by his death in a sudden or unnatural manner or by violence, or if the manner in which the person came by his death is unknown, that officer or some other police officer shall at once go to the spot where the body is lying or the death is believed to have occurred and use his best endeavours to discover the cause of the death of the deceased and may arrest any person whom he reasonably suspects of having caused the death.

Duty of police on receiving information.

(2) As soon as possible after that officer has seen the dead body or started his investigation he shall notify a Coroner stating any particulars concerning the cause of death which

have come to his knowledge, and giving his opinion as to whether the death was due to any unlawful act or omission or not.

Removal of body  
by order of police  
officer.

Am. Act 21/73.

(3) In any case where the death has not been reported to a Coroner as due to any unlawful act or omission any police officer who has viewed the body and thereafter certified in writing that there appears no reason to suspect that the death was due to any unlawful act or omission may cause the body to be removed to such place as that officer directs, pending the order of a Coroner, and every such certificate shall be delivered to the Coroner.

(4) A police officer investigating the circumstances connected with any death which has been reported to a Coroner under the provisions of this section shall from time to time furnish that Coroner with any further particulars concerning the death which may subsequently come to his knowledge, together with the name of any person who has been arrested and charged in connection with the death. [263

#### *Coroner's Order for Burial of Body*

View of body by  
Coroner or burial  
without view.

**273.**—(1) Where the finding of a dead body under the circumstances mentioned in section 272 is reported to or comes to the knowledge of a Coroner within whose jurisdiction the dead body has been found, that Coroner —

(a) shall, as soon as possible, proceed to the place where the body is and view the body; or

(b) may order the body to be removed to some more convenient place, and, subject to the provisions of paragraph (c), shall view the body at that place; or

(c) if the death has not been reported as due to any unlawful act or omission, may, if it appears to him unnecessary to view the body, forthwith issue an order for the burial thereof.

Preliminary  
investigation.

(2) In the case of every such dead body as is referred to in subsection (1) the Coroner shall make a preliminary investigation.

Am. Act 20/70.

(3) If he considers after making a preliminary investigation that death was due to natural causes and that it is unnecessary to hold an inquiry, he may if the body is still unburied, issue an order for the burial thereof.

(4) Such order may be issued either before or after any examination of the body by a medical officer.

(5) In every case where a body is buried by order of a Coroner and no inquiry is held, the Coroner shall report the facts to the Public Prosecutor with his reasons for not holding an inquiry and shall transmit all reports and documents in his possession connected with the matter.

[264]

**274.**—(1) In cases where the body has not been buried as provided in section 273 —

Burial order where inquiry to be held.

(a) if an inquiry is to be held and a Coroner considers that it is unnecessary to order a post mortem examination of the body of the deceased person to be made, he may authorize the burial of the body without any such examination;

Am. Act 20/70.

(b) if an inquiry is to be held and a Coroner considers it expedient to order a post mortem examination of the body of the deceased person to be made, he may authorize the burial of the body after such examination has been duly made by the medical officer.

(2) The authorisation for burial under this section may be given by a Coroner at any time after he has viewed the body.

Subs. Act 20/70.

[265]

### *Inquiries*

**275.** Where the finding of a dead body under the circumstances mentioned in section 272 is reported to or comes to the knowledge of a Coroner within whose jurisdiction the dead body has been found, that Coroner shall, subject to section 273, hold an inquiry.

Holding of inquiry.  
Am. Act 20/70.

[266]

**276.** An inquiry shall be held in every case of the death of a person detained in an institution or of a person who suffers capital punishment.

Inquiry in case of person dying in institution or suffering capital punishment.

[267]

Subs. Act 20/70.

**277.**—(1) Where the dead body of any person has been found, the Public Prosecutor may require any Coroner to hold an inquiry into the cause of, and the circumstances connected with, the death of that person, and every Coroner so required may and shall hold such inquiry.

Power of Public Prosecutor to require inquiry to be held.

Subs. Act 20/70.

(2) The Public Prosecutor may also direct whether the body shall or shall not be exhumed and the Coroner shall comply with such direction.

[268]

Inquiry where body destroyed or irrecoverable.  
Am. Act 20/70.

278. When a Coroner has reason to believe that a death has occurred within his jurisdiction in such circumstances that an inquiry ought to be held, and that owing to the destruction of the body by fire or otherwise or to the fact that the body is lying in a place from which it cannot be recovered, an inquiry cannot be held except by virtue of the provisions of this section, he may report the facts to the Public Prosecutor and the Public Prosecutor may, if he considers it desirable so to do, direct that an inquiry shall be held accordingly and the law relating to Coroners and Coroners' inquiries shall apply with such modifications as may be necessary in consequence of the inquiry being held otherwise than on or after view of a body lying within the Coroner's jurisdiction. [269

Adjournment of inquiry in cases of murder, culpable homicide not amounting to murder, or causing death by rash or negligent act, when any person has been charged before a court in connection with such death.  
Am. Act 20/70.

279.—(1) If on an inquiry touching the death of any person a Coroner is informed that some person has been charged before a District Judge or Magistrate with the murder, culpable homicide not amounting to murder, or causing death by a rash or negligent act, of the deceased, he shall, in the absence of reason to the contrary, adjourn the inquiry until after the conclusion of the criminal proceedings.

Am. Act 20/70.

(2) After the conclusion of the criminal proceedings the Coroner may, subject as hereinafter provided, resume the adjourned inquiry if he is of opinion that there is sufficient cause to do so:

Am. Act 20/70.

Provided that, if in the course of the criminal proceedings any person has been committed for trial before the High Court or tried by a District Judge, then upon the resumed inquiry no inquisition shall charge that person with an offence of which he could have been convicted at such trial or contain any finding which is inconsistent with the result of those proceedings.

Am. Act 20/70.

(3) Where a Coroner resumes an inquiry which has been adjourned in accordance with the provisions of this section, he shall continue with such inquiry from the stage at which it was adjourned.

(4) If, having regard to the result of the criminal proceedings, the Coroner decides not to resume the inquiry he shall endorse his record accordingly and also the certificate required under section 298 and shall transmit the depositions and records to the Public Prosecutor together with the certificate duly filled up and signed by him as required under

**Annex 150**

Singapore Notices to Mariners dated 1 Jan 1981 and  
Singapore Notices to Mariners dated 1 Oct 1981

SECRET

1st January 1981

Monthly Edition No. 1  
Notices Nos. 1 to 14

## SINGAPORE NOTICES TO MARINERS

## SECTION III

Edition No. 1/81

(NM 142/81) SINGAPORE - Main Strait - Vessel Stranded at Eastern Approach

The vessel M.V. Yu Seung Ho GRT 2999 is stranded in approximate position bearing 90° range 500 metres from Hornburgh Lighthouse (1°19'49"N., 104°24'27"E). The structures of the ship is visible at all states of tide.

2 Mariners are advised to exercise caution when taking radar bearing and distance of the Lighthouse. The radar echo of the stranded vessel can be mistaken for that of the Lighthouse.

Charts : 503  
EA 3831 & 2403

PSAED

1st October 1981

Monthly Edition No. 10  
Notices Nos. 82 to 94

## SINGAPORE NOTICES TO MARINERS

(NM 94/81) SINGAPORE - Main Strait - Vessel Stranded at Eastern Approach

The vessel M.V. Yu Seung Ho GRT 2999 is stranded in approximate position bearing 90° range 500 metres from Hornburgh Lighthouse (1°19'49"N., 104°24'27"E). The structures of the ship is visible at all states of tide.

2 Mariners are advised to exercise caution when taking radar bearing and distance of the Lighthouse. The radar echo of the stranded vessel can be mistaken for that of the Lighthouse.

Charts : 503  
EA 3831 & 2403

PSAED

SECRET



## **Annex 151**

Letter from Regis Ltd. to Hydrographic Department, Port of  
Singapore Authority, dated 25th May 1981

# Regis Ltd.

Marine Salvage - Cargo Recovery Services

90

Registered Office:

9 London Road,  
Southampton. SO1 2AE

25 May, 1981

*Hydro,  
latest J+ Survey compiled  
on Spore Chart 503.  
shown in new chart.  
25/5*

The Director  
Hydrographic Department  
Port of Singapore Authority  
Singapore

Dear Sir,

Some years ago some valuable items were lost overboard at the eastern end of the Singapore Strait, in a rather uncertain position about 6 to 10 miles north-east of Horsburg Light. We have been asked to consider the possibility of recovering them.

Because the items are small, detecting them depends on how smooth the seabed is. We would very much appreciate your allowing us to look at the most recent surveys for this purpose.

Yours faithfully,  
for REGIS LTD.

*F. Hinds*

F. HINDS  
Managing Director

Contact in Singapore  
Tel: 2225700  
Hotel Royal Ramada - Tel: 2534411  
Room: 625

Directors: F.H.F. Hinds Dr. A. Herbert

Registered in England No. 1556487

**Annex 152**

Letter from Regis Ltd to Hydrographic Department, Port of  
Singapore Authority, dated 18 June 1981

# Regis Ltd.

Marine Salvage — Cargo Recovery Services

Registered Office:

9 London Road,  
Southampton. SO1 2AE

Singapore 18th June 1981

Director of Marine  
World Trade Centre  
Singapore

*Rel 20/6*

Attn: Mr. Teh - Deputy Director of Marine

Dear Sir,

Thank you for giving us your time yesterday.

As you requested we enclose a diagram of the waters concerned; it shows that the area to be looked at lies entirely within the territorial waters (as defined by accepted international practice) of the islet on which Horsburgh Light House stands.

The area is clear of the traffic separation routes north of the light-house. The approximate co-ordinates of its corners are:

1° 30' N    104° 31½ E

1° 26' N    104° 26' E

1° 25' N    104° 33½ E

1° 21' N    104° 30' E

Our proposal is to run selected high frequency sidescan sonar lines through the area at about half-mile spacing. This will not, of course, give complete coverage, but we expect it will give a good idea of the smoothness of the seabed, which is a necessary preliminary to assessing the feasibility of a full-scale search.

We are sorry to be troubling you on what is a very light matter and we hope that for the moment we may do this on the basis that you have no objection.

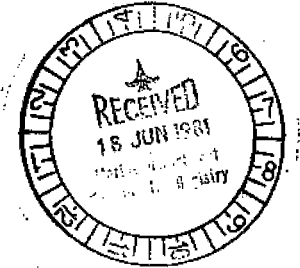
We confirm that on completion the sonar traces will be available gratis to the Singapore Authorities if they would be of use.

Yours faithfully,  
for REGIS Ltd.

*F. Hinds*

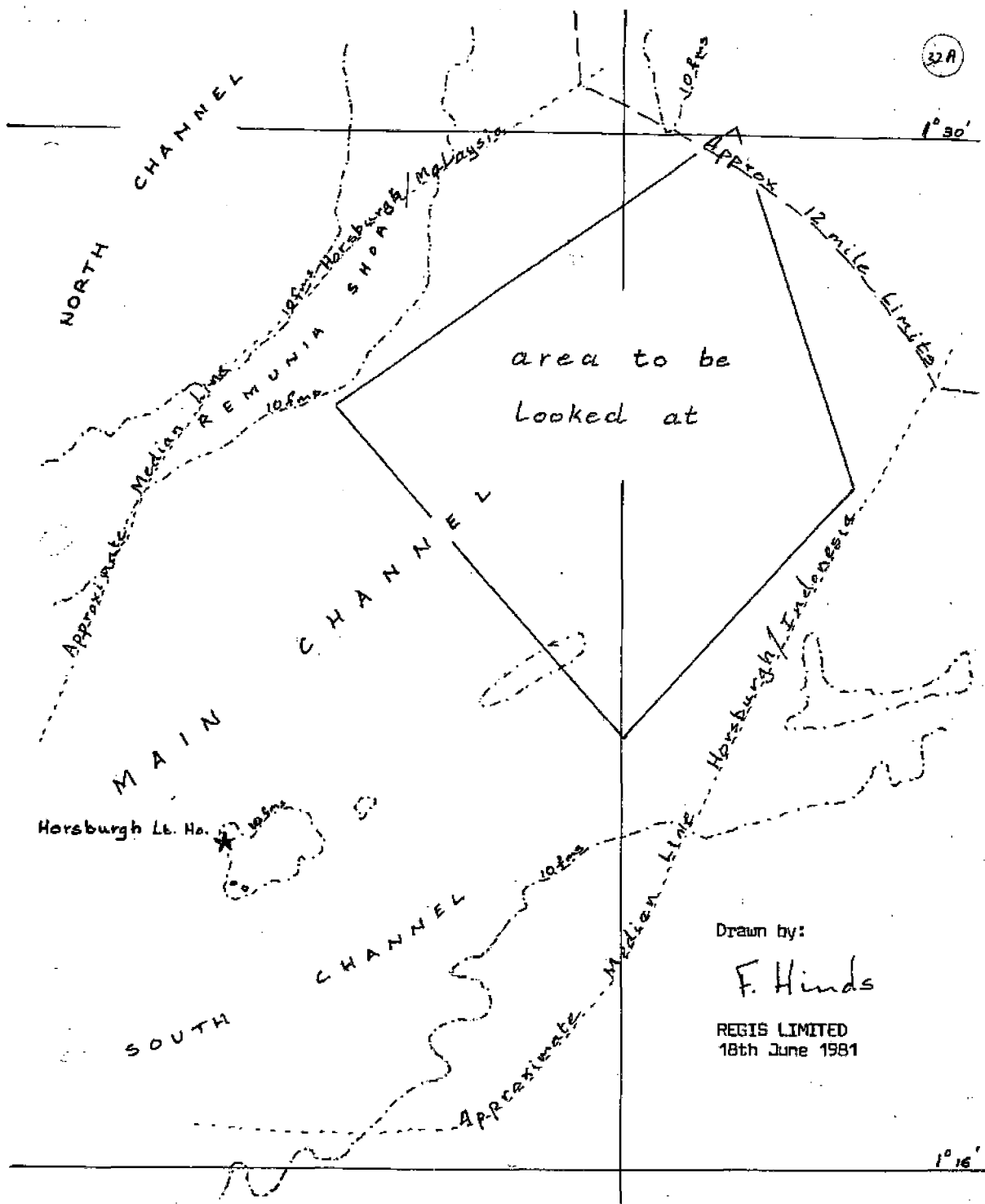
F. HINDS  
Managing Director

*18/6*



Directors: F.H.F. Hinds    Dr. A. Herbert

Registered in England No. 1656487



Horsburgh Lt. No.

Drawn by:  
 F. Hinds  
 REGIS LIMITED  
 18th June 1981

Tg. Sanding

104° 30'

Tg. Berakit

32A

**Annex 153**

Letter from Regis Ltd. to Port Master, Port of Singapore  
Authority dated 1 July 1981

# Regis Ltd.

Marine Salvage - Cargo Recovery Services

Registered Office:

9 London Road,  
Southampton. SO1 2AE

Singapore 1st July 1981

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Port Master  
Port of Singapore Authority  
P.S.A Tanjong Pagar Complex  
Singapore 0208

BY HAND:

Dear Sir,

We refer to the meeting held in the P.S.A offices this morning, and have pleasure in giving you the further information you require.

Background A Japanese ship in difficulties off Horsburgh Light some years ago jettisoned about one hundred tons of tin ingots in order to save the ship. The question of recovering this cargo has arisen. In our opinion the recovery operation, though of an unusual kind, should not be too difficult. What is very difficult is the location of these very small objects, and the success of the whole operation depends entirely on whether this location can be made. In order to assess the feasibility we wish to run high-frequency sidescan lines of intervals through the area, in order to discover how smooth the seabed is. Not until this has been done will it be worth while embarking on what may be a very speculative venture.

Area The area concerned is shown on the attached diagram. It is clear of the Traffic Separation Zone north of the lighthouse, and lies within the territorial waters of Horsburgh islets (assuming 12 mile limits and the customary methods of determining base-lines).

The approximate co-ordinates of its corners are:

1° 30' N    104° 31½ E  
1° 26' N 104° 26' E    1° 25' N 104° 33½ E  
1° 21' N    104° 30' E

The whole area is within sight of the lighthouse.

EQUIPMENT The proposed location equipment is a Kleine 500 khz side-scan sonar belonging to Associated offshore-Onshore Services (Pte) Ltd. So far as we are aware, this is the only side-scan on this frequency available in Singapore.

Positioning will be by horizontal sextant angles, because great accuracy is not required at this stage.

Directors: F.H.F. Hinds    Dr. A. Herbert

Registered in England No. 1556487

...2/

Personnel Mr. F. H. F. Hinds, who was trained as a hydrographic survey officer in the British Navy will be in charge on board the survey launch assisted by Mr. Md. Ismail. A sonar operator will be provided by the equipment owners, and the boat owners will provide the crew.

Boat It has proved to be difficult to find a craft suitable for this survey. The one selected is a wooden twin-screw motor boat of 11.5 mtrs in length and 3.9 mtrs broad while powered by 2 X 216 hp GM engines and registered as SZ 4045 G. This boat has very unusual layout which makes it ideal for this purpose.

Timing Timing is governed by the availability of the special sidescan equipment, and by the tides (neaps being - preferable). The most favourable period is between 9th - 14th July 1981. The duration will be about two days and it is hoped to fit it into that period.

Other Information

The most important information still missing is the exact circumstances of the loss of this cargo, and therefore the precise legal ownership of it. This information has not yet been obtain from Japan because the feasibility of any recovery operation is very doubtful until a preliminary survey has been made. Moreover, it was not until this morning that we had been informed that the waters belonged without doubt to Singapore.

Regis, Ltd is the successor in the specialised business of recovering lost cargoes to a British firm which has recovered more than 80 major cargoes since World War II. The great majority of these operations have been on behalf of the British government, and all have been conducted in the most formal and correct way, in accordance with laws and regulations that are very well understood. There is no question at all that the same will happen in this case. We maintain that we have a good reputation to care for and are ambitious in having further contacts with you.

It is hoped that it may be possible to draw up an outline agreement in time to permit this search to go ahead.

For sake of conveniently updating your file in this matter, we enclose copies of all correspondence for your retention. Once again, our sincere thanks for your hospitality afforded to us.

Yours faithfully,  
for REGIS LTD.

*F. Hinds*

F. Hinds  
Managing Director



**Annex 154**

Letter from Port Master, Port of Singapore Authority, to Regis  
Ltd dated 2 July 1981

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DM/PM - Sec 2/7  
DPM (ms) 21 3/7  
SAA (C) 9/7  
AD (Manu) /

PM/SM

2 Jul 81

Regis Ltd  
No 9, London Road  
Southampton. SO1 2AE  
England

c/o Enterin Enterprise & Shipping Agency  
Suite 3403-A, 34th Floor  
International Plaza  
Anson Road  
Singapore 0207

Dear Sirs


92

1 Reference your letter dated 1 Jul 81, permission is hereby granted to carry out the intended sidescan sonar survey to establish the nature and profile of the seabed in the area indicated subject to the following conditions:

- a Copies of sonar traces are made available to the Port of Singapore Authority (PSA) .
- b A representative from the Hydrographic Department of PSA accompanies the survey team throughout the period of survey. Victuals, etc, for the representative to be provided by Regis Ltd.
- c Any further task to be undertaken in regard to the project shall not be so undertaken without the prior permission of PSA.
- d A copy of report of the findings of the sidescan sonar survey to be extended to PSA.

2 You are requested to intimate your acceptance of the foregoing conditions in writing before undertaking the survey work.

Yours faithfully

  
KUTIAN C  
for DIRECTOR (MARINE)/PORT MASTER  
PORT MASTER'S DEPARTMENT  
PORT OF SINGAPORE AUTHORITY

bc  
 PS (Foreign Affairs) - Attn Mr Barry Desker )  
 PS (Communications) - Attn Mr Han Fook Kwang ) Our minute PM/SM dated  
 Attorney-General - Attn Mr S Tiwari ) 1 Jul 81 has reference.  
 Director of Marine )  
 Hydrographer )

**Annex 155**

Report of the Singapore State Coroner,  
Coroner's Inquiry ref. Nos. 1129A-C/80, dated 4 Aug 1981

INQUIRY NOS. 1129A-C/80

FINDINGS:

This inquiry was conducted pursuant to a direction by the Public Prosecutor under Section 278 of the Criminal Procedure Code to determine the cause of the disappearance of one T. Gopinathan, one Chang Hong Lam and one Chang Joo Seng at sea, off Horsburgh Lighthouse, Singapore, on the 24th June 1980 at about 1.50 pm and whose bodies have not been recovered.

The evidence before me shows that the three missing persons were:

- 1) T. Gopinathan, a male Indian aged 29 years of Blk 62, No 205A, Telok Hlangah Heights, Singapore. He was a Staff Sergeant in the Singapore Armed Forces attached to the Electronics and Communication Centre at Pulau Brani.
- 2) Chang Hong Lam, a male Chinese aged 21 years, of Block 6, No 131C, Tronoh Road, Singapore. He was a Singapore Armed Forces personnel attached to the Electronics and Communication Unit.
- 3) Chang Joo Seng, a male Chinese aged 23 years, also a Singapore Armed Forces personnel attached to the Electronics and Communication Unit.

On the 24th June 1980 at about 8.30 am a Republic of Singapore Navy boat known as RSN Harbour Launch No 3 left its base at Pulau Brani with a total of thirteen persons for the MID jetty at Bedok where another three Singapore Armed Forces personnel boarded. The three missing persons were amongst this group of sixteen that left for Horsburgh Lighthouse to carry out a special

assignment.

Horsburgh Lighthouse is situated about ~~thirty~~ five miles from Singapore. It would take a total of about nine hours of travelling time by the RSN Harbour Launch for the onward and return journey.

On the 24th June 1980 RSN Harbour Launch No 3 was commanded by one K. Jaleel. He is a Corporal attached to the Republic of Singapore Navy at the Pulau Brani base. He is a qualified coxswain since 1977 and had been with the Republic of Singapore Navy for about 5½ years.

Prior to the departure on the morning of the 24th June 1980, K. Jaleel conducted an inspection of RSN Harbour Launch No. 3. He found the boat to be in good working order. There was, however, a hair-line crack on the left windsreen in the forward mess. This hair-line crack was sealed with tapes. From his observation this slight crack would not in any way make the vessel unseaworthy. This vessel was also carrying forty life-jackets on board and upon inspection they were found to be serviceable. The means of communication between this vessel and Operations Room at Pulau Brani was through a portable radio communications set known as PRC-77 which has a range of between five to eight miles.

When RSN Harbour Launch No. 3 set off for Horsburgh Lighthouse it was accompanied most of its way by another RSN patrol craft which was also proceeding towards the same direction. About half an hour before it reached Horsburgh Lighthouse the other accompanying patrol craft left for its regular patrols. Owing to the limited range of PRC-77 the coxswain was instructed to communicate with the Operations Room through other RSN patrol crafts carrying out regular patrols in that area.

At about 1 pm RSN Harbour Launch No. 3 arrived at Moreburgh Lighthouse. At that time the sea was very rough with waves reaching three to four metres high. The coxswain tried to go alongside the wooden jetty to disembark his passengers but he was unable to do so. Waves were then pounding at the launch and it was tossing in the rough sea.

At this stage the coxswain informed Staff Sergeant T. Gopinathan to request for help from passing RSN vessels. Through the PRC-77 set T. Gopinathan managed to contact an unidentified RSN vessel but before any message could be sent to this vessel radio contact was lost due to the bad weather.

As a result of the waves pounding against the forward section of the vessel, both its windscreen broke and water entered into the boat. The coxswain tried to manoeuvre the boat but because of the very rough sea the boat could not be properly controlled. As a result of more water entering into the forward section, the coxswain lost control of the boat. When he inspected the forward section he found that the bow of the ship was submerged in water. At this stage an order was given for all the sixteen persons to put on their life-jacket and to abandon ship.

From the evidence of Tan Ai Soon (CW3) Staff Sergeant Gopinathan was seen jumping into the water in a life-jacket. Before he took the plunge into the sea, he was heard calling out for help as he was a non-swimmer. Staff Sergeant Gopinathan then jumped into the water followed by CW3. When they were in the water Staff Sergeant Gopinathan dragged CW3 down as the former was struggling and calling out for help. After a few moments he released his hold on CW3 and he was seen floating away with the current. That was the last time T. Gopinathan

was seen alive.

As regards Chang Hong Lam and Chang Joo Seng they were in the water together with one Lim Chin Pong (CW4) and about six others. They had formed a group in the water and were attempting to swim to Horsburgh Lighthouse. After one or two hours later, they found that they were unable to reach Horsburgh Lighthouse because of the very strong current. At this stage Chang Hong Lam and Chang Joo Seng decided to leave the group to swim to the Lighthouse on their own. They had indicated that it would be much faster than swimming in a big group. These two persons then swam off and that was also the last time they were seen alive.

A total of thirteen survivors were subsequently picked up at various times by fishing crafts and an oil tanker. Upon notification of the sinking of RSN Harbour Launch No 3, a search and rescue operation was carried out by the Republic of Singapore Navy and the Marine Police on the morning of 25th June 1980. The search took six days and covered some 160 miles north of Horsburgh Lighthouse. No survivors were found. However, on three occasions two complete and two half-intact life-jackets from the ill-fated Harbour Launch were spotted and recovered at various places. A further search was also carried out by aircrafts of the RSAF which covered the nearby Malaysian and Indonesian islands. None of the three missing persons could be located.

According to the testimony of Major Peter Chen (C-5), the weather condition in June 1980 around the Horsburgh Lighthouse was expected to be very calm. At this time of the year rough sea and bad weather was not expected in that area as it was during the southwest monsoon period.

From the evidence before me it is noted that although the ill-fated craft was known as RSN Harbour Launch No 3, it was not, as its name suggests, a harbour craft per se. Its usage was not restricted to port limit only. It is also noted that other RSN Harbour Launches had previously made trips to Horsburgh Lighthouse without any mishaps. I have considered the evidence in regard to the seaworthiness of this particular vessel and I have no reason to doubt that it was. On the evidence I find that on the 24th of June 1980 RSN Harbour Launch No 3 sank off the sea near Horsburgh Lighthouse sometime past 1 pm when it took in water from its forward section. This was as a result of unexpected rough seas. I also find that the three missing persons had abandoned ship by jumping into the water when the Harbour Launch sank. From the time they were last seen alive till now they have not been located despite all efforts. In the circumstances I find that these three missing persons died at sea off Horsburgh Lighthouse brought about by the sinking of RSN Harbour Launch No 3. I further find that the bodies of these three persons have not been recovered but I have satisfied myself beyond any reasonable doubt that such death actually took place.

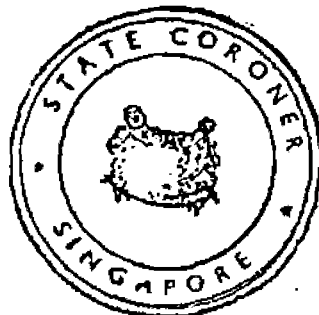
Having regard to the circumstances in which RSN Harbour Launch No 3 sank, I find no culpability on the part of anyone and I, therefore, record the death of T. Gopinathan, Chang Hong Lam and Chang Joo Seng as arising from a misadventure.

Cc: Tan Soo King  
State Coroner  
Singapore.

TRUE COPY

STATE CORONER  
SINGAPORE

4 - AUG 1981





## **Annex 156**

**Report made by Singapore to Twelfth Tripartite Technical  
Experts Group Meeting on Safety of Navigation in the Straits  
of Malacca and Singapore dated 5 – 6 May 1983**

Encl 2038 in File 112/ PM/58 V35

CONFIDENTIAL

**R E P O R T**  
**OF THE**  
**TWELFTH TRIPARTITE TECHNICAL EXPERTS**  
**GROUP MEETING ON SAFETY OF**  
**NAVIGATION IN THE STRAITS OF MALACCA**  
**AND SINGAPORE**

**KUALA LUMPUR**

**5th - 6th MAY 1983**

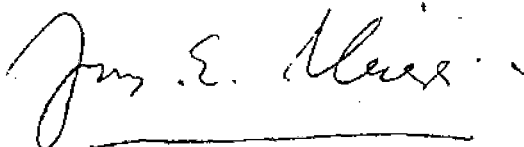
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LETTER OF TRANSMITTAL

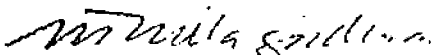
THE TWELFTH TRIPARTITE TECHNICAL EXPERTS GROUP MEETING  
ON SAFETY OF NAVIGATION IN THE STRAITS OF MALACCA AND  
SINGAPORE, 5 - 6 MAY 1983, KUALA LUMPUR.

The Twelfth Meeting of the Tripartite Technical  
Experts Group on the Safety of Navigation in the Straits of  
Malacca and Singapore hereby submits its Report as attached.

Dated this 6th day of May, 1983.



.....  
J E HABIBIE  
Leader of the Indonesian Delegation



.....  
M. THILAGADURAI  
Leader of the Malaysian Delegation



.....  
CAPT. CHITHARANJAN KUTTAN  
Leader of the Singapore Delegation

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THE TWELFTH TRIPARTITE TECHNICAL EXPERTS  
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5 - 6 MAY 1983

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  - E. Malaysian Information Paper - Improvement of Priority II Navigational Aids - Tanjong Tohor Beacon
  - F. Current Status of Implementation of Priority II Navigational Aids.

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CONFIDENTIAL  
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REPORT OF THE TWELFTH TRIPARTITE TECHNICAL EXPERTS  
GROUP MEETING ON SAFETY OF NAVIGATION IN THE  
STRAITS OF MALACCA AND SINGAPORE, 5 - 6 MAY, 1983  
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KUALA LUMPUR,  
5 - 6 MAY, 1983

REPORT OF THE TWELFTH TRIPARTITE TECHNICAL  
EXPERTS GROUP MEETING ON SAFETY OF NAVIGATION  
IN THE STRAITS OF MALACCA AND SINGAPORE  
5 - 6 MAY 1983, KUALA LUMPUR

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INTRODUCTION

1. Pursuant to the decision of the Eleventh Tripartite Technical Experts Group (TTEG) Meeting held on 3rd. August 1982 in Jakarta, the TTEG held its twelfth meeting in Kuala Lumpur on 5 - 6 May 1983.
2. The Meeting was attended by the delegations of Indonesia, Malaysia and Singapore. The list of delegates appears as Annex A.

OPENING CEREMONY

3. H.E. Dato' Abu Hassan bin Haji Omar, the Deputy Minister of Transport, Malaysia declared open the Meeting. The text of his speech appears as Annex B.

ELECTION OF CHAIRMAN

4. Mr. M. Thilagadurai, leader of the Malaysian delegation, was unanimously elected Chairman of the Meeting.

ADOPTION OF AGENDA

5. The Meeting adopted the Agenda which appears as Annex C.

BUSINESS ARRANGEMENT

6. The Meeting agreed to discuss all agenda items in Plenary.

IMPLEMENTATION OF TRAFFIC SEPARATION SCHEME

7. The Meeting reviewed the operation of the Traffic Separation Scheme (TSS). The Indonesian delegation reported that there were no serious infringements of the Scheme. It was estimated that there were about 3 VLCCs moving through the Straits daily. On the whole the TSS appeared to be operating fairly well.



8. The Malaysian delegation reported that through visual observation from the One Fathom Bank Lighthouse, an average of about 250 vessels of all sizes sail daily through the Straits. However the visual observation does not enable verification as to whether the ships are adhering to the TSS or not. In order to publicise the TSS, Malaysia had also included the TSS as part of the examination syllabus.

9. The Singapore delegation reported that generally the TSS was operating smoothly. There was only one incident where a coastal vessel was found to have set its course in the wrong lane. Appropriate action was taken on the Master of the vessel.

10. The Meeting agreed that the TSS was operating satisfactorily without any serious infringement.

#### REPORT ON SUNKEN WRECKS

11. Pursuant to the decision of the 10th. TTEG Meeting held in Singapore, the Malaysian delegation informed the Meeting that further details on the wreck at Latitude  $01^{\circ}43.36'N$ , Longitude  $102^{\circ}44.25'E$  were requested from the British Hydrographic Department, Taunton. The reply received indicated that the source of the position of the position of the wreck on the Admiralty Charts was taken from the Indonesia Chart 12, edition October 1975. The Indonesian delegation agreed to investigate this matter and to inform the other Coastal States accordingly.

12. The Singapore delegation informed the Meeting that two wrecks in the vicinity of the Hoisburgh Lighthouse had been verified. Mariners had been notified of the position of the wrecks through a Notice to Mariners which appears as Annex D.

13. The Indonesian delegation also informed the Meeting that their programme to verify the position of several wrecks in Indonesian waters has had to be temporarily suspended due to budgetary constraints. They agreed to inform the other Coastal States once the programme was revived.

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ANNEX D  
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SINGAPORE NOTICE TO MARINERS

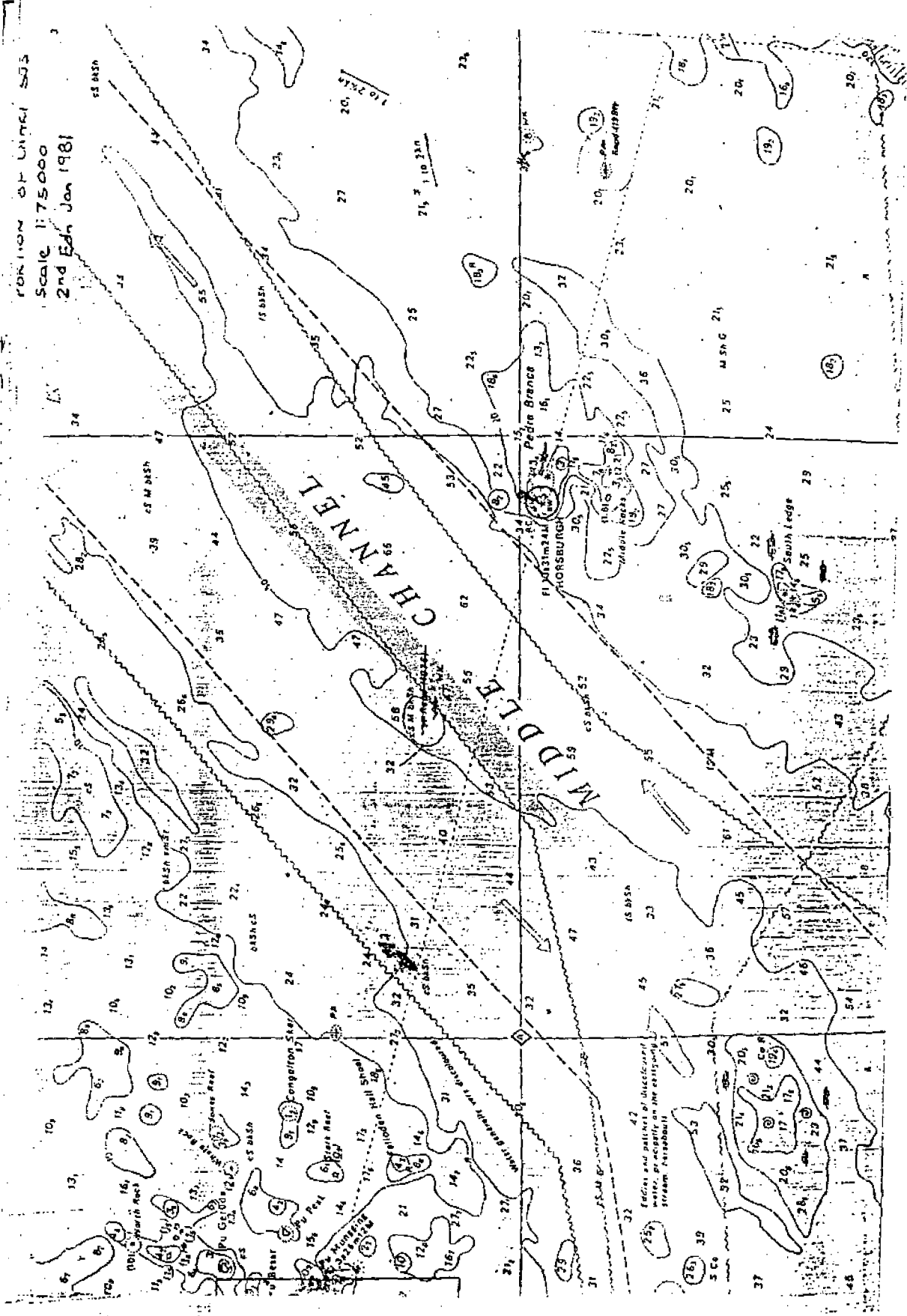
Edition No. 6/82  
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Singapore Notice to Mariners

## SECTION II

Edition No. 6/82

503	2Ed 1/1/81 LAST NM 9/82	PSAHD	*(NM 59/82)
Delete	Wreck "Repd (1976) PA"		1°20'46"N 104°22'37"E
	Dangerous wreck "Repd (1981) PA"		1°19'18"N 104°27'12"E
	Depth 20 <sub>1</sub> metres		1°19'58"N 104°27'14"E
Insert	Least depth over the wreck 47 metres surrounded by a danger line with the abbreviation 'Wk'		1°20'34"N 104°22'50"E
	Least depth over the wreck 8 metres surrounded by a danger line with the abbreviation 'Wk'		1°19'58"N 104°27'19"E



PORTION OF LIGHT S.S.  
 Scale 1:75,000  
 2nd Edn Jan 1981

MIDDLE CHANNEL

42  
 Fades and patches of blackcurrant  
 water, especially on the eastward  
 stream. Horsburgh

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 30

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**Annex 157**

**Investigation Report on Grounding of MV Kota Angkasa  
on 22 June 1985**

**INVESTIGATIONS INTO THE GROUNDING**  
**OF MV 'KOTA ANGKASA'**  
**OFF HORSBURGH LIGHTHOUSE**  
**ON 22 JUNE 1985**

*2 MS/N, [initials] 31/07*  
*Agree with your recommendations.*  
*As issue standard department letter. [initials]*  
*31/77*

*50/M [initials]*  
*As with department [initials]*  
*31/77*

**INVESTIGATIONS INTO THE GROUNDING OF MV 'KOTA ANGKASA' OFF HORSBURGH LIGHTHOUSE ON 22 JUNE 1985.**

**1 Introduction**

**1.1 Particulars of Vessel**

Name : MV 'Kota Angkasa'  
 Official No. : 381915  
 Port of Registry : Singapore  
 Call Sign : S6HV  
 Year Built : 1972  
 Gross Tonnage : 3445.99  
 Nett Tonnage : 1860.99  
 Length : 102.00 M  
 Breadth : 14.00 M  
 Speed : 13.25 knots  
 Classification : Bureau Veritas  
 Owners : Pacific International Lines Pte Ltd  
 45 Market Street  
 Singapore 0104  
 Operator : Pacific International Lines Pte Ltd  
 45 Market Street  
 Singapore 0104

- 1.2 On 22 June 1985 at 0255 hours, MV 'Kota Angkasa' went aground off Horsburgh Lighthouse in approximate position Lat.001° 19.4'N, Long.104°24.5'E.
- 1.3 The key crew members i.e. master; second officer; third engineer and helmsman were interviewed.
- 1.4 There was no pollution due to the grounding. No lives were lost and no one was injured.
- 1.5 The vessel sustained bottom damage due to the grounding (see Annex IV).
- 1.6 Vessel refloated on her own efforts. She returned to Singapore to discharge her cargoes and subsequently drydocked to effect repairs to the ship's bottom.
- 1.7 List of annexes:  
 I Statements submitted by crew  
 II Statements taken from crew  
 III Deck Log Entries  
 IV Diver's Report  
 V Note of Protest  
 VI Chart indicating route taken and position aground  
 VII Safety Certificates of MV 'Kota Angkasa'

**2 EVENTS PRIOR TO THE GROUNDING**

- 2.1 The MV 'Kota Angkasa' left Singapore on 21 June 1985 at 2300 hours for Bangkok, Thailand. She was drawing 4.65 m forward and 6.45 m aft on departure Singapore.

- 2.2 Full-away was rung at 2342 hours on 21 June 1985 and vessel commenced full sea speed of about 9 to 9.5 knots. The ship's course was 082°T.
- 2.3 The master left the second officer in charge of the bridge and went down to his cabin at 0100 hours on 22 June 1985. The second officer was keeping the 0000-0400 hours and 1200-1600 hours watches.
- 2.4 Vessel was on automatic steering since full-away. The A.B. was keeping lookout on the bridge with the second officer.
- 2.5 At 0230 hours, while vessel was still on automatic steering the ship's course was altered to 049°T to pass Horsburgh Lighthouse on the starboard side. Vessel was also proceeding in the appropriate lane in the traffic separation scheme for that area.
- 2.6 The last fix prior to grounding was obtained at 0245 hours with Horsburgh Lighthouse bearing 064°T x 2.7 miles. At the same time another vessel was proceeding in the same direction overtaking her on the port quarter.
- 2.7 At 0249 hours, the A.B. reported that there was a flickering light ahead, presumably a small fishing vessel. The second officer could not find the target on the radar on 6 miles range and on 3 miles range. The second officer then instructed the A.B. to change over to manual steering and to steer starboard 10.
- 2.8 In an attempt to avoid the boat the vessel went closer to Horsburgh Lighthouse. With the wheel still on starboard 10, the second officer assumed that the vessel could pass south of the shoals of Middle Rocks.
- 2.9 At 0255 hours, vessel went aground in approximate position with Horsburgh Lighthouse bearing 000°T x 0.45 mile.

### 3 EVENTS AFTER THE GROUNDING

- 3.1 The vessel went aground on a heading of 080°T. She subsequently developed a list of 3.5° to port.
- 3.2 The second officer rang the general alarm and stopped the engines. As soon as he felt the impact of the grounding, the master was soon on the bridge. No immediate attempt was made in using the engines to refloat her.
- 3.3 All crew were summoned to don on their lifejackets and to prepare the lifeboats for lowering.
- 3.4 The master instructed that all tanks and bilges to be sounded.
- 3.5 Efforts were made to establish contact with Singapore Radio but there was no reply due to transmission weakness of the ship's VHF.
- 3.6 The second officer initiated the distress message on the VHF. The master had refuted the second officer's claim that the master had given him an affirmative nod when asked whether to transmit the distress message.



- 3.7 The vessel 'Pacific Ranger' was soon in the vicinity of the casualty to render assistance as requested. The 'Pacific Ranger' was requested to relay a message to Kota Angkasa's owners in Singapore and she left the scene after being informed that no assistance was required.
- 3.8 The day and night signals for a vessel aground as required by the International Regulations for Preventing Collisions at Sea 1972 were displayed.
- 3.9 Vessel refloated herself at 1150 hours on 22 June 1985 during high tide.
- 3.10 The salvage tug 'Smit Colombo' arrived at the vicinity of the grounding at 1200 hours but no assistance was required from her.

#### 4 FINDINGS

- 4.1 The passage near Horsburgh Lighthouse is a very busy waterway and a critical area as regard to navigation. It is an area where the density of converging traffic is great and the freedom of movement of shipping is inhibited by restricted sea-room.
- 4.2 The master was not on the bridge nor did he leave any written or verbal instructions to be called when approaching Horsburgh Lighthouse.
- 4.3 The weather was fine and clear, visibility was good and the sea was slight.
- 4.4 Vessel was on automatic steering when navigating in dangerous and confined waters.
- 4.5 Vessel was transiting the traffic separation scheme for that region prior to the grounding. Master mentioned that he had only a rough idea as to the recommendations of the Traffic Separation Scheme under Rule 10 of the International Regulations for Preventing Collisions at Sea 1972.
- 4.6 Vessel was proceeding at full sea speed at the time of grounding with the steering wheel on starboard 10.
- 4.7 Following are extracts from the Admiralty and PSA Tide Tables for the predictions off Horsburgh Lighthouse -

<u>Ht of Tide</u>	<u>Tidal Stream</u>		
	Slack	Max	Rate
21st 2356 hrs - 2.0m	Time	Time	
22nd 0650 hrs - 0.1m	0046	0513	+3.7 kts
1430 hrs - 2.2m	1018	1343	-1.9 kts
		1723	-1.2 kts
		2059	-1.6 kts

(-) In the direction 236°(T) (+) In the direction 056°(T).

- 4.8 The telephone system which is vital link of communication between the bridge and the master's cabin was not in proper working order. The master could only call the bridge from his cabin but not vice versa.
- 4.9 The echo-sounder was out of order and could only be repaired in drydock.

- 4.10 Upon grounding, the master did not use either the engines or attempt deballasting to refloat the vessel. The reason he gave for not pumping out the ballast was because he was worried he might aggravate the grounding situation.
- 4.11 All tanks and bilges were sounded and there was ingress of sea water at a very slow rate into the port bilge of No 1 Cargo Hold. Continuous pumping out of sea water was carried out.
- 4.12 The master gave instructions to all crew members to don their lifejackets and to prepare the lifeboats for lowering in case an emergency developed.
- 4.13 Underwater inspection by divers was performed outside Singapore port limit on 23 June 1985. There was no damage either to the propeller or rudder. Damage occurred on the bottom platings from Hatch No 3 to the forward end of the ship (see Annex IV).
- 4.14 The Safety Certificates issued by Bureau Veritas viz. International Load Line, Safety Radiotelegraphy, Safety Construction and Safety Equipment Certificates were valid at the time of the grounding.


## 5 CONCLUSIONS

- 5.1 The master was irresponsible and negligent for adopting a lax attitude with regard to the supervision of navigation and poor passage planning of the vessel. He had failed to leave any written or verbal instructions to be called when approaching Horsburgh Lighthouse as his presence on the bridge would in all probability have averted the casualty.
- 5.2 With the tidal predictions available and knowing the nature of the sea-bed, the master failed to consider lightening the vessel to ensure that the vessel would not break-up due to hogging or sagging stress on the ship's bottom on the falling tide.
- 5.3 The master had failed to ensure the use of manual steering when navigating in dangerous and confined waters. He permitted the vessel to go on automatic steering which contradicted his standing orders to be on hand steering when navigating in traffic lane.
- 5.4 The second officer had navigated the vessel in an unprofessional and unseamanlike fashion prior to the grounding. He had made an alteration of course without first ascertaining his position and failed to assess the desired effect of the alteration by fixing the ship's position. He had also steered a course to avoid the boat and the shoals of Middle Rocks without due consideration to the effect of tidal currents at the material time, thus causing the vessel to set northward and finally run aground.
- 5.5 The second officer had failed to summon the master when he was in doubt.
- 5.6 The second officer had failed to take the most appropriate action in the circumstances to avoid the imminent danger by stopping the engines and executing astern propulsion taking into account of her restriction that by altering her course to starboard or port would bring vessel closer to Horsburgh Lighthouse or creating a dangerous situation for the overtaking vessel on her port quarter respectively.

- 5.7 In view of the above, the cause of grounding was that the second officer thinking that the vessel could pass safely to the south of the shoals of Middle Rocks maintained the steering wheel on starboard 10 without due consideration to the effect of tidal currents. He should have made a substantial alteration of course by putting the wheel hard over to starboard to counteract the effect of the north-easterly tidal currents. He also made the alteration without verifying his position and did not check whether the vessel was maintaining the desired effect of the alteration.

## 6 RECOMMENDATIONS

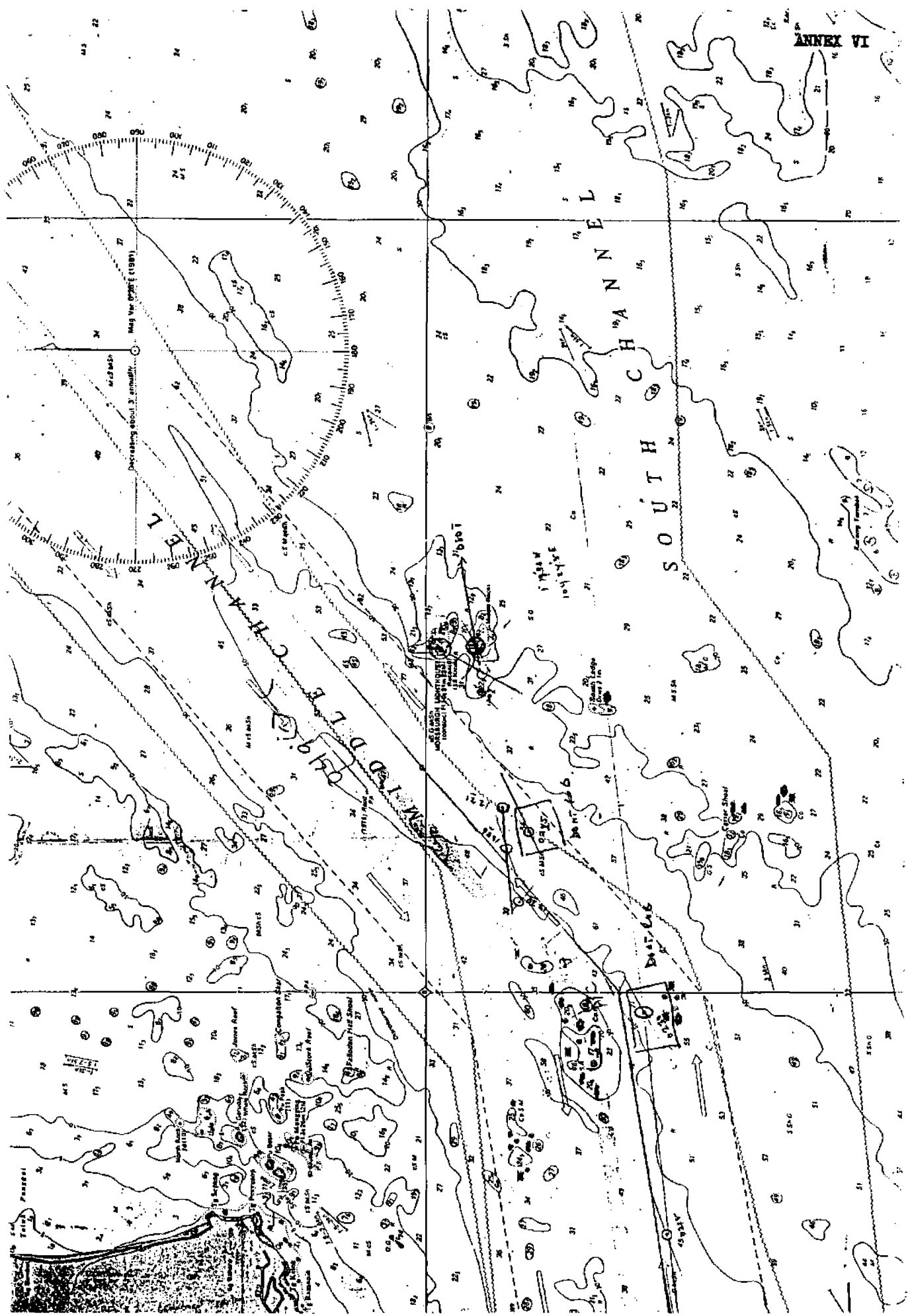
- 6.1 No formal investigation is recommended as it is unlikely to shed any further light on the matter.
- 6.2 The grounding was a direct result of the irresponsible and negligent part of the master for adopting a lax attitude with regard to the supervision of navigation and poor passage planning of the vessel and the unprofessional and unseamanlike fashion on the part of the second officer in the way he had taken the avoiding action. The master's conduct after grounding further demonstrated a lack of good seamanship. I recommend that both the master and the second officer be debarred from serving on Singapore ships.



Wg Eng Choon  
295/11

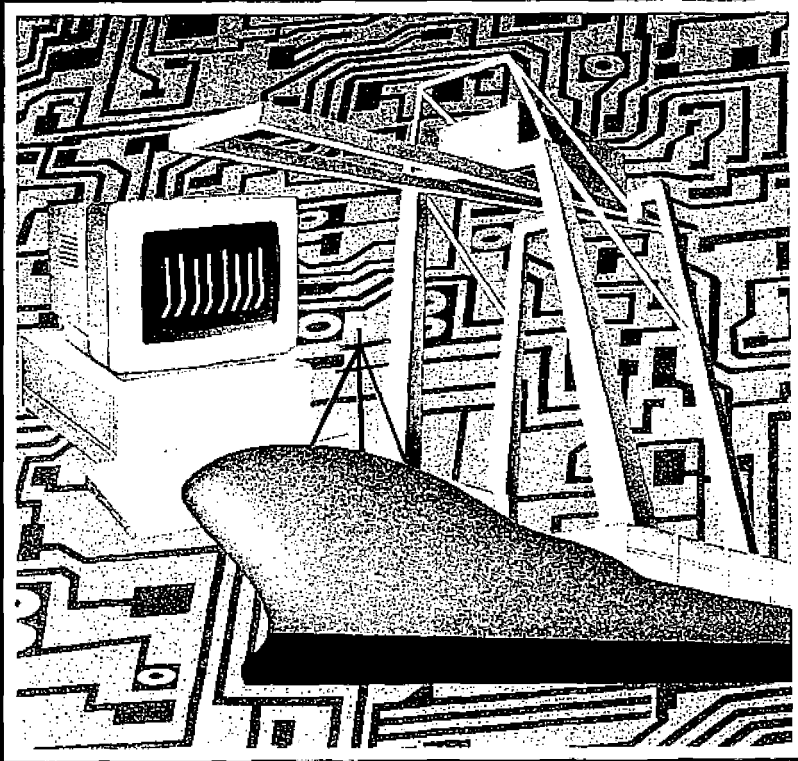
31 July 1985.

ANNEX VI



**Annex 158**

Annual Report of the Port of Singapore Authority  
of the year 1987





## Supporting Facilities and Services

### Free Trade Zones

The Free Trade Zone in the port was established in 1969 to facilitate entrepot trade and to promote the handling of transshipment cargo. The port areas and the air cargo terminal are Free Trade Zones. Goods are stored within the Zones without any customs documentation until they are released in the market. They can also be processed and re-exported with minimal customs formalities. PSA provides about 430,000 sq metres of covered storage space in the Free Trade Zone, and almost four times that area for open storage.

### Warehousing

PSA has about 370,000 sq metres of covered warehouse space outside the Free Trade Zone, making it the largest owner of warehouse space in Singapore. The Multi-Storey Complex and Pasir Panjang Complex are PSA's major warehouse complexes. Rental reductions were granted in 1987.

At the Multi-Storey Complex, there are facilities for office, warehousing and factory operations in the three eleven-storey and two ten-storey blocks. The integrated facilities and their proximity to the port enable the users to consolidate their operations and reduce their overheads.

One of the warehouses at the Pasir Panjang Complex was extensively renovated to serve as a regional distribution centre for a major American manufacturer. The company commenced operations in December.

### Bunker and Water Services

Bunker fuel and water are supplied to vessels either along the wharves or at the anchorages. The overall uptake of bunkers went up by 8% to 8.52 million tonnes, reinforcing Singapore's position as one of the world's leading bunkering ports.

A "common-user bunker installation" is planned for 1988 to combine the resources of the three bunkering terminals at Tanjong Pagar. The installation will result in manpower savings and economies of scale.

### Marine Services

Ships at Singapore enjoy PSA's pilotage and tug services round the clock. With the growth in shipping traffic, the number of piloted moves grew by 5% to 64,000 of which 98% were serviced within half an hour of the time ordered. The number of tug jobs rose by 3% to 53,288. In 1988, another three leased tugs will supplement PSA's fleet of twelve tugs.

To ensure the safe navigation of vessels, PSA maintains navigational aids like lighthouses, buoys and beacons and undertakes hydrographic surveys to produce navigational charts. The lighthouses at Bedok, Sultan Shoal and Pulau Pisang were automated in 1978, 1984 and 1986 respectively. Raffles and Horsburgh Lighthouses will be automated in 1988 at a cost of \$1.2 million.

Gas-free inspections are provided for vessels entering shipyards for repairs or hot works. The upturn in the ship repair industry led to a 13% increase in the number of ship inspections to 2,946.

The Slop Reception Centre at Pulau Sebarok has reception and disposal facilities for petroleum slop, sludge, dirty ballast and tank washings. The total volume of slop and tank cleaning water discharged at the Centre rose by 7% to 136,500 cubic metres. The appreciation of the Japanese yen and the increased competitiveness of local shipyards attracted more tankers to Singapore.

- (A) PSA's warehouses had an occupancy rate of almost 80% in 1987.
- (B) Singapore is one of the world's leading bunkering ports.
- (C) Handling large volumes of iron and steel products and bagged fertilizers, Jurong Port saw a 9% increase in cargo throughput in 1987.

**Annex 159**

Investigation Report on Grounding of MV Binta Yar'adua  
on 20 June 1988



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 \* CA 142 \*  
 \* INVESTIGATIONS INTO THE GROUNDING OF NIGERIAN \*  
 \* MOTOR VESSEL BINTA YAR'ADUA OFF HORSBURGH \*  
 \* LIGHTHOUSE ON 20 JUN 88 \*  
 \*  
 \*\*\*\*\*

17/12 SAD/N  
 JMS/N } Agree with the recommendations.  
 P2. proceed. With regard to  
 recommendation 8.3, ~~we~~ we should  
 follow the recent amendments to  
 the Deck Officer reg's.  
 JAL  
 16/12

CA 142  
INVESTIGATIONS INTO THE GROUNDING OF NIGERIAN MOTOR VESSEL BINTA YAR'ADUA  
OFF HORSBURGH LIGHTHOUSE ON 20 JUN 88

1 INTRODUCTION

Motor vessel (mv) Binta Yar'adua was on a voyage from Singapore to Hong Kong. On 20 Jun 88 at about 0455 hours, she grounded in position Latitude 01° 19.5'N Longitude 104° 24.75'E (4 cables off Horsburgh lighthouse). She sustained extensive damage to the ship's bottom and internal structures. Most of the double bottom tanks and No 3 hold were bilged. She was refloated on 23 Jun 88 after discharging about 4000 tons of cargo. After refloating, she was towed to Singapore. At Singapore she discharged all the cargo and was subsequently dry docked for permanent repairs. There was no injury to any person nor oil pollution from the incident.

2 PARTICULARS OF THE VESSEL

Name	: Binta Yar'adua
Official number	: 376088
Port of registry	: Lagos
Gross tonnage	: 13315
Type of ship	: Multi-purpose container
Year built	: 1986
Classified by	: Lloyds Register of Shipping
Total crew	: 30 persons
Owners	: Mss Africa Ocean Lines Ltd 5 Creek Road Adapa, Lagos Nigeria

3 LIST OF ANNEXES

Annex 1	Crew List
Annex 2	Copies of the ship's statutory certificates
Annex 3	Copy of the chart used by the vessel
Annex 4	Report of the shipping casualty submitted by the master
Annex 5	Statements from the witnesses
Annex 6	Extracts from the vessel's deck log book
Annex 7	Copy of the cargo plan
Annex 8	Brief operating instructions for steering controls
Annex 9	Diver's report
Annex 10	Plan of the vessel's double bottom tanks

#### 4. SEQUENCE OF EVENTS PRIOR TO GROUNDING

.1 The vessel was on a voyage from Santos (Brazil) to China via Singapore and Hong Kong. She arrived at Singapore on 16 Jun 88 and was anchored in the eastern working anchorage. At Singapore, she loaded a cargo of plywood and general cargo for Hong Kong and carried out repairs to the bridge control system of the vessel's main engine.

.2 On 19 June 88 at 2030 hours a Port of Singapore Authority (PSA)'s pilot boarded the vessel. She was not ready to sail as her cargo was not secured. At 2200 hours the crew completed securing the cargo.

.3 At 2223 hours the vessel commenced weighing her anchor. At 2224 hours, the anchor was aweigh. The pilot guided the vessel out of the harbour. At 2315 hours the pilot disembarked.

.4 Soon after that the vessel crossed the west bound lane of the traffic separation scheme (TSS) and joined the east bound lane. She commenced sea trials to check the bridge control system of the vessel's engines which was earlier repaired in Singapore.

.5 On 20 Jun 88 at about 0200 hours, the sea trials were completed. The master turned the vessel and crossed the traffic lane of the TSS to return to Singapore. At 0318 hours, the technicians (who did the sea trials) disembarked in position Lat 1° 15.3'N Long 104° 05.4'E off Johore Shoal Buoy.

.6 At 0320 hours the vessel resumed her voyage to Hong Kong. A little later, the vessel crossed the west bound lane and joined the east bound lane of the TSS. At 0342 hours when she was in position Lat 1° 15.4' N Long 104° 05.4' E the master rang full away and steadied the vessel on a course of 089° (T) and (G) (see the chart in Annex 3).

.7 At 0400 hours the second officer plotted the ship's position. A little later he handed watch to the chief officer and left the bridge.

.8 At about 0410 hours, the master 'acquired' Horsburgh lighthouse on the automatic radar plotting aid (ARPA). (This procedure is used in an ARPA to mark an echo to differentiate it from other echoes.) He then showed the chief officer the position of the lighthouse on the radar screen and visually. He also pointed to the chief officer the position where the course was to be altered. A few minutes later the master left bridge.

.9 At 0415 hours, the chief officer plotted the vessel's position by taking radar bearing and distance from a point identified by him as Tanjong Ayam. He found that the ship had drifted slightly (2 cables) to the south of the course line. He adjusted the course from 089° (G) to 083° (G) on the autopilot (see Annex 3).

.10 At 0430 hours, the chief officer plotted the vessel's position again. He found that the position was slightly north of the course line. He adjusted the course on autopilot from 083° (G) to 073°(G).

.11 At about 0445 hours, when Mungging lighthouse was abeam of the vessel the chief officer asked the EDH to take the wheel and alter course to 045°(G). He then went to the chart room and plotted the 0445 hours position by taking radar bearing and distance of Tanjong Punggai. The vessel's position was about 3 cables east of the charted course line. He remained in the chart room to check the subsequent charts.

.12 A couple of minutes later the deck cadet informed the chief officer that Horsburgh Lighthouse was seen on the port bow instead of being on the starboard bow. The chief officer went to the wheelhouse, had a look and returned to the chartroom. He checked the radar (to read the display of bearing and distance of Tanjong Punggai taken at 0445 hours) and the chart to confirm whether he had plotted the 0445 hours position correctly. He found that the position was plotted correctly.

.13 A few minutes later, the chief officer returned to the wheelhouse. He was thinking what could have gone wrong. In the meantime the cadet also went to the chartroom to check the chart. The chief officer noticed that the lighthouse was getting closer on the port bow. At about 0455 hours he ordered "hard a starboard". A few moments later the vessel felt heavy vibrations, slowed down and grounded. The chief officer put the propeller pitch to zero position and summoned the master.

## 5 SEQUENCE OF EVENTS AFTER THE GROUNDING

.1 The master immediately rushed to the bridge. He plotted the vessel's position and found that she had grounded in shallow waters about 4 cables east of Horsburgh Lighthouse on a heading of 090° (G).

.2 The master instructed the chief officer, the second officer and the chief engineer to check the soundings of all compartments in the vessel and to find out the depth of water around the ship.

.3 From 0503 hours to 0519 hours and from 0643 to 0711 hours the master tried to refloat the vessel by using her engines but in vain.

.4 The soundings revealed that eight of the vessel's double bottom ballast tanks and number 3 hold were bilged (see annex 10). The vessel was aground from the forward upto the engineroom bulkhead. The propeller was clear.

.5 At 0721 hours, the master sent urgent messages to Port Master, the local agent and the owner's representative in Singapore.

.6 At 1038 hours a salvage tug came alongside the vessel. At about 1300 hours the owners representative boarded the vessel. At about 1630 hours salvage divers commenced under water survey to check the extent of damage.

.7 At about 1900 hours a representative from the vessel's underwriter boarded the vessel. At about 1930 hours the salvage divers completed under water survey and gave the master a report of the extent of damage (see annex 9).

.8 On 21 Jun 88 at about 0052 hours, after consulting the underwriter's and the owner's representative, the master signed salvage agreement (Lloyds Open Form) with Ms Salvindo. The salvage team commenced salvage operations.

.9 At about 0730 hours the sea became choppy and the vessel commenced shipping seas on deck. About this time, the master noticed that the pipe duct compartment was getting flooded. At 0752 hours the master signed another salvage agreement with Ms Smit Tank Towage and Salvage Company.

.10 The salvage team pressurized the flooded tanks and lightened the vessel by discharging about 4000 tons of cargo from her deck and holds into lighters.

.11 On 23 Jun 88 at about 1523 hours the vessel refloated at high water. The salvage tugs towed the vessel clear of the reefs and assisted the vessel to Singapore. The ship was anchored off Johore Shoal Buoy for temporary repairs.

.12 On 30 Jun 88 at 0531 hours she shifted to Sembawang Wharf. She discharged all her cargo and subsequently shifted to an anchorage to wait for drydock.

.13 She drydocked on 9 Aug 88. In drydock the damaged plates and frames were renewed and other repairs carried out. She completed her repairs on 29 Aug 88. The vessel is still in Singapore anchorage due to litigation by various parties.

## 6 FINDINGS

.1 On departure from Singapore the ship had a crew of 30 Nigerians and 2 Taiwanese supernumeraries. According to the owner's representative the ship was to be sold to a Taiwanese company on completion of her voyage. The supernumeraries were the superintendent engineers of the new owners. Copy of the crew list is in Annex 1.

.2 The ship's master, the chief officer and other officers and engineers were holders of appropriate certificates of competency issued by the Department of Trade UK.

.3 The vessel's certificates were all current and valid at the time of the grounding. Copies of the statutory certificates are in Annex 2.

.4 The vessel was built in 1986 and was apparently new. She was equipped with the modern navigational equipment such as Gyro, radar, ARPA, echo sounder, log and satellite navigator. All navigational equipment were in working order and being used at that time. The ship's officers also confirmed that there was no failure of any equipment or machinery prior to the incident.

.5 According to the master the vessel's bridge control system was defective during the voyage from Brazil to Singapore. In Singapore the controls system was repaired by two East German technicians from the manufacturers of the equipment. The master had requested his owners to have sea trials to ensure that the controls worked satisfactorily in sea going conditions. On 19 Jun 88 after disembarking the pilot, a sea trial was conducted while the vessel was proceeding along the east bound lane of the TSS. At about 0200 hours on 20 Jun 88, when the master was satisfied that the controls were working satisfactorily the vessel returned to Singapore to disembark the technicians off Johore Shoal Buoy. At 0320 hours the ship resumed her voyage. If the vessel had not conducted the sea trials she would have passed Horsburgh Lighthouse by about 0300 hours.

.6 The chief officer, the deck cadet and the EDH went off duty at about 2230 hours on 19 Jun 88 (when anchor was weighed) and resumed duty at 0400 hours on 20 Jun 88. They would have had a rest of about 5 hours when they took watch.

.7 The weather at the time of the incident was calm with clear visibility. The traffic in the Strait was also light. The tide off Horsburgh Lighthouse was predicted to be setting north-easterly (055°T) at about 2 knots.

.8 The vessel's positions were plotted every 15 minutes. From the positions it is evident that the vessel had not experienced any strong currents or tidal sets. Adjustments to the courses steered made during the period were minor and could be considered normal for a vessel of that size.

.9 The chief officer had plotted the vessel's positions at 0415, 0430 and 0445 hours. These positions were obtained by taking radar bearing and distance from the points identified by him on the radar screen as Tanjong Ayam, Tanjong Kelok and Tanjong Punggai respectively. None of these positions were counter checked by either taking visual bearings or

checking radar distances from other known points. It is therefore likely that these positions could be erroneous.

.10 The vessel would have had a clearance of about 0.9 miles from Horsburgh Lighthouse if she had proceeded along the charted track. The reefs east of Horsburgh Lighthouse were the proximate danger area along the route in the chief officer's watch. Although the master had shown the position of Horsburgh Lighthouse on the radar and visually to the chief officer, he had not used it as a reference point for checking his positions nor did he take visual or radar bearings from it. He had also not used parallel indexing technique using the lighthouse. Had he done so, he could have monitored the vessel's positions continuously in relation to the lighthouse and would have been aware of any drift of the vessel and could have taken corrective measures.

.11 From 0400 until about 0500 hours, the cadet was keeping a lookout from the wheelhouse and had not assisted in any other duties on the bridge. In my opinion, the chief officer should have better utilized the cadet by asking him <sup>to</sup> check the courses steered, take visual bearings and plot positions.

.12 Neither the chief officer nor the cadet checked the compass to ensure whether the EDH was steering the correct course. They were therefore not aware whether the EDH was steering the correct course.

.13 The vessel was on autopilot from about 0342 hours. At about 0445 hours, the chief officer commenced to alter course on the autopilot. A little later he asked the EDH to take over the wheel. Before handing over the wheel, the chief officer did not change the steering controls from autopilot to hand steering mode. This was confirmed by the cadet who said that he had a few minutes later changed the steering to hand steering mode when the autopilot's "off course alarm" sounded. As the vessel was on autopilot mode when the wheel was handed to the EDH, the vessel would not have properly responded to the wheel and would have been steering an erratic course until the steering mode was changed by the cadet. This could be a possible reason for the vessel to drift east of her intended track.

.14 The deck log book states that the chief officer had commenced altering course at 0450 hours (see Annex 6). Based on the vessel's speed and her positions as plotted from 0400 hours, the estimated time when the vessel would have reached the alteration point is at 0440 hours. If the vessel had commenced altering course only at 0450 hours she would have drifted about 1.5 miles east of the course line. This is evident from the cadet's testimony who said that Horsburgh Lighthouse was observed on the port bow even after the vessel was steadied on the new course.

.15 From the chief officer's and the cadet's testimony it is apparent that the chief officer had spent most of the time (after he took over watch) in the chart room and had not kept an efficient lookout. During coastal passages, officers are required to spend as little time as possible in the chartroom for the necessary performance of navigational duties (such as plotting positions) but should ensure that an efficient lookout is maintained.

.16 When the cadet informed the chief officer that the lighthouse was seen on the port bow, instead of assessing the situation and taking corrective action, the chief officer wasted valuable time in a futile exercise of rechecking his earlier positions and trying to figure out what could have gone wrong. Setting of a vessel (due to action of wind, current, larger turning circle etc) which requires minor adjustments to the course steered is a very common occurrence during coastal passages. A prudent officer in his position would have quickly assessed the situation and altered course to port towards deeper waters away from the danger, then checked the vessel's position. After confirming his position he would have ordered the correct course to steer and would have closely monitored the vessel's positions until the danger was cleared.

.17 The chief officer said that when the lighthouse was very close he had given the order "hard a starboard". However, later in his testimony he changed that to "hard a port" (see Annex 5). The vessel's heading when she grounded was 090° and the course steered before grounding was 045°. It is therefore unlikely that the course was altered to port. In my opinion, even at that late stage, the grounding could have been averted if the course had been altered to port away from the reefs.

.18 The master was on bridge from about 2230 hours on 19 Jun 88 until about 0415 hours on 20 Jun 88. If he had remained on the bridge for about half an hour more or until the final alteration of course to pass the Horsburgh Lighthouse the vessel may have cleared the lighthouse safely. However in this case the master had handed over watch to the chief officer (the senior most deck officer) a little earlier after giving him clear instructions how to pass off Horsburgh Lighthouse. This could have been due to the fact that the master had been on the bridge for a long period and may have been tired. The passage after the lighthouse is clear for about 100 miles. In my opinion it would have been better if the master had remained on bridge until the vessel passed clear of the lighthouse or he had steadied the vessel on the final course to pass clear off the lighthouse.

## 7 CONCLUSIONS

.1 The main cause of the grounding was that the vessel had drifted about 1.5 miles east of her charted track. The vessel was then heading onto the reefs off Horsburgh Lighthouse. The chief officer had ample time



and opportunity to take corrective action. However he did not do so. One can therefore only conclude that the grounding was the result of the negligent manner in which the chief officer had navigated the vessel.

.2 The chief officer had failed to:

- (a) supervise the change of steering from autopilot to hand steering mode when he asked the EDH to take over the wheel;
- (b) check the course steered by the EDH;
- (c) note the dangers to navigation expected along the vessel's course in his watch;
- (d) keep an efficient lookout;
- (e) assess the situation and take appropriate action when the cadet informed him that the lighthouse was seen on port bow instead of being on the starboard bow;
- (f) make intelligent use of navigational equipment like radar, ARPA and gyro repeaters for checking positions of the vessel; and
- (g) alter course clear of the danger when the lighthouse was close to the ship.

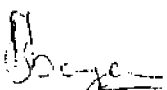
.3 A prudent master would have remained on <sup>the</sup> bridge until the vessel had cleared Horsburgh Lighthouse or until he ensured that the vessel was steadied on the final course to pass clear of the lighthouse. If the master had been on the bridge at the material time, he could have taken corrective action and the vessel may not have grounded.

8 RECOMMENDATIONS

.1 I do not recommend a formal inquiry as it will not shed any further light on the incident.

.2 The grounding was due to the negligent manner in which the chief officer navigated the vessel and to a lesser extent the failure of the master to remain on <sup>the</sup> bridge until the vessel had cleared Horsburgh Lighthouse. As both these officers are Nigerians and the vessel is registered in Nigeria I recommend that we inform the Nigerian authorities.

.3 I also recommend that we should not recognize the certificate of the chief officer for employment on Singapore ships.

  
IMS/N

**Annex 160**

Singapore's Note SHC 98/89 dated 16 June 1989

SHC 98/89

The High Commission of the Republic of Singapore presents its compliments to the Ministry of Foreign Affairs, Malaysia, and has the honour to refer to the latter's note EC 36/89 dated 19 April 1989.

The High Commission wishes to express its serious concern over the arrests of the eight Singapore-registered fishing vessels.

The coordinates given in the Ministry's note EC 36/89 confirm that five of these vessels were arrested outside Malaysian territorial waters.

Three vessels - SMF 698, SMF 1058 and SMF 1032- were arrested in areas where the boundaries of the various maritime zones have not yet been resolved.

Two vessels were arrested in Singapore territorial waters surrounding Pedra Branca: SMF 1045 at lat 01° 28' 27" N long 104° 31' 25" E, 11.2 nautical miles from Pedra Branca, and SMF 1047 at lat 01° 27' 24" N long 104° 31' 36" E, 10.5 nautical miles from Pedra Branca.

The Ministry of Foreign Affairs of Singapore has on four previous occasions informed the Malaysian High Commission in Singapore that Singapore exercises sovereignty over Pedra Branca and the waters around it.

a. Notes No. MFA 30/80 dated 14 February 1980, No. MFA 146/80 dated 13 June 1980, and No. MFA/D1/179/89 dated 28 February 1989 stated:

"The Government of the Republic of Singapore has since the 1840s, by virtue of both its acts and those of its predecessor governments, occupied and exercised sovereignty over Pedra Branca and the waters around it."

b. Note No. MFA 365/81 dated 24 August 1981 stated:

"... part of the delineated area ... falls within the territorial waters of Singapore by virtue of Singapore's ownership of Pedra Branca."

The Singapore Government cannot accept these arrests of Singapore fishing boats by the Malaysian Marine Police in waters where the maritime boundaries are

unresolved and in Singapore territorial waters. It urges the Malaysian Government to release immediately the vessels arrested in these areas - SMF 698, SMF 1058, SMF 1032, SMF 1045 and SMF 1047.

The remaining three vessels - SMF 899, SMF 1005 and SMF 1043 - were arrested in Malaysian territorial waters which are traditional fishing grounds of Singapore fishermen.

The High Commission refers to its note SHC 121/86 dated 13 November 1986, expressing the hope that the earlier Malaysian arrests of Singapore-registered vessels in their traditional fishing grounds in the south China Sea could be resolved amicably between the relevant authorities.

Singapore Marine Police and Navy patrols often find Malaysian vessels in Singapore territorial waters, fishing in what they claim to be traditional fishing grounds. Singapore has not arrested these boats. Wherever possible, it has allowed them to continue fishing. Where this is not possible for security or other reasons, the Singapore authorities have asked them to leave instead of arresting them.

For example, the Port of Singapore Authority is erecting a radar on Pedra Branca as part of its Vessel Traffic Information System (VTIS). Construction is now in progress. The current phase of work makes it necessary for vessels to keep away from the immediate vicinity of the island. Since April 1989, Singapore Navy and Marine Police patrols have been requesting vessels there, including Malaysian fishing vessels, to leave.

The High Commission requests the Ministry to use its good offices to secure the release of the vessels SMF 899, SMF 1005 and SMF 1043, and to advise the Malaysian authorities not to take any action against Singapore-registered vessels fishing in their traditional fishing grounds.

The High Commission of the Republic of Singapore avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Malaysia, the assurances of its highest consideration.

16 June 1989

Ministry of Foreign Affairs  
Wisma Putra  
KUALA LUMPUR



**Annex 161**

Singapore's Note SHC 99/89 dated 16 June 1989

SHC 99/89

The High Commission of the Republic of Singapore presents its compliments to the Ministry of Foreign Affairs, Malaysia.

Further to its Note No. SHC 98/89 dated 16 June 1989, the High Commission expresses its serious concern over the intrusion of a Malaysian Police Boat and its seaboat into Singapore territorial waters around Pedra Branca around 9 am on 14 June 1989.

At 8.45 am on 14 June 1989, guards at Horsburgh Lighthouse observed a Malaysian Police Boat PZ 3 approaching Pedra Branca from the North. The boat was then about 1 nautical mile (nm) away.

At 9.10 am, when it was about 1/2 nm from Pedra Branca, the Police Boat launched a seaboat. Three policemen in blue Marine Police uniform embarked on the seaboat, armed with pistols and carrying a camera, binoculars and a radio set. The seaboat approached close to Pedra Branca and circled the island at a distance of less than 50 metres, observing through binoculars and taking photographs of Horsburgh Lighthouse.



At 9.25 am, PZ 3 recovered the seaboard, and departed in the direction of the Singapore Strait.

The High Commission reiterates that the Republic of Singapore has sovereignty over Pedra Branca and the waters surrounding it. These provocative activities by Malaysian Police in Singapore's territorial waters clearly cannot amount to innocent or transit passage. The Singapore Government regrets these activities, and requests the Malaysian Government to ensure that they do not recur.

The High Commission of the Republic of Singapore avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Malaysia, the assurances of its highest consideration.

16 June 1989

Ministry of Foreign Affairs  
Wisma Putra  
KUALA LUMPUR



**Annex 162**

Singapore's Note SHC 103/89 dated 22 June 1989

SHC 103/89

The High Commission of the Republic of Singapore presents its compliments to the Ministry of Foreign Affairs, Malaysia, and has the honour to refer to the former's Note SHC 99/89 dated 16 June 1989, expressing, inter alia, serious concern over the activities of a Malaysian police boat PZ 3 which intruded into Singapore territorial waters around Pedra Branca on 14 June 1989.

The High Commission wishes to inform the Ministry of a further intrusion, inconsistent with innocent or transit passage, by a Malaysian police boat PSC 38 into Singapore territorial waters around Pedra Branca. The details are as follows:

At about 1140 hours on 17 June 1989, Malaysian police boat PSC 38 with 6 persons on board was observed to have circled Pedra Branca at a distance of between 400 to 800 metres. Two persons were in dark blue police uniform, one in uniform of light blue shirt and khaki shorts, and three others in civilian clothes. One civilian was observed to be photographing Horsburgh Lighthouse as PSC 38 circled Pedra Branca. Another civilian was seen taking notes. PSC 38 left after being requested to do so by the Singapore Navy.

The High Commission of the Republic of Singapore avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Malaysia, the assurances of its highest consideration.

22 June 1989

Ministry of Foreign Affairs  
Wisma Putra  
KUALA LUMPUR



**Annex 163**

Singapore's Note SHC 109/89 dated 1 July 1989



SHC 109/89

The High Commission of the Republic of Singapore presents its compliments to the Ministry of Foreign Affairs, Malaysia, and has the honour to refer to the former's Notes SHC 99/89 dated 16 June 1989 and SHC 103/89 dated 22 June 1989, expressing, inter alia, serious concern over the activities of the Royal Malaysian Marine Police (RMMP) boats which intruded into Singapore territorial waters around Pedra Branca on 14 June 1989 and 17 June 1989.

The High Commission regrets that despite its requests to the Ministry to stop such intrusions by RMMP boats into Singapore territorial waters around Pedra Branca, further intrusions inconsistent with innocent or transit passage have taken place.

- (a) From 2140 hrs on 24 June 1989 to 2130 hrs on 26 June 1989, RMMP boat PZ 5 anchored less than one nautical mile off Pedra Branca. During this period, Republic of Singapore Navy (RSN) ships informed RMMP boat PZ 5 on three occasions that she was in Singapore territorial waters and requested her to leave, but RMMP boat PZ 5 did not do so. At 2317 hrs on 25 June

1989, the Commanding Officer of RMMP boat PZ 5 informed RSN ship RSS Daring that "we were directed by our authorities to be here. According to the Malaysian Government, this is clear Malaysian territorial waters. ... I have been specifically directed to be in the area." Several persons armed with M-16 rifles were seen on board RMMP boat PZ 5. Some persons on her bridge were observed to be filming Horsburgh Lighthouse.

- (b) At 1240 hrs on 25 June 1989, RMMP boat PSC 38 visited RMMP boat PZ 5 while she was anchored in Singapore territorial waters.
- (c) At 0840 hrs on 26 June 1989, RMMP boat PX 33 visited RMMP boat PZ 5 while she was anchored in Singapore territorial waters.
- (d) From 0900 hrs to 1500 hrs on 27 June 1989, RMMP boat PZ 3 anchored one nautical mile from Pedra Branca. RSN ships informed her that she was in Singapore territorial waters and requested her to leave, but RMMP

boat PZ 3 did not do so.

(e) From 1110 hrs to 1515 hrs on 28 June 1989, RMMP boat PZ 3 anchored about one nautical mile from Pedra Branca.

(f) From 0930 hrs to 1545 hrs on 29 June 1989, RMMP boat PZ 3 anchored 0.9 nautical mile from Pedra Branca. When an RSN ship informed her at 1000 hrs that she was in Singapore territorial waters and requested her to leave, RMMP boat PZ 3 did not do so.

(g) From 1135 hrs to 1740 hrs on 30 June 1989, RMMP boat PZ 3 anchored 0.9 nautical mile from Pedra Branca.

(h) At 1235 hrs on 30 Jun 89, RMMP boat PSC 38 was observed approaching Pedra Branca at high speed and coming as close as 0.6 nautical mile from Pedra Branca to take photographs of the lighthouse. PSC 38 visited RMMP boat PZ 3 at 1310 hrs while PZ 3 was anchored in Singapore territorial waters.



(1) From 1740 hours on 30 June 1989 to 0625 hrs on 1 July 1989, RMMP boat PZ 11 anchored 0.9 nautical mile from Pedra Branca.

Since 24 June 1989, RMMP boats have been maintaining a daily presence in Singapore territorial waters around Pedra Branca, observing, filming and photographing the island. The High Commission does not understand why they are doing so, particularly as on 23 June 1989, the Counsellor in Kuala Lumpur, Mr Ong Keng Yong, had told Encik Arshad Hussein, the Principal Assistant Secretary (Southeast Asia I) that Singapore would be happy to invite Malaysian officials to visit Pedra Branca, if they wished to do so. This invitation to visit the island, and to see the Port of Singapore Authority Vessel Traffic Information System (VTIS) radar being constructed there, remains open.

Singapore has been in uninterrupted occupation of and exercised sovereignty over Pedra Branca and the waters around it since the 1840s. Within the last few days, armed RMMP boats have started anchoring close to the island. The resulting ground situation is risky. There is a danger that Malaysian boats may come into close quarters with

Singapore boats, leading to a physical confrontation and escalation of the dispute which neither government wants.

The High Commission reiterates that Singapore has sovereignty over Pedra Branca and the waters around it. The Singapore Government objects to and strongly regrets these activities by the RMMP boats in its territorial waters, and again requests the Malaysian Government to ensure that such activities do not recur.

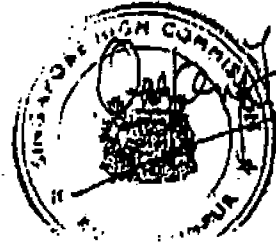
In December 1981, Prime Minister Mr Lee Kuan Yew of Singapore and Prime Minister Dato' Seri Dr Mahathir Mohamad of Malaysia agreed that the two countries would exchange documents to establish Malaysia's claim to Pedra Branca. On 16 June 1989, Singapore Foreign Minister Mr Wong Kan Seng told Malaysian Foreign Minister Dato' Abu Hassan bin Hj Omar in Geneva that Singapore was awaiting a response from Malaysia on this exchange of documents. Mr Wong also said that if the matter is not settled after the exchange of documents, Singapore is prepared to have Malaysia's challenge to Singapore's ownership of Pedra Branca adjudicated upon by the International Court of Justice, whose decision shall be binding on both sides. The High Commission reiterates these offers, and requests that if Malaysia wishes to pursue its claim to Pedra Branca, it

does so peacefully in accordance with these arrangements and international law.

The High Commission of the Republic of Singapore avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Malaysia, the assurances of its highest consideration.

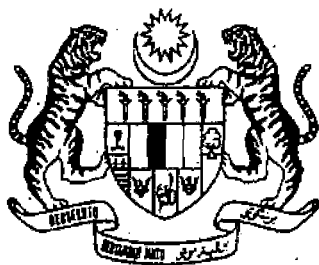
1 July 1989

Ministry of Foreign Affairs  
Wisma Putra  
Kuala Lumpur



**Annex 164**

Malaysia's Note No. EC 60/89 dated 14 July 1989



EC 60/89

The Ministry of Foreign Affairs presents its compliments to the High Commission of the Republic of Singapore, and with reference to the latter's notes SHC 99/89, SHC 103/89 and SHC 109/89 dated 16 June 1989, 22 June 1989 and 1 July 1989 respectively, has the honour to state the following:-

1. The Government of Malaysia reiterates that Pulau Batu Putih or Pedra Branca has, from time immemorial been part of the territory of the State of Johore which is a component part of Malaysia, and consequently waters surrounding Pulau Batu Putih form part of Malaysian territorial waters. Accordingly Pulau Batu Putih or Pedra Branca and the waters surrounding it have been included as part of Malaysian territory and Malaysian territorial waters in Malaysia's New Map published on 21 December 1979 and the 1984 Reprint of the Malaysian Map on Territorial Waters and Continental Shelf.
2. The presence and navigation of Malaysian police boats, and the acts of any person on board thereon in the waters surrounding Pulau Batu Putih or Pedra Branca on the dates mentioned in the High Commission's Notes under reference, were each a valid exercise of the power of a sovereign State,

Malaysia, in and over its territory and territorial waters, and Malaysia has not thereby committed any act of intrusion into the Republic of Singapore.

3. The Government of Malaysia expresses its deep regret and serious concern over the act of the Port of Singapore Authority in erecting a radar station on Pulau Batu Putih or Pedra Branca as part of its vessel Traffic Information System (V.T.I.S.) without prior information to and consent of the Government of Malaysia. This and the acts of the authorities of the Republic of Singapore in prohibiting Malaysian fishing vessels from fishing in that area are each a violation of Malaysia's sovereignty over Pulau Batu Putih or Pedra Branca and its territorial waters.

The Ministry wishes to invite the attention of the High Commission to the Malaysian High Commission's Note No: EC/80 dated 14th April 1980 to the Singapore Ministry of Foreign Affairs in which Malaysia's sovereignty over Pulau Batu Putih has been clearly spelled out. A copy is attached for ease of reference.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the High Commission of the Republic of Singapore the assurances of its highest consideration.

Ministry of Foreign Affairs,  
Wisma Putra,  
Kuala Lumpur.

July 14, 1989



## **Annex 165**

Port of Singapore Authority's  
Port Marine Circular 8 of 1989 dated 20 July 1989 and  
Port Marine Circular 12 of 1989 dated 25 Aug 1989

## SECRET

PORT OF SINGAPORE AUTHORITY

PORT MARINE CIRCULAR  
NO 8 OF 1989

20 Jul 89

To  
Shipping Community

## VESSEL TRAFFIC INFORMATION SYSTEM (VTIS)

1 The Port of Singapore Authority (PSA) is constructing a Vessel Traffic Information System (VTIS) to monitor shipping in the Singapore Straits and ships' compliance with the Traffic Separation Scheme (TSS). The VTIS is part of PSA's overall upgrading programme to improve the management of shipping activities in the port and its approaches. The system will make use of radars installed at Sultan Shoal, Raffles, St John's Island, Bedok and Pedra Branca.

2 PSA has started radar installation work since December 1988, beginning with Bedok and St John's Island. It has just begun the installation of radar equipment on Pedra Branca. The radar tower on Pedra Branca has been completed. Two radar antennae will be set up at the top of the tower on the island. The task will be carried out by PSA engineers with the help of Swedish and Norwegian consultants. After installing the equipment, they will carry out measurement checks and site acceptance tests. Preparation works have already begun. Vessels will be bringing equipment and personnel to the island. There will be quite a lot of movement over several weeks.

3 In view of these on-going activities, all vessels should continue to keep clear of the area around Pedra Branca. The Republic of Singapore Navy and Marine Police will continue asking all boats found near the island to leave the area. Vessels should also keep clear of the other radar sites when installation work begins at the respective locations.



FONG HIN TAT  
for PORT MASTER  
PORT MASTER'S DEPARTMENT

SECRET



## SECRET

PORT OF SINGAPORE AUTHORITY

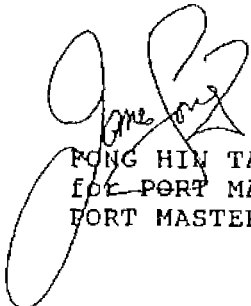
PORT MARINE CIRCULAR  
NO. 12 OF 1989

25 Aug 89

To  
Shipping Community

VESSEL TRAFFIC INFORMATION SYSTEM (VTIS)

PSA has completed installation of the Vessel Traffic Information System (VTIS) radars on Pedra Branca. From 25 Aug 89, it will again allow boats to fish in the Singapore territorial waters in the vicinity of the island. The Republic of Singapore Navy and Marine Police will carry out periodic security checks on such vessels, as they did in the past. In future, the PSA may, from time to time, again require vessels to keep clear of the area around Pedra Branca.



PONG HIN TAT  
PORT MASTER  
PORT MASTER'S DEPARTMENT

SECRET

**Annex 166**

Singapore's Note SHC 139/89 dated 11 Sep 1989

SHC 139/89



The High Commission of the Republic of Singapore presents its compliments to the Ministry of Foreign Affairs, Malaysia, and has the honour to refer to the latter's Note EC 60/89 dated 14 July 1989 and to its Aide Memoire dated 20 July 1989.

2 The Government of the Republic of Singapore rejects the contention of the Government of Malaysia that Pedra Branca has from time immemorial been part of the territory of the State of Johore and consequently waters surrounding it form part of Malaysia's territorial waters. This contention is not supportable in international law. The High Commission notes that the Ministry's Note EC 60/89 has not adduced any evidence in support of the Malaysian claim.

3 The Government of the Republic of Singapore also notes that Malaysia has published a series of official maps acknowledging that Pedra Branca (or Pulau Batu Putih) is part of Singapore. These maps include Series L 7010 Sheet 135 Edition 2-SDFM published by the Surveyor General, Federation of Malaya in 1962; Reprint of Series L 7010 Sheet 135 Edition 2-DNMM No. 36 published by the Director of National Mapping, Malaysia in 1965; and Series L 7010 Sheet 3-PPNM published by the Director of National Mapping, Malaysia in 1974.

4 The Government of the Republic of Singapore reiterates that Pedra Branca is part of the territory of Singapore. It has since the 1840s, by virtue of both its acts and those of its predecessor governments, occupied and exercised sovereignty over Pedra Branca and the waters around it. Since that time, no country has exercised or claimed jurisdiction or contested Singapore's sovereignty over Pedra Branca for over 130 years.

5 The Government of the Republic of Singapore therefore cannot accept the Ministry's contention that the intrusions of Malaysian police boats into the territorial waters surrounding Pedra Branca on those occasions listed in the High Commission's Notes SHC 99/89 dated 16 June 1989, SHC 103/89 dated 22 June 1989 and SHC 109/89 dated 1 July 1989 were a valid exercise of Malaysia's sovereignty.

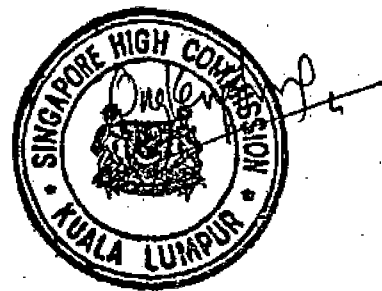
6 Similarly, the Government of the Republic of Singapore cannot accept the Ministry's contention that the acts of the Port of Singapore Authority in erecting a radar on Pedra Branca as part of its Vessel Traffic Information System (VTIS), the act of issuing a Port Circular by the Port of Singapore Authority to advise vessels to keep clear of the waters surrounding Pedra Branca and the acts of Singapore authorities in prohibiting all fishing vessels from Singapore territorial waters around Pedra Branca were violations of Malaysian sovereignty over Pedra Branca and its territorial waters.

7 The High Commission wishes to draw the attention of the Ministry to the fact that the Government of the Republic of Singapore has taken all reasonable steps to resolve the dispute in accordance with the close and warm relations between Malaysia and Singapore. Consistent with the understanding reached between the Prime Ministers of Malaysia and Singapore in December 1981, the High Commission requests a formal exchange of documents in November 1989 to resolve the matter once and for all. If, after an exchange of documents, the matter is not settled, Singapore would agree with Malaysia to have this matter jointly referred to the International Court of Justice, whose decision will be binding on both sides.

8 The High Commission of the Republic of Singapore avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Malaysia, the assurances of its highest consideration.

11 September 1989

Ministry of Foreign Affairs  
Wisma Putra  
KUALA LUMPUR



**Annex 167**

Singapore's Note SHC 141/89 dated 11 Sep 1989



SHC 141/89

The High Commission of the Republic of Singapore presents its compliments to the Ministry of Foreign Affairs, Malaysia, and has the honour to refer to the former's Notes SHC 99/89 dated 16 June 1989, SHC 103/89 dated 22 June 1989 and SHC 109/89 dated 1 July 1989, expressing, inter alia, serious concern over the activities of the Royal Malaysian Marine Police (RMMP) boats which intruded into Singapore territorial waters around Pedra Branca on 14, 17, 24, 25, 26, 27, 28, 29, and 30 June 1989.

2 The High Commission regrets that despite its repeated requests to the Ministry to stop such intrusions by RMMP boats into Singapore territorial waters around Pedra Branca, further intrusions inconsistent with innocent or transit passage have taken place.

- (a) From 0840 hours to 1041 hours on 1 July 1989, RMMP boat PZ 11 anchored 0.7 nautical mile from Pedra Branca. From 1215 hours to 1750 hours on 1 July 1989, RMMP boat PZ 11 anchored one nautical mile from Pedra Branca. From 2055 hours on 1 July 1989 to 0900 hours on 2 July 1989,

RMMP boat PZ 11 anchored one nautical mile from Pedra Branca.

(b) At 1100 hours on 2 July 1989, RMMP boat PZ 3 anchored 0.75 nautical mile from Pedra Branca. She was requested to leave Singapore territorial waters but replied that she was under orders to remain there. At 1508 hours, RMMP boat PZ 3 weighed anchor and patrolled the area around Pedra Branca before proceeding off. RMMP boat PZ 3 returned and anchored about one nautical mile off Pedra Branca at 2200 hours on 2 July 1989 before weighing anchor at 1130 hours on 3 July 1989.

(c) At 2115 hours on 3 July 1989, RMMP boat PZ 3 anchored about one nautical mile off Pedra Branca. She left at 1630 hours on 4 July 1989.

(d) At 1630 hours on 4 July 1989, RMMP boat PX 9 anchored one nautical mile off Pedra Branca. She left at 1640 hours on 6 July 1989.

e) At 1222 hours on 6 July 1989, RMMP boat PSC 38 visited RMMP boat PX 9 while the



latter was anchored one nautical mile from Pedra Branca.

- (f) From 1625 hours to 1640 hours on 6 July 1989, RMMP boat PZ 3 visited RMMP boat PX 9 while the latter was anchored one nautical mile from Pedra Branca.
  
- (g) From 1130 hours to 1630 hours on 7 July 1989, RMMP boat PZ 3 anchored one nautical mile off Pedra Branca.
  
- (h) At 1433 hours on 9 July 1989, RMMP boat PZ 3 anchored 0.8 nautical mile off Pedra Branca. She left at 1535 hours on 9 July 1989.
  
- (i) At 1535 hours on 9 July 1989, RMMP boat PX 9 anchored 0.8 nautical mile off Pedra Branca. She left at 0845 hours on 11 July 1989. RMMP boat PX 9 returned at 1058 hours on 11 July 1989 to anchor 0.7 nautical mile off Pedra Branca. She left at 1110 hours on 11 July 1989.
  
- (j) Between 1700 hours and 1715 hours on 12 July 1989, RMMP boat PX 9 made four passes as close as 0.25 nautical mile from

Pedra Branca. One of the policemen on board was observed taking photographs.

(k) At 1340 hours on 29 July 1989, RMMP boat PSC 38 circled Pedra Branca at a distance of 0.5 nautical mile, photographing the island. She did not respond to an RSN ship's call to stop. She left at 1359 hours. On the same day, from 1340 to 1359 hours, RMMP boat P2 11 was stationary at 0.5 nautical mile off Pedra Branca.

3 The High Commission reiterates that Singapore has sovereignty over Pedra Branca and the waters around it. The Singapore Government objects to and strongly regrets these activities by the RMMP boats in its territorial waters. It notes that no further activities have been reported so far and again requests the Malaysian Government to ensure that such activities do not recur.

4 The High Commission of the Republic of Singapore avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Malaysia, the assurances of its highest consideration.

11 September 1989

Ministry of Foreign Affairs  
Wisma Putra  
KUALA LUMPUR



**Annex 168**

Singapore's Note SHC 143/89 dated 13 Sep 1989



SHC 143/89

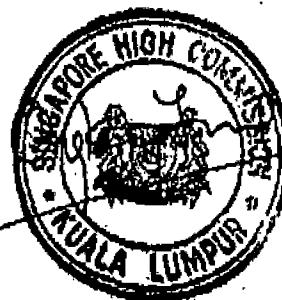
The High Commission of the Republic of Singapore presents its compliments to the Ministry of Foreign Affairs, Malaysia and has the honour to refer to its Note SHC 139/89 and the comments by Ambassador Yahya Baba to Counsellor Ong Kenq Yong on 11 September 1989 regarding the last sentence of para 7 in the Note.

The High Commission wishes to clarify that Singapore's view is that if the ownership of Pedra Branca cannot be settled after an exchange of documents, both Singapore and Malaysia should jointly refer the matter to the International Court of Justice, whose decision will be binding on both sides.

The High Commission of the Republic of Singapore avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Malaysia the assurances of its highest consideration.

13 September 1989

Ministry of Foreign Affairs  
Wisma Putra  
KUALA LUMPUR



**Annex 169**

Singapore's Note SHC 64/90 dated 8 June 1990

SHC 64/90

The High Commission of the Republic of Singapore presents its compliments to the Ministry of Foreign Affairs, Malaysia, and has the honour to refer to its Notes SHC 109/89 dated 1 July 1989, SHC 139/89 dated 11 September 1989 and SHC 143/89 dated 13 September 1989 which, inter alia, requested a formal exchange of documents on Pedra Branca.

The High Commission has the honour also to refer to the Meeting between the Foreign Ministers of Singapore and Malaysia in Kuala Lumpur on 17 July 1989, where His Excellency Dato' Haji Abu Hassan bin Haji Omar had indicated that both sides could meet after the CHOGM in Kuala Lumpur to deal with the matter. Arising from this, the High Commission had proposed to the Ministry (in paragraph 7 of its Note SHC 139/89 dated 11 September 1989) that the formal exchange of documents take place in November 1989 to resolve the matter once and for all on the basis of the understanding reached between the Prime Ministers of Singapore and Malaysia in December 1981.

The High Commission has the honour to request the Ministry to suggest an early date for the formal exchange of documents in Singapore.

The High Commission of the Republic of Singapore avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Malaysia, the assurances of its highest consideration.

8 June 1990

Ministry of Foreign Affairs  
Wisma Putra  
KUALA LUMPUR



**Annex 170**

Singapore's Note SHC 161/90 dated 22 Dec 1990



SHC 161/90

The High Commission of the Republic of Singapore presents its compliments to the Ministry of Foreign Affairs, Malaysia, and has the honour to refer to its Notes SHC 109/89 dated 1 July 1989, SHC 139/89 dated 11 September 1989, SHC 143/89 dated 13 September 1989 and SHC 64/90 dated 8 June 1990 which, inter alia, requested a formal exchange of documents on Pedra Branca.

The High Commission has the honour to refer to the Meeting in Singapore between Dato' Ahmad Kamil Jaafar, Secretary-General of the Ministry of Foreign Affairs, Malaysia, and Mr Peter Chan, Permanent Secretary of the Ministry of Foreign Affairs, Singapore, on 22 August 1990, and Dato' Kamil's subsequent meeting with Minister for Foreign Affairs, Singapore, on 23 August 1990. On both occasions, Dato' Kamil had informed Singapore that the Malaysian side was in the process of finalising its preparations for the formal exchange of documents on Pedra Branca on the basis of the understanding reached between the Prime Ministers of Singapore and Malaysia in December 1981.

As it is now some time since Dato' Kamil's visit to Singapore in August 1990, the High Commission would like to



enquire when the formal exchange of documents could take place. The High Commission would appreciate if the Ministry would fix an early date for the formal exchange of documents in Singapore.

The High Commission of the Republic of Singapore avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Malaysia, the assurances of its highest consideration.

22 December 1990

Ministry of Foreign Affairs  
Wisma Putra  
KUALA LUMPUR



**Annex 171**

Singapore Note's SHC 104/91 dated 16 Sep 1991



SHC 104/91

The High Commission of the Republic of Singapore presents its compliments to the Ministry of Foreign Affairs, Malaysia, and has the honour to refer to its Notes SHC 109/89 dated 1 July 1989, SHC 139/89 dated 11 September 1989, SHC 143/89 dated 13 September 1989, SHC 64/90 dated 8 June 1990, and SHC 161/90 dated 22 December 1990 which inter alia, requested a formal exchange of documents on Pedra Branca.

The High Commission would also like to draw the attention of the Ministry to recent statements made by important Malaysian political leaders including the Deputy Minister of Foreign Affairs of Malaysia, YB Dato' Dr Abdullah Fadzil Che Wan, and the Menteri Besar of the State of Johor, YAB Tan Sri Muhyiddin Yassin, as well as to a resolution passed by the Johor Baru UMNO Division delegates' meeting on 13 September 1991, regarding Malaysia's claim to ownership of Pedra Branca. The Government of the Republic of Singapore rejects the contention that Pedra Branca is part of the territory of Malaysia. The Government of the Republic of Singapore reiterates that Pedra Branca and the waters around it are part of the territory of Singapore. It has since the 1840s, by virtue of both its acts and those of its predecessor governments, occupied and exercised sovereignty

over Pedra Branca and the waters around it. Since that time, no other country has exercised or claimed jurisdiction or contested Singapore's sovereignty over Pedra Branca for over 130 years.

However, in accordance with the understanding reached between the Prime Ministers of Singapore and Malaysia in December 1981 that the matter should be resolved through an exchange of documents to prove ownership of Pedra Branca, the Government of the Republic of Singapore has repeatedly requested the Government of Malaysia to suggest an early date for the formal exchange of documents. In this context, the High Commission would like to draw the Ministry's attention to the High Commission's last Note on this subject (SHC 161/90 dated 22 December 1990) which noted that Dato' Ahmad Kamil Jaafar, Secretary-General of the Ministry of Foreign Affairs, Malaysia, had informed Singapore during his visit in mid-August 1990, that the Malaysian side was in the process of finalising its preparations for the formal exchange of documents on Pedra Branca on the basis of the understanding reached between the Prime Ministers of Singapore and Malaysia in 1981.

The High Commission would also like to draw the attention of the Ministry to the recent statement made by the Deputy Minister of Foreign Affairs of Malaysia, YB

Dato' Dr Abdullah Fadzil Che Wan, that Malaysia was ready for talks with Singapore on this matter, that Malaysia was ready to provide evidence of its claim to Pedra Branca and that a third party should be asked to help resolve the matter if Malaysia and Singapore could not resolve it themselves. In the light of this statement and as it is now a year since Dato' Kamil's visit to Singapore, the High Commission would like to enquire when the formal exchange of documents could take place. Singapore would like to have the formal exchange of documents in Singapore, as soon as possible.

If after an exchange of documents, the matter is not settled, Singapore reiterates its proposal contained in the High Commission's Note (SHC 139/89) dated 11 September 1989 that Malaysia's challenge to Singapore's ownership of Pedra Branca be adjudicated upon by the International Court of Justice whose decision shall be binding on both sides..

The High Commission of the Republic of Singapore avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Malaysia, the assurances of its highest consideration.

16 September 1991

Ministry of Foreign Affairs  
Wisma Putra  
Malaysia



**Annex 172**

**“S’pore: Island helipad for lighthouse maintenance” in  
Business Times dated 12 Oct 1991**

*Business Times, Sat, 12/10/91, p. 16*

# S'pore: Island helipad for lighthouse maintenance

THE construction of a helipad on the disputed island of Batu Putih is to upgrade and facilitate the maintenance of the equipment at the lighthouse there, Singapore Defence Minister Dr Yeo Ning Hong said yesterday.

"The intention is to upgrade the facilities," he told a joint press conference after discussions with Defence Minister Datuk Seri Najib Tun Razak at the Defence Ministry in Kuala Lumpur.

Discussions on bilateral matters by the two ministers included the Batu Putih issue which was "touched upon briefly", according to Dr Yeo who arrived in Kuala Lumpur yesterday for a two-day visit.

He said the Port of Singapore Authority (PSA) had been improving the facilities following increasing sea traffic in the vicinity of the island with the current development in the region especially in the tourist industry.

Over the years, he said, the fa-

cilities had included solar panels and a radar system to ensure safety for international shipping.

Dr Yeo said these complex equipment need to be maintained and the helipad was constructed to allow the ferrying of technicians to the lighthouse.

He said the helipad construction did not involve the Ministry of Defence.

Dr Yeo said he and Datuk Seri Najib agreed that the matter is best pursued by the foreign affairs ministries of the two countries.

He said the island issue was discussed by the prime ministers of the two countries in 1981, and they decided that the two foreign affairs ministries should meet and exchange evidential documents to resolve the matter "in the spirit of friendship and neighbourliness".

The island, about 15km from the Johor coast, is a rocky outcrop in the sea between Singapore, Johor and Bintan and is lo-

cated strategically at the eastern entrance to the Tebrau Straits separating Johor and the island republic.

It was reported that Singapore was staking a claim based on the fact that it had administered the island for about 100 years while Johor historians argue that the island had always been a part of the state's territory.

The national Urano Youth yesterday asked the Government to explain the actual position of Pulau Batu Putih, an island in the Johor waters, which is claimed by Singapore.

"If the island actually belongs to Malaysia, we want the Government to be firm and not to hand it over to any other country. If it is not, then the Government should also explain it to the people," its head of international bureau Mustafa Yaakob said in a statement.

He said according to history, the island belongs to Malaysia. — Bernama

**Annex 173**

“Singapore: Helipad is to help in safety at sea” in New Straits  
Times dated 12 Oct 1991



NEW STRAITS TIMES, SATURDAY, OCTOBER 12, 1991 (1.2)

# Singapore: Helipad is to help in safety at sea

By Saiful  
Mahadhir Nordin

KUALA LUMPUR, Fri. — The Port of Singapore Authority (PSA) will continue with its plan to build a helipad on Pulau Batu Puteh island, the Republic's Defence Minister Dr Yeo Ning Hong said today.

"It is part of the PSA's on-going efforts to upgrade facilities on this island in view of the increasing flow of sea traffic in the region," Dr Yeo said.

He said this after paying Defence Minister Datuk Seri Najib Tun Razak a visit at the Ministry of Defence in Jalan Padang Tembak today.

"The upgrading of facilities would allow a fast mobilisation of technicians, especially during the Northeast monsoon in October during which sea conditions around the island are extremely rough."

The PSA has been improving facilities on the island which included solar panels on the island's lighthouse and a radar system, called a vehicle traffic information system, to ensure safety for international shipping.

Dr Yeo explained that the radar system, installed in 1969, monitors and manages the number of vessels passing through the Singapore Straits.

"The main concern is to provide a safe passage for ships using the sea route," said Dr Yeo.

Dr Yeo said these sophisticated equipment needed to

be maintained regularly and with the helipad the mobilisation of technicians would be made easy.

He added that the helipad construction did not involve the Republic's Ministry of Defence.

PSA had announced the plan to build a helipad on the island in this month's issue of its in-house magazine, *Port View*.

The project is expected to be completed in October next year.

The island, located about 15km from Johor's coastline in Penang and 60km from Singapore, has been the subject of a long-standing territorial dispute between Malaysia and the island republic.

Dr Yeo said the matter was best pursued by the Foreign Ministries of both countries.

He added the matter had been, in 1981, discussed between the Prime Ministers of both countries.

"They had decided then that the issue concerning the island would be handled by the respective Foreign Affairs Ministries."

"Both countries have indicated that they have documents and evidence which they would exchange to settle the matter in the spirit of friendship and neighbourliness," Dr Yeo said.

Dr Yeo also paid a courtesy call on Deputy Prime Minister Ghafar Baba today.

They held discussions for about 45 minutes.

Also present was Datuk Seri Najib.

**Annex 174**

Singapore's Note MFA/D1/858/91 dated 15 Nov 1991



MFA/D1/858/91

The Ministry of Foreign Affairs of the Republic of Singapore presents its compliments to the Malaysian High Commission and has the honour to refer to the Note from the Ministry of Foreign Affairs, Malaysia dated 11 November 1991 regarding the construction of a helipad on Pedra Branca.

The Government of the Republic of Singapore categorically rejects the contention of the Malaysian Government that Pedra Branca "has always been a component part of Malaysia" and that the construction of a helipad on the island "clearly violates Malaysia's sovereignty" over Pedra Branca. This contention is not supportable in international law. The Ministry of Foreign Affairs of the Republic of Singapore notes that the Ministry of Foreign Affairs of Malaysia's Note dated 11 November 1991 did not adduce any evidence in support of the Malaysian claim.

The Government of the Republic of Singapore reiterates that Pedra Branca is part of the territory of Singapore. It has since the 1840s, by virtue of both its acts and those of its predecessor governments, occupied and exercised sovereignty over Pedra Branca and the waters around it. Since that time, no country has exercised or

claimed jurisdiction or contested Singapore's sovereignty over Pedra Branca for over 130 years.

The helipad is being constructed on Singapore territory. The Port of Singapore Authority requires the helipad for operational reasons to give safe year-round access to Pedra Branca. Its construction must proceed as scheduled.

In consideration of the close and warm relations between Malaysia and Singapore, the Singapore Government has taken all reasonable steps to resolve Malaysia's challenge of Singapore's ownership of Pedra Branca. In accordance with the understanding reached between the Prime Ministers of Singapore and Malaysia in December 1981 that the matter should be resolved through an exchange of documents to prove ownership of Pedra Branca, the Government of the Republic of Singapore has repeatedly requested the Government of Malaysia to suggest an early date for the formal exchange of documents.

The Ministry of Foreign Affairs would like to draw the Malaysia High Commission's attention to the Singapore Government's Notes SHC 109/89 dated 1 July 1989, SHC 139/89 dated 11 September 1989, SHC 143/89 dated 11 September 1989, SHC 64/90 dated 8 June 1990, SHC 161/90 dated 22 December 1990 and SHC 104/91 dated 16 September 1991 which

requested for an early exchange of documents to prove ownership of Pedra Branca. The Ministry of Foreign Affairs would also like to recall that at their recent meeting in Harare, Zimbabwe, on 16 October 1991, the Prime Ministers of Singapore and Malaysia reiterated the December 1981 understanding between the two countries that Malaysia's claim to ownership of Pedra Branca should be resolved through an exchange of documents. The two Prime Ministers further agreed that this exchange should take place as soon as possible. This would also be consistent with Chapter IV of the Treaty of Amity and Cooperation in Southeast Asia, which provides for the pacific settlement of disputes. To date, the Government of Malaysia has not suggested any date for the exchange of documents.

The Ministry of Foreign Affairs would also like to draw the attention of the Malaysia High Commission to the Singapore Government's proposal that if the matter cannot be resolved through such an exchange of documents, Malaysia's challenge to Singapore's ownership of Pedra Branca can be adjudicated upon by the International Court of Justice whose decision shall be binding on both sides.

The Ministry of Foreign Affairs of the Republic of Singapore avails itself of this opportunity to renew to the Malaysian High Commission the assurances of its highest consideration.

SINGAPORE

15 November 1991

Malaysian High Commission

Singapore



**Annex 175**

Singapore's Note MFA/D1/859/91 dated 15 Nov 1991



MFA/D1/859/91

The Ministry of Foreign Affairs of the Republic of Singapore presents its compliments to the Malaysian High Commission, and has the honour to refer to the Singapore High Commission in Kuala Lumpur's note SHC 97/91 dated 28 August 1991 wherein the Singapore Government protested the wrongful arrest of Singapore fishing vessel SMF 993 on 9 August 1991 by Malaysian authorities in Singapore territorial waters surrounding Pedra Branca. In that note, the Singapore Government urged the Malaysian Government to release the vessel SMF 993 unconditionally and to cease the arrest of Singapore vessels fishing in Singapore territorial waters.

The Ministry of Foreign Affairs understands that the crew of Singapore fishing vessel SMF 993 have been charged for fishing illegally in Malaysian territorial waters. The Ministry of Foreign Affairs reiterates that it cannot accept the arrest of Singapore fishing vessels by Malaysian authorities in Singapore territorial waters. The Government of the Republic of Singapore therefore rejects categorically the jurisdiction of any Malaysian court to try the crew of Singapore fishing vessel SMF 993. The Singapore Government urges the Malaysian Government to withdraw the case against the crew of Singapore fishing



vessel SMF 993 and again urges the unconditional release of the crew, as well as the vessel itself.

The Singapore Government wishes to remind the Malaysian Government that at the meeting between the Prime Ministers of Singapore and Malaysia in Harare on 16 October 1991, the Prime Minister of Malaysia, Dato' Seri Dr Mahathir Mohamad, had told the Prime Minister of Singapore, Mr Goh Chok Tong, that he would look into this matter of the arrests of Singapore fishing vessels by Malaysian authorities in Singapore territorial waters surrounding Pedra Branca.

The Singapore Government wishes to point out that the two countries should exchange documents without further delay to resolve Malaysia's claim to the ownership of Pedra Branca. This would be consistent with the understanding reached on this matter between the Prime Ministers of Malaysia and Singapore in December 1981. It would also be consistent with Chapter IV of the Treaty of Amity and Cooperation in Southeast Asia, which provides for the pacific settlement of disputes.

The Singapore Government reiterates its proposal that if Malaysia's claim to ownership of Pedra Branca cannot be resolved through an exchange of documents, Singapore would agree with Malaysia to have this matter

jointly referred to the International Court of Justice,  
whose decision shall be binding on both sides.

The Ministry of Foreign Affairs of the Republic of  
Singapore avails itself of this opportunity to renew to the  
Malaysian High Commission, the assurances of its highest  
consideration.

SINGAPORE

15 November 1991

Malaysian High Commission

Singapore



**Annex 176**

Singapore's Note SHC 134/91 dated 15 Nov 1991



SHC 124/91

The High Commission of the Republic of Singapore presents its compliments to the Ministry of Foreign Affairs, Malaysia, and has the honour to refer to the latter's Note dated 11 November 1991 regarding the construction of a helipad on Pedra Branca.

The Government of the Republic of Singapore categorically rejects the contention of the Malaysian Government that Pedra Branca "has always been a component part of Malaysia" and that the construction of a helipad on the island "clearly violates Malaysia's sovereignty" over Pedra Branca. This contention is not supportable in international law. The High Commission notes that the Ministry's Note dated 11 November 1991 did not adduce any evidence in support of the Malaysian claim.

The Government of the Republic of Singapore reiterates that Pedra Branca is part of the territory of Singapore. It has since the 1840s, by virtue of both its acts and those of its predecessor governments, occupied and exercised sovereignty over Pedra Branca and the waters around it. Since that time, no country has exercised or claimed jurisdiction or contested Singapore's sovereignty over Pedra Branca for over 130 years.

The helipad is being constructed on Singapore territory. The Port of Singapore Authority requires the helipad for operational reasons to give safe year-round access to Pedra Branca. Its construction must proceed as scheduled.

In consideration of the close and warm relations between Malaysia and Singapore, the Singapore Government has taken all reasonable steps to resolve Malaysia's challenge of Singapore's ownership of Pedra Branca. In accordance with the understanding reached between the Prime Ministers of Singapore and Malaysia in December 1981 that the matter should be resolved through an exchange of documents to prove ownership of Pedra Branca, the Government of the Republic of Singapore has repeatedly requested the Government of Malaysia to suggest an early date for the formal exchange of documents.

The High Commission would like to draw the Ministry's attention to the Singapore Government's Notes SHC 109/89 dated 1 July 1989, SHC 139/89 dated 11 September 1989, SHC 143/89 dated 11 September 1989, SHC 64/90 dated 8 June 1990, SHC 161/90 dated 22 December 1990 and SHC 104/91 dated 16 September 1991 which requested for an early exchange of documents to prove ownership of Pedra Branca. The High Commission would also like to recall that at their recent meeting in Harare, Zimbabwe, on 16 October 1991, the Prime Ministers of Singapore and Malaysia reiterated the December 1981 understanding between the two countries that Malaysia's claim to ownership of Pedra Branca should be resolved through an exchange of documents. The two Prime Ministers further agreed that this exchange should take place as soon as possible. This would also be consistent with Chapter IV of the Treaty of Amity and Cooperation in Southeast Asia, which provides for the pacific settlement of disputes. To date, the Government of Malaysia has not suggested any date for the exchange of documents.

The High Commission would also like to draw the attention of the Ministry to the Singapore Government's

proposal that if the matter cannot be resolved through such an exchange of documents, Malaysia's challenge to Singapore's ownership of Pedra Branca can be adjudicated upon by the International Court of Justice whose decision shall be binding on both sides.

The High Commission of the Republic of Singapore avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Malaysia, the assurances of its highest consideration.

15 November 1991

Ministry of Foreign Affairs  
Wisma Putra  
Kuala Lumpur



**Annex 177**

Singapore's Note SHC 135/91 dated 15 Nov 1991



SHC 135/91

The High Commission of the Republic of Singapore presents its compliments to the Ministry of Foreign Affairs, Malaysia, and has the honour to refer to the former's note SHC 97/91 dated 28 August 1991 wherein the Singapore Government protested the wrongful arrest of Singapore fishing vessel SMF 993 on 9 August 1991 by Malaysian authorities in Singapore territorial waters surrounding Pedra Branca. In that note, the Singapore Government urged the Malaysian Government to release the vessel SMF 993 unconditionally and to cease the arrest of Singapore vessels fishing in Singapore territorial waters.

The High Commission understands that the crew of Singapore fishing vessel SMF 993 have been charged for fishing illegally in Malaysian territorial waters. The High Commission reiterates that it cannot accept the arrest of Singapore fishing vessels by Malaysian authorities in Singapore territorial waters. The Government of the Republic of Singapore therefore rejects categorically the jurisdiction of any Malaysian court to try the crew of Singapore fishing vessel SMF 993. The Singapore Government urges the Malaysian Government to withdraw the case against the crew of Singapore fishing vessel SMF 993 and again urges the unconditional release of the crew, as well as the vessel itself.

The Singapore Government wishes to remind the Malaysian Government that at the meeting between the Prime Ministers of Singapore and Malaysia in Harare on 16 October 1991, the Prime Minister of Malaysia, Dato' Seri Dr Mahathir Mohamad, had told the Prime Minister of



Singapore, Mr Goh Chok Tong, that he would look into this matter of the arrests of Singapore fishing vessels by Malaysian authorities in Singapore territorial waters surrounding Pedra Branca.

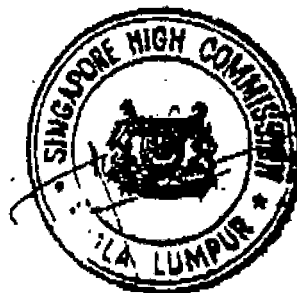
The Singapore Government wishes to point out that the two countries should exchange documents without further delay to resolve Malaysia's claim to the ownership of Pedra Branca. This would be consistent with the understanding reached on this matter between the Prime Ministers of Malaysia and Singapore in December 1981. It would also be consistent with Chapter IV of the Treaty of Amity and Cooperation in Southeast Asia, which provides for the pacific settlement of disputes.

The Singapore Government reiterates its proposal that if Malaysia's claim to ownership of Pedra Branca cannot be resolved through an exchange of documents, Singapore would agree with Malaysia to have this matter jointly referred to the International Court of Justice, whose decision shall be binding on both sides.

The High Commission of the Republic of Singapore avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Malaysia, the assurances of its highest consideration.

15 November 1991

Ministry of Foreign Affairs  
Wisma Putra  
Kuala Lumpur



**Annex 178**

Singapore, Protected Places (No. 10) Order 1991

No. S 525

THE PROTECTED AREAS AND PROTECTED PLACES ACT.  
(CHAPTER 256).

THE PROTECTED PLACES (NO. 10) ORDER 1991.

In exercise of the powers conferred by section 5 (1) of the Protected Areas and Protected Places Act, the Minister for Home Affairs hereby makes the following Order:

1. This Order may be cited as the Protected Places (No. 10) Order 1991 and shall come into operation on 29th November 1991.

2. The premises described in the second column of the First Schedule are hereby declared to be protected places for the purposes of the Protected Areas and Protected Places Act, and no such person shall be in those premises unless he is in possession of a pass-card or permit issued by the authority specified in the first column of the First Schedule or has received the permission of an authorised officer on duty at the premises to enter the premises.

3. The Protected Places (No. 2) Order 1989 is revoked. G.N. No. S 45/89.

FIRST SCHEDULE

*First column.*

*Second column.*

The Authority.

Protected Place.

The Secretary,  
Port of  
Singapore  
Authority

1. PORT OF SINGAPORE.

All that area occupied by "PORT OF SINGAPORE" containing an area of approximately 197.4 hectares and bounded by Telok Blangah Road, Keppel Road, East Coast Parkway, Shenton Way, Telok Ayer Basin, East Lagoon and Keppel Channel.

The boundary commences at the westernmost corner of the aforesaid "PORT OF SINGAPORE" which point's co-ordinates are North 27,288.8 metres and East 26,954.7 metres. The point of commencement is 2,711.2 metres south and 3,045.3 metres west of the Survey Depart-

FIRST SCHEDULE — continued

First column.  
The Authority.

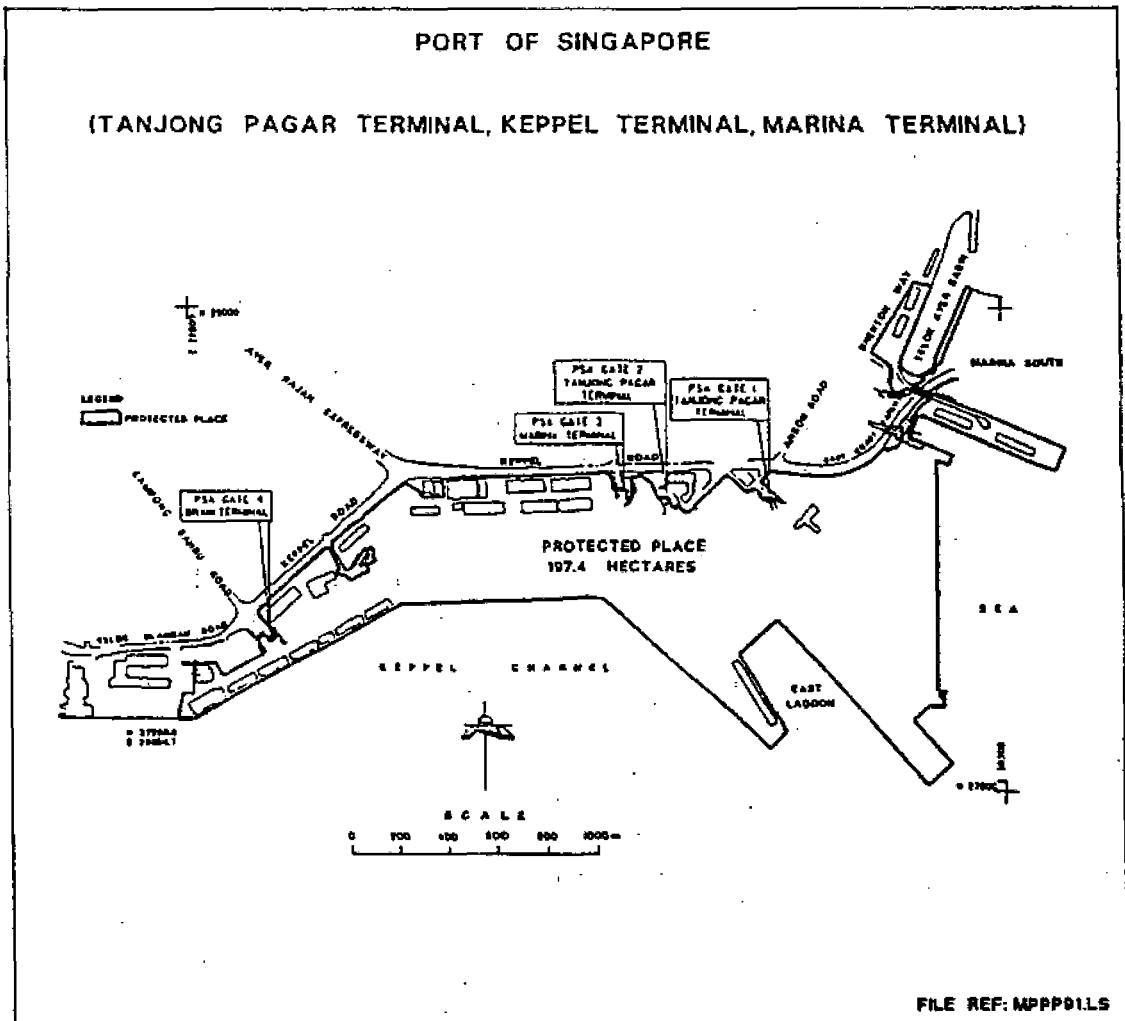
Second column.  
Protected Place.

10. PORT OF SINGAPORE (HORSBURGH LIGHTHOUSE).

The island occupied by "PORT OF SINGAPORE (HORSBURGH LIGHTHOUSE)" containing an area of approximately 8,650 square metres. The eastern-most point is approximately along the bearing 73° 51' for 97 metres from the centre of the Lighthouse, Latitude 1° 19' 49"N and Longitude 104° 24' 27"E approximately. The boundaries are particularly delineated in Plan VII set out in the Second Schedule.

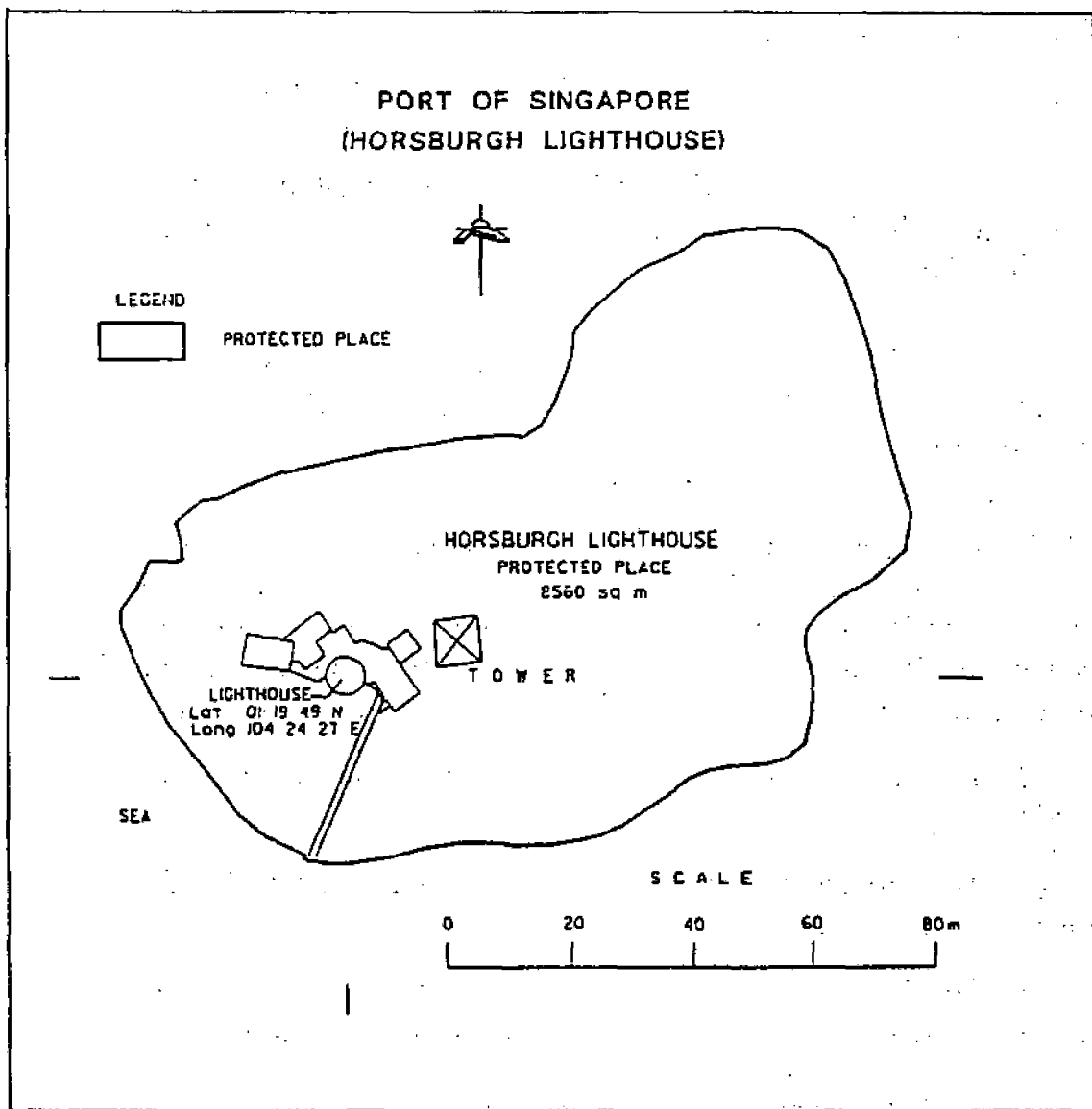
SECOND SCHEDULE

PLAN I



SECOND SCHEDULE — *continued*

PLAN VII



Made this 23rd day of November 1991.

**TAN CHIN TIONG,**  
*Permanent Secretary,*  
*Ministry of Home Affairs,*  
*Singapore.*

**Annex 179**

Singapore's Note SHC 18/92 dated 13 Mar 1992



SHC 18/92

The High Commission of the Republic of Singapore presents its compliments to the Ministry of Foreign Affairs, Malaysia, and has the honour to refer the latter to the agreement reached between the Prime Ministers of Singapore and Malaysia in December 1981 that the two countries should exchange documents to resolve Malaysia's claim to ownership of Pedra Branca.

The Prime Ministers of Singapore and Malaysia reaffirmed this agreement during their bilateral meetings in Harare, Zimbabwe on 16 October 1991 and in Singapore on 25 January 1992. The two Prime Ministers further agreed that this exchange of documents should take place as soon as possible.

At their meeting in Singapore on 25 January 1992, the two Prime Ministers also agreed that their two Attorneys-General should effect the exchange of documents and determine the ownership of Pedra Branca based on legal principles. Pursuant to this, the Attorney-General of Singapore forwarded to the Attorney-General of Malaysia on 17 February 1992<sup>1</sup> a Memorandum setting out the legal

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<sup>1</sup> The Memorandum from the Attorney-General of Singapore was dated 15 February 1992. The Memorandum was handed over to the Attorney-General of Malaysia on 17 February 1992.

arguments and documents supporting Singapore's ownership of Pedra Branca. The Attorney-General of Singapore requested from the Attorney-General of Malaysia a copy of all the documents upon which Malaysia relies on and proposed that they meet in two weeks' time to settle the issue of ownership of Pedra Branca. To date, no documents have been received by Singapore.

Two weeks after the Memorandum was handed over to the Attorney-General of Malaysia, the Attorney-General of Singapore called the former to ask about the progress of the matter and when they could meet. The Attorney-General of Malaysia replied that he had sent a copy of the Memorandum to the Ministry of Foreign Affairs of Malaysia. He subsequently informed the Attorney-General of Singapore that the Secretary-General of the Ministry of Foreign Affairs of Malaysia had told him that the Ministry of Foreign Affairs of Malaysia would be replying officially to Singapore.

In consideration of the close and warm relations between Malaysia and Singapore, the Singapore Government has taken all reasonable steps to resolve Malaysia's challenge of Singapore's ownership of Pedra Branca. In accordance with the understanding reached between the Prime Ministers of Singapore and Malaysia, in December 1981, that the matter should be resolved through an exchange of



documents, the Attorney-General of Singapore has forwarded Singapore's set of documents to the Attorney-General of Malaysia. The Government of Malaysia is requested to forward Malaysia's set of documents on Pedra Branca to Singapore as soon as possible. The Singapore Government proposes that the two Attorneys-General meet to resolve the issue in April 1992.

As the Government of Malaysia is aware, Malaysia's claim to ownership of Pedra Branca has been left unresolved for over ten years. Malaysia's claim to ownership of Pedra Branca has been the subject of occasional public controversy in the press and other media. It is in the interest of both Malaysia and Singapore that this issue be resolved once and for all through an exchange of documents to prove ownership of the island.

The High Commission of the Republic of Singapore avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Malaysia, the assurances of its highest consideration.

13 March 1992

Ministry of Foreign Affairs  
Wisma Putra  
Malaysia



**Annex 180**

Singapore's Note MFA/D1/169/92 dated 13 Mar 1992



MFA/D1/169/92

The Ministry of Foreign Affairs of the Republic of Singapore presents its compliments to the Malaysian High Commission and has the honour to refer the latter to the agreement reached between the Prime Ministers of Singapore and Malaysia in December 1981 that the two countries should exchange documents to resolve Malaysia's claim to ownership of Pedra Branca.

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In consideration of the close and warm relations between Malaysia and Singapore, the Singapore Government has taken all reasonable steps to resolve Malaysia's challenge of Singapore's ownership of Pedra Branca. In accordance with the understanding reached between the Prime Ministers of Singapore and Malaysia, in December 1981, that the matter should be resolved through an exchange of

documents, the Attorney-General of Singapore has forwarded Singapore's set of documents to the Attorney-General of Malaysia. The Government of Malaysia is requested to forward Malaysia's set of documents on Pedra Branca to Singapore as soon as possible. The Singapore Government proposes that the two Attorneys-General meet to resolve the issue in April 1992.

As the Government of Malaysia is aware, Malaysia's claim to ownership of Pedra Branca has been left unresolved for over ten years. Malaysia's claim to ownership of Pedra Branca has been the subject of occasional public controversy in the press and other media. It is in the interest of both Malaysia and Singapore that this issue be resolved once and for all through an exchange of documents to prove ownership of the island.

The Ministry of Foreign Affairs of the Republic of Singapore avails itself of this opportunity to renew to the Malaysian High Commission the assurances of its highest consideration.

SINGAPORE

13 March 1992

Malaysian High Commission

Singapore



**Annex 181**

Singapore's Note SHC 41/92 dated 15 May 1992



SHC 41/92

The High Commission of the Republic of Singapore presents its compliments to the Ministry of Foreign Affairs, Malaysia and with reference to the latter's Note EC 16/92 dated 5 May 1992 has the honour to state the following:

- (1) The Government of the Republic of Singapore categorically rejects the contention of the Malaysian Government that Pedra Branca "has, from time immemorial, been part of the territory of the State of Johore which is a component part of Malaysia, and consequently the waters surrounding Pulau Batu Puteh form part of Malaysian territorial waters." This contention is not supportable in international law. The High Commission notes that the Ministry's Note EC 16/92 dated 5 May 1992 did not adduce any evidence in support of the Malaysian claim.
  
- (2) KP Landok was found in Singapore Territorial Waters around Pedra Branca on 21 April 1992 at about 1118 hours moored to a buoy at a distance of 500 metres and 235 degrees south-west of Pedra Branca. Again on 22 April 1992, KP Landok was found positioned

within one nautical mile of Pedra Branca within Singapore Territorial Waters. KP Landok did not seek the permission of the Singapore Government to enter Singapore Territorial Waters to moor/position itself on the occasions indicated. They were therefore acts of intrusions into Singapore Territorial Waters which were evidently inconsistent with innocent or transit passage. The Singapore Government rejects the contention that on both these occasions KP Landok was in Malaysian territorial waters.

(3) KP Landok was not in Malaysian fisheries waters. It was in Singapore Territorial Waters. Hence, no question of its exercising Malaysia's sovereignty over its territorial waters in the enforcement of Malaysia's Fisheries Law arises.

(4) The Government of Singapore expresses its deep regret that the Government of Malaysia should describe the lawful actions of the Republic of Singapore Navy (RSN) patrol craft as "provocative acts". RSN patrol craft had instructed KP Landok to leave Singapore Territorial Waters, as its actions were inconsistent with innocent or transit passage. The RSN patrol craft were rightfully discharging their duties and functions in Singapore



Territorial Waters. Their actions therefore do not constitute "provocative acts".

- (5) The above incidents demonstrate clearly that it is in the interest of both Malaysia and Singapore that the claim to the ownership of Pedra Branca be resolved as soon as possible through an exchange of documents to prove ownership of the island. In this context, the Attorney-General of Singapore forwarded to the Attorney-General of Malaysia on 17 February 1992<sup>1</sup> a Memorandum setting out the legal arguments and documents supporting Singapore's ownership of Pedra Branca. The Attorney-General of Singapore requested from the Attorney-General of Malaysia a copy of all the legal arguments and documents upon which Malaysia relies on to prove its claim to Pedra Branca. However, to date, no documents have been received by Singapore. Pending the settlement of the Malaysian claim of ownership of Pedra Branca, the Government of Singapore urges the Government of Malaysia to take the necessary measures to ensure that its vessels refrain from actions that create problems for both sides.

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<sup>1</sup> The Memorandum from the Attorney-General of Singapore was dated 15 February 1992. The Memorandum was handed over to the Attorney-General of Malaysia on 17 February 1992.

The High Commission of the Republic of Singapore avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Malaysia the assurances of its highest consideration.

15 May 1992

Ministry of Foreign Affairs  
Wisma Putra  
Kuala Lumpur



**Annex 182**

Singapore's Note MFA/D1/422/92 dated 8 June 1992



MFA/D1/422/92

The Ministry of Foreign Affairs of the Republic of Singapore presents its compliments to the High Commission of Malaysia and has the honour to refer to the arrests of two Singapore registered fishing vessels SMF 794 and SMF 1028 by Malaysian authorities on 28 May 1992.

The Ministry protests the arrests of Singapore fishing vessels by Malaysian authorities while in their traditional fishing grounds. The Ministry has the honour to request the High Commission to advise the relevant Malaysian authorities to refrain from taking any action against Singapore-registered fishing vessels in their traditional fishing grounds and to immediately and unconditionally release SMF 794 and SMF 1028.

The Ministry would like to draw the attention of the High Commission to the fact that Singapore Marine Police and Navy patrols have often found Malaysian vessels in Singapore territorial waters fishing in what they claim to be traditional fishing grounds. Singapore has not arrested these boats but where possible has allowed them to

continue fishing. Where this was not possible for security or other reasons, Singapore authorities have asked them to leave instead of arresting them. Unless these courtesies and acts of good neighbourliness are reciprocated, it may not be possible to treat Malaysian fishing vessels found in Singapore territorial waters so leniently in the future.

Sworn statements by the masters of the fishing vessels SMF 794 and SMF 1028 reveal that violence and intimidation was used. They were physically slapped and coerced by the firing of gunshots. In the case of SMF 1028, it was first stopped by the Malaysian Marine Police in waters where Malaysia has no jurisdiction. Physical violence and the firing of gunshots were used to coerce the master into sailing his boat into Malaysian waters where he was then illegally arrested.

This is not the first time that Malaysian authorities have exceeded their jurisdiction. The Ministry reminds the Malaysian High Commission of its TPN SHC 86/90 of 17 July 1990 where Singapore rejected the illegal arrest of two fishing vessels by the Malaysian authorities in Indonesian waters.

The use of physical violence against Singapore fishermen by Malaysian Marine Police officers is unacceptable conduct by any standard of behaviour. The discharge of gunshots by Malaysian Marine Police officers to intimidate the Singapore fishermen is a reckless and wanton act that could have had tragic consequences.

Singapore strongly protests such unacceptable conduct and calls upon the Malaysian authorities to swiftly bring the perpetrators to justice. In this regard the Ministry welcomes press reports quoting Malaysian authorities as saying that the incident would be investigated and the culprits punished. The Ministry requests the High Commission to urge the relevant authorities to quickly complete their investigations and make the results public.

The Ministry requests that the attached sworn statements by the Masters of SMF 794 and SMF 1028 be expeditiously forwarded to the relevant authorities as they are of obvious importance to the investigation. The Ministry would be pleased to assist in obtaining any further evidence that the Malaysian authorities may require to facilitate their investigations.

The Ministry of Foreign Affairs of the Republic of Singapore avails itself of this opportunity to renew to the High Commission of Malaysia the assurances of its highest consideration.

SINGAPORE

8 June 1992.



Malaysian High Commission

Singapore

**Annex 183**

Singapore's Note SHC 75/92 dated 17 Aug 1992





SHC 75/92

The High Commission of the Republic of Singapore presents its compliments to the Ministry of Foreign Affairs, Malaysia and has the honour to reject the Government of Malaysia's position regarding the intrusions into Singapore territorial waters around Pedra Branca by Malaysian Government vessels KP Landok on 21 and 22 April 1992, PZ4 on 14, 23, 24, 26, 27 and 28 May 1992, PA53 on 8 and 22 June 1992 and PZ11 on 11 July 1992, as contained in the Ministry's Notes No. EC36/92, EC37/92 and EC 38/92 dated 5 August 1992.

The abovementioned vessels had not obtained the permission of the Singapore authorities to enter and/or remain in Singapore territorial waters around Pedra Branca. The activities of these vessels in the said waters were therefore unauthorised and illegal and hence inconsistent with innocent or transit passage.

The High Commission reiterates the Government of Singapore's strong protests at the illegal intrusions of these vessels, which were conveyed repeatedly through several Notes from the High Commission and the Ministry of Foreign Affairs of Singapore (see Annex).

The Government of the Republic of Singapore wishes to point out that it is not asserting a claim on Pedra Branca. It is exercising its right of ownership over Pedra Branca and the waters surrounding it. Pedra Branca belongs to Singapore. The waters around Pedra Branca are therefore Singapore territorial waters. They are not Malaysian territorial waters. Actions by Singapore authorities on Pedra Branca and the territorial waters around it do not represent attempts to alter the ground situation. There is no need for Singapore to do this as Pedra Branca is part of the territory of Singapore. It has since the 1840s, by virtue of both its acts and those of its predecessor governments, occupied and exercised sovereignty over Pedra Branca and the waters around it. Since that time, no country has exercised or claimed jurisdiction or contested Singapore's sovereignty over Pedra Branca over 130 years.

The Government of the Republic of Singapore therefore categorically rejects the contention of the Malaysian Government that the former had on several occasions directed its vessels to enter Malaysian territorial waters around Pedra Branca causing hinderance to Malaysian Government vessels from carrying out their duties. Singapore Government vessels will continue to enforce Singapore's sovereignty over Singapore territorial waters around Pedra Branca.

The Government of the Republic of Singapore wishes to maintain the cordial relations between the two countries. Intrusions by Malaysian Government vessels into Singapore territorial waters around Pedra Branca would only result in untoward incidents and adversely affect bilateral relations between Malaysia and Singapore, without advancing Malaysia's claim to Pedra Branca in any way. In this regard the Government of the Republic of Singapore urges the Malaysian Government to stop its vessels from illegal intrusions into Singapore territorial waters around Pedra Branca while the Malaysian claim is being studied and settled according to legal principles as agreed to by the Prime Minister of Malaysia.

The High Commission of the Republic of Singapore avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Malaysia the assurances of its highest consideration.

17 August 1992

Ministry of Foreign Affairs  
Wisma Putra  
KUALA LUMPUR



AnnexThird Person Notes Relating to incidents of Previous Intrusions by Malaysia Government Vessels KP Landok, PZ4, PA53 and PZ11 into Singapore Territorial Waters

- 1 MFA/DI/281/92 dated 22 April 1992 from the Ministry of Foreign Affairs of the Republic of Singapore to the Malaysia High Commission
- 2 SHC 35/92 dated 23 April 1992 from the High Commission of the Republic of Singapore to the Ministry of Foreign Affairs, Malaysia
- 3 SHC 41/92 dated 15 May 1992 from the High Commission of the Republic of Singapore to the Ministry of Foreign Affairs, Malaysia
- 4 SHC 43/92 dated 25 May 1992 from the High Commission of the Republic of Singapore to the Ministry of Foreign Affairs, Malaysia
- 5 SHC 46/92 dated 1 June 1992 from the High Commission of the Republic of Singapore to the Ministry of Foreign Affairs, Malaysia
- 6 SHC 47/92 dated 1 June 1992 from the High Commission of the Republic of Singapore to the Ministry of Foreign Affairs, Malaysia
- 7 MFA/DI/396/92 dated 1 June 1992 from the Ministry of Foreign Affairs of the Republic of Singapore to the Malaysia High Commission
- 8 MFA/DI/397/92 dated 1 June 1992 from the Ministry of Foreign Affairs of the Republic of Singapore to the Malaysia High Commission
- 9 MFA/DI/424/92 dated 8 June 1992 from the Ministry of Foreign Affairs of the Republic of Singapore to the Malaysia High Commission
- 10 MFA/DI/472/92 dated 22 June 1992 from the Ministry of Foreign Affairs of the Republic of Singapore to the Malaysia High Commission
- 11 MFA/DI/473/92 dated 22 June 1992 from the Ministry of Foreign Affairs of the Republic of Singapore to the Malaysia High Commission

- 12 MFA/DI/474/92 dated 22 June 1992 from the Ministry of Foreign Affairs of the Republic of Singapore to the Malaysia High Commission
- 13 MFA/DI/490/92 dated 26 June 1992 from the Ministry of Foreign Affairs of the Republic of Singapore to the Malaysia High Commission
- 14 MFA/DI/565/92 dated 21 July 1992 from the Ministry of Foreign Affairs of the Republic of Singapore to the Malaysia High Commission

. . . . .

**Annex 184**

Investigation Report on Grounding of MV Martha II  
on 17 September 1992

CA 213

INVESTIGATIONS INTO THE GROUNDING  
OF MV MARTHA II ON 17 SEP 92  
OFF HORSBURGH LIGHTHOUSE

CA 213

INVESTIGATIONS INTO THE GROUNDING OF NORWEGIAN MOTOR  
VESSEL "MARTHA II" OFF HORSBURGH LIGHTHOUSE ON 17 SEP 92

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- Annex B Statements from the crew of mv Martha II.
- Annex C Copy of the chart showing the positions of the vessel.
- Annex D Extracts from 1992 Singapore Tide Tables and Pilot Information.
- Annex E Abstract from the vessel's deck log book.
- Annex F Findings of the Consular Court of Inquiry conducted by the Royal Norwegian Embassy, Singapore.
- Annex G Copy of the grounding damage survey report by the American Bureau of Shipping.
- Annex H Copy of the report to West of England Protection and Indemnity (P & I) Club by the local correspondent Mss Drew and Napier.

\*\*\*\*\*



# A) REPORT

## 1 SYNOPSIS

1.1 Norwegian motor vessel (mv) Martha II grounded in position  $01^{\circ} 17.7'N$   $104^{\circ} 23.7'E$  about 2 miles south off Horsburgh lighthouse at about 1842 hours on 17 Sep 92. The vessel moved away from the grounded position under her own power and returned to Singapore. The vessel sustained heavy damages to her hull. She was subsequently dry docked and repaired in Singapore.

1.2 There was no loss of life nor injury to any persons due to the incident. There was some oil pollution in the vicinity due to leakage of fuel oil from the vessel's tanks.

1.3 The report is based on statements from the crew (given to the Royal Norwegian Embassy), copies of chart, log books and documents related to the incident.

## 2. SUMMARY OF EVENTS

2.1 Mv Martha II arrived at Singapore on 16 Sep 92 from Haifa, Israel en route to Fremantle, Australia. The vessel loaded and discharged some containers at Singapore.

2.2 On 17 Sep 92 at 1606 hours, the vessel sailed from Singapore. At 1636 hours, the pilot disembarked at the western boarding ground. The master took over the conning of the vessel and a little later the vessel proceeded through the east bound lane of the traffic separation scheme (TSS). At 1642 hours, the master gave full away.

2.3 A little later, the master handed over the watch to the chief mate, who was the officer on watch. Between 1700 to 1800 hours, the master came up on the bridge a few times to check the vessel's progress.

2.4 At 1800 hours, the chief officer was relieved by the third officer for dinner. At 1805 hours, the master came up on the bridge. He checked the vessel's position, then decided to change the vessel's route and proceed through the South Channel between the Southern Ledge and the Carter Shoal (see Annex C). The master plotted the new track on the chart. At 1810 hours, the master altered course to 082° T & G and plotted the vessel's position. He then instructed the third officer to keep the vessel on the new course line. A little later the master left the bridge.

2.5 At 1815 hours, the third officer plotted the vessel's position and noticed that the vessel had drifted to the port (north) of the course line. He adjusted course to 083° T & G. At 1830 hours, the third officer plotted the vessel's position again. He noted that the vessel had drifted further to the port (north) of the course line. He adjusted the course to steer 085°. At about this time he could see the rocks of the Southern ledge about 1½ points on the port bow. He kept a close visual watch on the Southern ledge rocks.

2.6 At about 1838 hours, the second officer came on the bridge for some personal errand. He glanced outside and noticed two objects on the port bow which looked like rocks. When the third mate told him that the objects were rocks, he advised the third mate that the vessel appeared to pass very close to the rocks and told him to give more berth. The third mate immediately put the wheel on hand steering and gave a starboard helm. The vessel turned to starboard. At 1842 hours, while the vessel was abeam of the rocks, she ran aground on the shoal off the South Ledge rocks. The vessel listed to starboard then rolled heavily to port. The master and the chief officer immediately rushed to the bridge. The master ordered hard a starboard and stopped engines. A little later the vessel drifted away from the grounded position. The master instructed the crew to check the soundings of all compartment and check the vessel for damages. At about 1920 hours, the master noticed some fuel oil in the water. He called PSA Port Operations, and informed them about the accident. He informed them that he would return to Singapore as he suspected damage to the vessel. Port Operations advised the master that the vessel was not allowed to enter Singapore until her leaks were plugged and a survey has been conducted.

2.7 The master then made telephone calls to the vessel's local agent and the owner's representative (Capt Hinrichs, the deputy-general manager of ABC Containers), who was in Singapore and briefed them on the vessel's condition. During the time the vessel was steaming at reduced speed along the west bound lane of the TSS. At 0100 hours on 18 Sep 92, the owner's representative informed the master to anchor the vessel about 2.5 miles south east of the eastern pilot boarding ground and that a tug was arranged to rig oil booms around the vessel's hull.

2.8 Between 0100 to 0800 hours, the vessel proceeded along the TSS so as to arrive off Singapore in the morning. At 0848 hours, the vessel anchored south east of the eastern pilot boarding ground in position 01°11.2'N 103°56.2'E. At 0903 hours, Tug "Salvirile" came alongside and deployed 300 feet of oil booms around the damaged areas. From 1300 to 1440 hours, the divers made an underwater inspection of the hull.

2.9 At 1450 hours, the vessel weighed her anchor and proceeded to west. At 1808 hours, she anchored in position 01° 09'N 103° 34.6'E. During the night, the tugs attempted to rig oil booms around the vessel but were unable to do so due to strong winds and heavy weather. On 19 Sep 93 at 0740 hours, Tug "Salvenus" rigged about 1100 feet of oil booms around the vessel. At 1200 hours, further underwater inspection and temporary repairs were carried out under the supervision of the owner's representative. The repairs and inspection were completed at 1700 hours.

2.10 The vessel cleaned her damaged fuel oil tanks. Subsequently she went alongside to discharge all her cargo. Then she was drydocked in Singapore. In the dry docks, extensive repairs to the vessel's double bottom plates were done.

### 3. OBSERVATIONS

The vessel was registered under the Norwegian International Register. The particulars of the vessel are in Annex 1. The vessel's certificates were current at the time of the incident. There were no reports of any malfunctioning of her

machinery, steering gear or navigational equipment before the incident. The accident was not due to any machinery or equipment failure.

3.2 The vessel was under the command of Mr Van Houke Alain, a Belgian national. He holds a Belgian master's certificate. He has been on board the vessel for about 4 months.

3.3 The vessel's other officers and ratings were Filipinos. The officer on watch was Mr Danile S Sevilla, holder of a Filipino third mate's certificate. This was his first vessel as a third mate. The third officer, other deck and engineer officers and most of the ratings had joined the vessel at Singapore on 16 Sep 92.

3.4 The weather between 1700 to 1900 hours on 17 Sep 92 was calm with slight winds, clear sky and good visibility. The traffic in the area was light.

3.5 The radar system of the vessel traffic information service (VTIS) at the Horsburgh lighthouse was defective at the material time. Therefore VTIS operators had not plotted the positions of the vessel, hence could not warn the vessel before she grounded.

3.6 The planned track of the vessel was to pass through the north-east bound lane of the TSS off the Horsburgh lighthouse. However, at about 1810 hours, the master made a sudden decision to proceed through the South Channel between the Carter Shoal (a pinnacle rock with depth of 3 m) and the Southern Ledge (a rocky shoal with two rocks visible at a height of 2.4 m above water and sunken rocks with depth of 5.5m extending 0.3 mile from the rocks). The vessel had to pass in between these two shoals at a distance of 0.7 miles from each shoal. According to the master, who had been through the South Channel a few years ago, he decided to proceed through the South Channel to avoid piracy attacks. The Admiralty Sailing Directions states that "South Channel is not recommend for vessels of deep draught as there is no advantage in using it, and the sea bottom is generally rocky and uneven, and is encumbered with shoals." As the vessel's draft was about 9.7 metres, one could argue that she was not a deep draft vessel and the above recommendation did not apply to her. The South Channel is not a regular shipping channel and many fishing vessels are encountered in the area. Besides,

the distance saved by using the channel is minimal (about 10 miles in a voyage of 2400 miles to Fremantle) therefore, it would be better to use the north-east bound lane of the TSS. In my opinion, the master had apparently not consulted the Sailing Directions (or other publications) before proceeding through the South Channel.

3.7 According to the Singapore Tide Tables (see Annex D), the predicted rate of current near Horsburgh lighthouse between 1800 to 1900 hours on 17 Sep 92 was 2.5 knots setting northeasterly. (These predictions are also given in the Admiralty Tide Tables.) The current would have pushed the vessel north towards the Southern Ledge. To compensate for the current, the vessel would be required to give a set of  $10^{\circ}$  to starboard at 1815 hours to remain on her intended track. The  $2^{\circ}$  and later  $3^{\circ}$  set given by the third officer was inadequate.

3.8 Once the master decided to proceed along the South Channel, he should have remained on the bridge (for about 20 minutes more) to monitor the vessel's progress to ensure that the vessel maintained her course until she was clear of the shoals. The master left the bridge soon after altering course, to attend to routine work. Before the master left the bridge, he told the third officer "to keep the vessel on the course line". This instruction was ambiguous. He did not give him any specific instructions. He did not warn him that the vessel could experience cross current, nor the action to take if he experienced difficulty in maintaining the course. He also did not emphasise that the vessel's positions should be monitored continuously (or plotted more frequently). The third officer plotted the position every 15 minutes and when he found that the vessel had drifted to north he was not sure what action to take. This indicates that the third officer was not competent nor confident to handle the situation. Normally, masters remain on bridge (especially during the junior officers' watches) while passing through narrow straits, areas with strong current or places where the traffic density is high. Masters instruct the duty officers (in their standing orders) to summon them, if they are required to change the course more than  $3^{\circ}$  from plotted course or if they are in any doubt. This is to ensure that correct actions are being taken. It is apparent that the third officer was hesitant to call the master although he was in doubt. This is probably due to difficulty in communication between these two officers of different nationality. The third officer had joined the vessel a few hours

earlier and had not been properly briefed by the master.

3.9 The master claimed that, before the voyage he had very little sleep (5½ hours in the preceding 60 hours). He was continuously on the bridge while the vessel was proceeding along the Malacca Strait (to keep anti-piracy radar watch and to monitor the vessels progress) en route to Singapore. The vessel was berthed at Singapore for about 24 hours. However, at Singapore, the master had to be awake to meet the stevedores, agents and the company's representative, also attend to cargo operations and to other matters eg changing of crew. As the entire crew (except the master) was being replaced, the master was the only person on board familiar with the vessel. Therefore he had to attend to trifle matters which are normally handled by other officers and ratings. This would have indeed put a lot of pressure and the master may not have had sufficient un-interrupted sleep. However, this was not the direct cause of the accident. If the master was very tired, he should have proceeded along the standard routes (which would be familiar to most officers) and had been previously plotted (after consulting appropriate publications) and should not have proceeded through unfamiliar channels to cut corners.

3.10 The vessel's radars were on and working properly. The Horsburgh lighthouse and its racon were visible on the radar screen. The third officer did not use parallel indexing technique with Horsburgh lighthouse. Had he done so, he would have been aware of the effect of the tide and could have taken appropriate set to counteract the current.

3.11 The Royal Norwegian Embassy had convened a Consular Court of Inquiry. According to the Norwegian authorities, the accident was due to an error in navigation. They are of the opinion that the master should have remained on the bridge until the vessel had passed clear of the shoals. Mrs Anne Rikter-Svensden, who was the chairperson of the inquiry, told me that they have counselled the master for his shortcomings and the owners for replacing most of the deck and engineer officers and for not making proper arrangements for the crew to have sufficient rest before commencing the voyage. The Norwegian authorities have not taken any (punitive) action against the ship's crew or her owners. A copy of their report is in Annex F.

4 CONCLUSIONS

The main cause of the accident was that the vessel had drifted closer to the shoal due to the effect of tide and grounded on the submerged rocks off the Southern Ledge. The third officer had not monitored the vessel's position and taken appropriate action to pass at a safe distance from the shoal. Other contributory factors were:

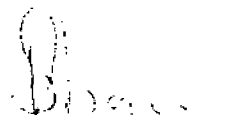
- (a) the master had changed his voyage plans without consulting appropriate nautical publications;
- (b) the master had left the bridge at a critical time without properly handing over the watch and briefing the third mate; and
- (c) the master and other officers did not have sufficient rest before the voyage commenced. This would have affected their level of alertness and vigilance while keeping bridge watch.

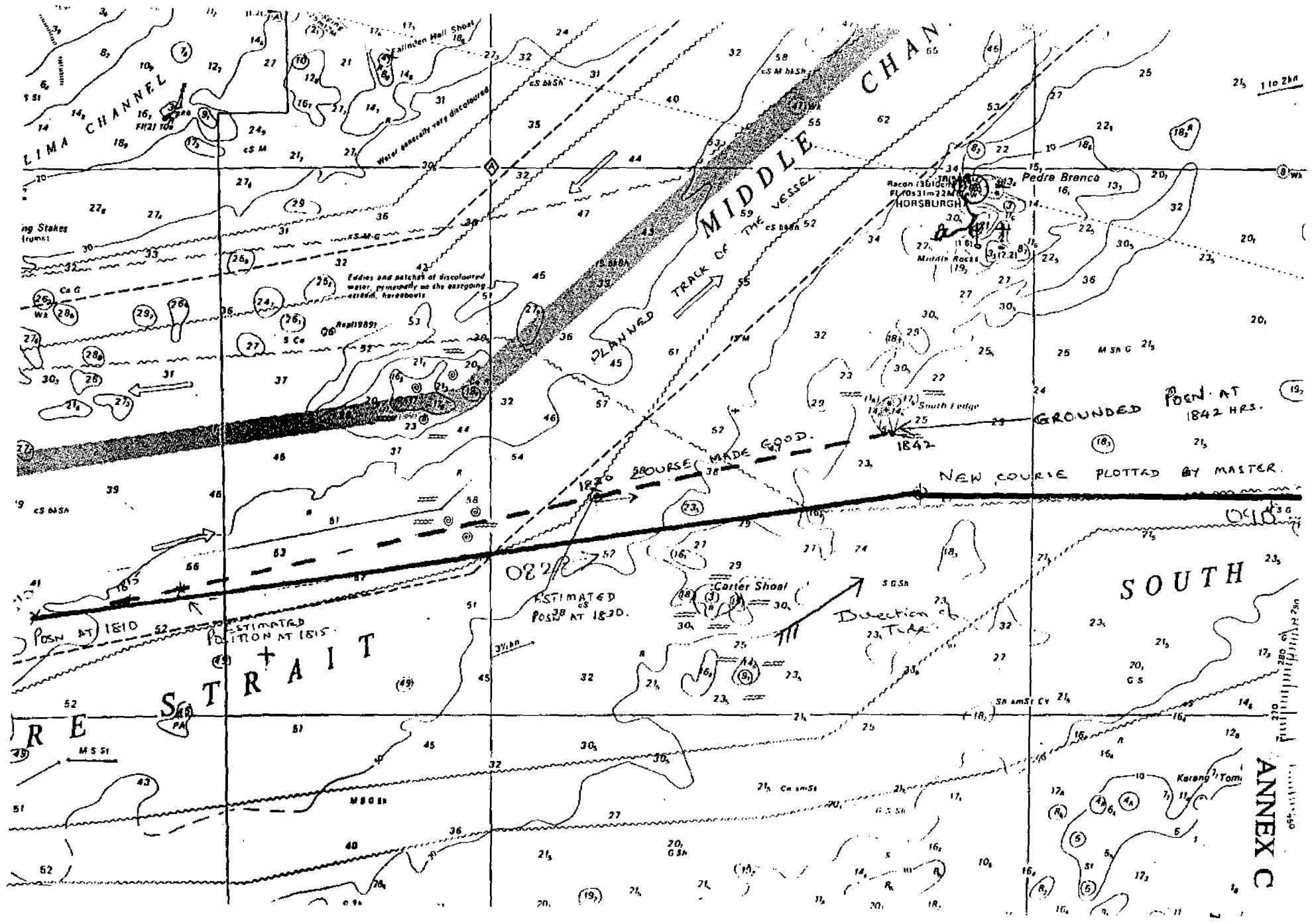
5 RECOMMENDATIONS

5.1 I do not recommend any further investigations as it may not throw further light on the incident.

5.2 This incident illustrates the importance of planning a coastal passage, monitoring of positions and proper handing over of bridge watch. I recommend that we issue a circular to remind masters and officers of the above.

5.3 I do not recommend any actions against the crew of the vessel, as they are foreign nationals holding foreign certificates and have been counselled by the Norwegian authorities.

  
SMS(Sangam)





SEA LANES N.V.

ANNEX E

M/V Martha II

PORT: At Sea

DATE: 17.09.1992

ABSTRACT OF DECK / ~~ENGINE~~ LOGBOOK

Name of Vessel : Martha II  
 Call Sign : LAKW 4  
 Official Number :  
 Port of Registry : Bergen Norway  
 Owners : Combo Carriers SA Luxembourg  
 Operators : V-Ships Norway  
 Voyage Nr. 6/ 296 A : From Singapore To Fremantle  
 Ballast/loaden (State cargo) : containers 16971 MT.  
 Draught : fwd: 7,65m aft: 9,70m  
 Master : Alain Van Houcke

Logbook No.: 3

Page No.: 86

Date: 17 September 1992

1842LT: collision with South Ledge Rocks in position 01.17.7North and 104.23.7 East. Vessel heavily listing at the contact with the rocks. Fuel leaks observed in hfo tks 5,6 and 8 portside and afo tk 7 Portside (all portside tanks)

VTIS Singapore advised on VEF channel 10 and Belsin agency/Captain H.Hinrichs, Dep.Gen.Manager ABC, advised by VEF via Singapore radio.

Altering course to proceed back to Singapore as fuel oil leaks seems limited, while awaiting for instructions from VTIS.

Chief Officer and Chief Engineer to take soundings and check levels in all tanks and holds. Trying to find a way to stop the release of fuel oil but without success.

Chief Eng,  
Groth M.

Ch.Off,  
Kudelski R.

Master,  
Van Houcke A.

Chief Eng./Chief Offc.

Master

**Annex 185**

Winstedt R.O., A History of Johore (1992 reprint), p. 102

**M.B.R.A.S. REPRINTS**

**REPRINT No. 6**

*Second Reprint*

## **A HISTORY OF JOHORE (1365-1941)**

by

**R.O. WINSTEDT**

previously published  
as Volume X Part III

of the Journal of the Malayan Branch  
of the Royal Asiatic Society  
in December 1932  
and September 1979

with a final chapter

by

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A Nineteenth Century Bugis History  
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Edited for the M.B.R.A.S.

by

**Professor Dato' Ismail Hussein**  
National University of Malaysia

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The Council of the Malaysian Branch  
of the Royal Asiatic Society  
gratefully acknowledges  
a substantial contribution from the KUOK FOUNDATION  
towards the cost of this Reprint.

Edited for the Council of the Society  
by Tan Sri Dato Dr. Mubin Sheppard

Attorney-General's Chambers  
Library

ISBN 983-99614-6-2 ISSN 0126-7353

A history of Johore/

R.O. Winstedt

MBRAS Reprint No. 6

27 JUN 1996

KZ29

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Printed for  
The Malaysian Branch of the Royal Asiatic Society  
by  
Academe Art & Printing Services Sdn. Bhd.  
Lot 14082, Jalan Kuchai Lama, 58200 Kuala Lumpur  
Published in May 1992

The funeral service of the Sultan was read by a Muslim Tamil. Tengku 'Abdu'l-Jalil and the Temenggong of Johor arrived later and wanted to take the body to Riau. Two years later the Tamil, 'Abdu'l-Kadir, died also.

What all this time was the condition of the ancient kingdom of Johor, so famous in story, so neglected in fact. Begbie, whose book was published in 1834, gives the population of places within the modern State as follows: Johor 1,000 persons, Pulau Tinggi 225 persons under a Batin and Sungai Papan 775 under a Batin, Segamat 400 houses. Newbold, whose book was published five years later, gives a larger population, namely, at Johor Lama about 300 houses, at Sedili about 70 houses, in the Padang district between Parit Siput and Pinang Sa-ribu about 200 people, at Segamat 2,400 people; besides these places there was "Polais" near Pontian, under Raja Semat, with about 100 houses, Pontian and Benut small villages under Penghulus, the district of Batu Pahat which ran from Pinang Sa-ribu to the Batu Pahat river and the large district of Muar with its villages Bokko (? Bekok), Langkat, Grisek, Ring, Pagoh and (the estimated Johor's total population (exclusive of the islands) at 25,000. but all the figures are probably guess-work. At this time and down to the time of Temenggong Abu-Bakar Sedili Besar was the boundary with Pahang as it had been in the days of the Malacca Sultanate.

The Temenggong of Muar — and Segamat — had under him eight Penghulus, — four up-river, the Penghulu Besar, Penghulu Tanjong, Penghulu Dagang and Penghulu Mungkal (the last two, Minangkabau styles) and four downstream, namely at Grisek, Bukit Raya, Liang Batu and Ring. He sent annually to Sultan Husain the duty of \$1 levied on each house of the Padang settlers and 200 bags (*kampit*) of rice. He was also empowered by Sultan Hussain to levy duties on imports; \$20 on each *kati* of opium; \$2 on every *koyan* of rice, \$1 on every *koyan* of salt; and also duties on certain exports, \$1 on every *bhar* of ebony, \$1½ on every *bhar* of tin. Padang and Johor Lama were under Orang Kayas. The immediate sway of the Temenggong of Johor ran from Pontian round Cape Rumenia to Sedili Besar. But Engku Konik, Temenggong of Muar from 1801 till 1830, was appointed by 'Abdu'r-Rahman, Temenggong of Johor and Singapore. The government of Johor was vague and vacillating. When Engku Konik died, Segamat broke away from Muar. Sultan Husain was nominal suzerain over the whole but exercised only one prerogative, that of trying to exact money for his privy purse. As a Malay MS observes, the sole relics of a former kingdom were the dilapidated

**Annex 186**

Singapore's Note MFA/D1/0080/93 dated 30 Jan 1993



MFA/D1/0080/93

The Ministry of Foreign Affairs of the Republic of Singapore presents its compliments to the Malaysian High Commission and has the honour to refer to the Notice to Mariners No. 89/92 (T) contained in the 06/92 issue of the Hydrographic Department of the Royal Malaysian Navy, which the Port Authority of Singapore received on 20 August 1992. The Notice stated that a hydrographic survey operation was being carried out by the Malaysian naval survey vessel "KD Mutiara" off the East Coast of Johor to be completed by July 92. A copy of the Notice is attached (Annex A).

The Ministry notes that part of the area bounded by the coordinates given in the said Notice to the Mariners falls within Singapore territorial waters around Pedra Branca. However, no approval had been sought from the relevant Singapore authorities for survey work to be carried out in Singapore territorial waters around Pedra Branca.

KD Mutiara was sighted on the following occasions in Singapore territorial waters around Pedra Branca:

- (a) On 19 July 1992 at 1500 hours, KD Mutiara was sighted 3.1 nautical miles from Pedra Branca.

- (b) On 21 July 1992 at 0515 hours KD Mutiara was sighted 4.1 nautical miles from Pedra Branca.
- (c) On 29 July 1992 at 1400 hours KD Mutiara was sighted 2.7 nautical miles from Pedra Branca.

In view of the above, Captain Wilson Chua, Hydrographer, Port of Singapore Authority, wrote to Captain Mohd Rasip bin Hassan, Director, Hydrographic Directorate, Department of Navy, Ministry of Defence, Malaysia, on 2 October 1992 to seek clarification on the matter. A copy of Captain Wilson Chua's letter is attached at Annex B. Captain Mohd Rasip bin Hassan's reply dated 3 November 1992 is also attached at Annex C.

The Government of the Republic of Singapore rejects Malaysia's contention, as stated in Captain Mohd Rasip bin Hassan's letter of 3 November 1992, that "Pulau Batu Puteh (Pedra Branca) is part of Malaysia and consequently the waters around Pulau Batu Puteh forms part of the territorial waters of Malaysia". Malaysia must substantiate its claim of ownership of Pedra Branca before it can claim sovereignty. Until then, Malaysia's contention is a mere historical assertion not supportable by the facts or international law. On the other hand, the Government of the Republic of



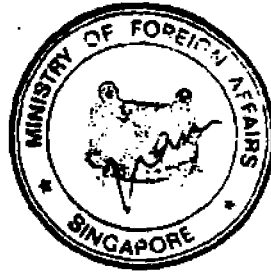
Singapore, has since the 1840s, by virtue of both its acts and those of its predecessor governments, occupied and exercised sovereignty over Pedra Branca and the waters around it. Since that time, no country has exercised or claimed jurisdiction or contested Singapore's sovereignty over Pedra Branca for over 130 years.

The Government of the Republic of Singapore protests the issue of the said notification as well as the conduct of the hydrographic survey by KD Mutiara in Singapore territorial waters around Pedra Branca. KD Mutiara had not obtained the permission of the Singapore Government to enter and remain in Singapore territorial waters around Pedra Branca on the above-mentioned dates. The activities of KD Mutiara were unauthorised and illegal. The Singapore Government regrets that the Malaysian Government should allow KD Mutiara to conduct a survey operation in Singapore territorial waters around Pedra Branca without obtaining the approval of the relevant Singapore authorities. The Malaysian Government is requested to note that the approval of the Singapore Government must be obtained before the issuance of such a notification and the conduct of a hydrographic survey by Malaysian authorities in Singapore territorial waters.

The Ministry of Foreign Affairs of the Republic of Singapore avails itself of this opportunity to renew to the Malaysian High Commission the assurances of its highest consideration.

SINGAPORE

30 January 1993



Malaysian High Commission

Singapore

ANNEX A

09/92(T)\* Peninsular Malaysia, East Coast - South China Sea -  
Hydrographic survey operation.

Hydrographic survey operation is being carried out offshore Johor in the area bounded by the following coordinates:

- |    |             |             |
|----|-------------|-------------|
| a. | 02° 00'.0N, | 104° 36'.0E |
| b. | 01° 23'.9N, | 104° 29'.5E |
| c. | 01° 35'.5N, | 104° 50'.0E |
| d. | 02° 00'.0N, | 104° 50'.0E |

Details of vessel are as follows:

Name:	KD Mutiara
Flag:	Malaysia
C/sign:	9MNG
Length:	71 m
Width:	13 m
Draft:	4.2 m

Mariners are advise to keep clear 1 mile off the bow, either sides and astern.

The operation will be completed by July 92.

Charts Affected: MAL 5, BA 769, 2403, 3543

HD 7/1/4(S)

Tel: 2747111 Ext 1345

Fax: (65) 2248454

2 Oct 92

Capt Mohd Rasip bin Hassan  
Director  
Hydrographic Directorate  
Department of Navy: Ministry of Defence  
Jalan Padang Tembak  
50634 Kuala Lumpur  
Malaysia

Dear Capt Rasip

**MALAYSIAN HYDROGRAPHIC SURVEY CONDUCTED  
IN SINGAPORE TERRITORIAL WATERS**

I refer to the Notice to Mariners No. 89/92 (T) contained in your 06/92 issue which was received by us on 20 Aug 92 and came to my attention recently. It was stated in the Notice that a hydrographic survey operation was being carried out by the Malaysian survey vessel "KD Mutiara" off the East Coast of Johor. The survey operation was said to be completed by July 92. (A copy of the Notice No. 89/92 (T) is attached for your easy reference).

2 According to the coordinates provided in the Notice, part of the survey area falls within Singapore territorial waters around Pedra Branca (please refer to the coordinates "b" mentioned in the Notice). As no approval was sought from the relevant Singapore authorities for the survey operation to be carried out in Singapore territorial waters around Pedra Branca, I would be grateful for your clarification on the matter.

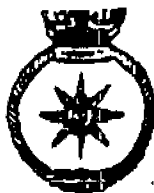
Regards.

Yours sincerely



WILSON CHUA  
HYDROGRAPHER  
HYDROGRAPHIC DEPARTMENT

Enc:



HYDROGRAPHIC DIRECTORATE  
ROYAL MALAYSIAN NAVY  
MINISTRY OF DEFENCE  
MALAYSIA  
JALAN PADANG TENBAK  
50854 KUALA LUMPUR

## ANNEX C

Telegraphic Address  
"KEMANTAN KUALA LUMPUR"  
TUNIS  
"KEMANTAN MA 3025"  
Telephone: K.L. 2921333 ext 2364  
2331463, 2331389  
Fax No: 2927972

Your ref:

Our ref: KP/LAUT/HYD/11456 J11.6 - (56)

Date: 3 November 1992

Captain Wilson Chua  
Hydrographer  
Hydrographic Department  
Port of Singapore Authority  
7 Keppel Road  
No. 02-28 Tanjong Pagar Complex  
SINGAPORE 0208

Dear Sir,

HYDROGRAPHIC SURVEY IN MALAYSIA'S WATERS INCLUDING  
PULAU BATU PUTEH WATERS

Reference:

A. Your letter NO 7/1/4(S) dated 2 October 1992.

1. Concerning the hydrographic survey conducted by KD MUTIARA off the east coast of Johor as contained in the Notice No. 89/92(T), I am pleased to inform you that it was carried out in order to ensure the navigational safety of the area much used by international shipping and the necessity to fill the data gap not surveyed earlier.

2. I wish to emphasize that the survey was carried out entirely in Malaysian waters. Pulau Batu Puteh (Pedra Branca) is part of Malaysia and consequently the waters around Pulau Batu Puteh forms part of the territorial waters of Malaysia. The question of approval by Singapore authorities does not arise at all. Malaysia rejects any claim by Singapore that the Malaysian waters around Pulau Batu Puteh is Singapore waters.

Regards.

Yours sincerely,

*[Signature]*

**Annex 187**

Singapore's Note MFA/D1/675/93 dated 30 July 1993



MFA/D1/675/93

The Ministry of Foreign Affairs of the Republic of Singapore presents its compliments to the Malaysian High Commission and has the honour to protest the activities, in Singapore territorial waters around Pedra Branca of Royal Malaysian Navy (RMN) and Royal Malaysian Marine Police (RMMP) vessels on 29 January, 4 March, 17 March and 17 April, 24 April, 26 April, 4 May, 21 May, 25 May and 9 June 1993 which were inconsistent with innocent or transit passage. The details of the activities are set out in the Annex.

The RMN and RMMP vessels had not obtained the permission of the Singapore Government to enter and remain in Singapore territorial waters around Pedra Branca on 29 January, 4 March, 17 March and 17 April, 24 April, 26 April, 4 May, 21 May, 25 May and 9 June 1993 or to carry out any other activities, such as photographing and filming the island, carrying out observation, etc. The activities of the RMN and RMMP vessels were inconsistent with innocent or transit passage and unauthorised and illegal. The Singapore Government strongly protests these unauthorised and illegal activities, inconsistent with innocent or transit passage, of the RMN and RMMP vessels and regrets that the Malaysian

Government should allow the RMN and RMMP vessels to continue to conduct such activities.

The Singapore Government would also like to make it clear that the unlawful activities of Malaysian Government vessels in Singapore territorial waters around Pedra Branca cannot in any way advance Malaysia's claim to the island. Such provocative activities could instead provoke some ground incident which could then complicate efforts to settle the matter. The Singapore Government once again solemnly urges the Malaysian Government to ensure that there is no repetition of such provocative acts while the Malaysian claim to Pedra Branca is considered according to legal principles as agreed to by the Prime Minister of Malaysia.

The Government of the Republic of Singapore reiterates that Pedra Branca is part of the territory of Singapore. Singapore has since the 1840s, by virtue of both its acts and those of its predecessor governments, occupied and exercised sovereignty over Pedra Branca and the waters around it. Since that time, no country has exercised or claimed jurisdiction or contested Singapore's sovereignty over Pedra Branca for over 130 years.



The Ministry of Foreign Affairs of the Republic of Singapore avails itself of this opportunity to renew to the Malaysian High Commission the assurances of its highest consideration.

SINGAPORE

30 July 1993

Malaysian High Commission

Singapore



Annex**DETAILS OF INTRUSIONS INTO SINGAPORE TERRITORIAL  
WATERS AROUND PEDRA BRANCA BY RMN AND RMMP PATROL  
CRAFT ON 29 JANUARY, 4 MARCH, 17 MARCH, 17 APRIL  
24 APRIL, 26 APRIL, 4 MAY, 21 MAY, 25 MAY AND 9 JUNE 1993**29 January 1993

On 29 January 1993, at around 1040 hours three RMN patrol craft (KD Serampang, KD Sri Negeri Sembilan and KD Sri Kelantan) intruded into Singapore territorial waters around Pedra Branca and came within 3 nautical miles of the island. The three RMN patrol craft then reversed course and headed west.

4 March 1993

On 4 March 1993, at about 1150 hours, two RMN vessels KD Ganas and KD Lembing entered Singapore territorial waters around Pedra Branca. The two RMN vessels later altered course and proceeded in a north-easterly direction, passing within 0.6 nautical miles north-west of Pedra Branca. There were ten personnel in the lead ship and nine in the second vessel. One of the personnel on the bridge of the lead ship was taking photographs of Pedra Branca.

17 March 1993

On 17 March 1993, at about 0940 hours, a RMN vessel KD Musytari P/No 160 entered Singapore territorial waters around Pedra Branca. The vessel proceeded on a north-easterly course, slowing down from 16 knots to 6 knots, as it passed within 1 nautical mile north-west of Pedra Branca. A total of ten uniformed personnel were on the bridge of the vessel. Two of them were filming Pedra Branca with a video camera. At about 1017 hours, KD Musytari increased speed and headed in a northerly direction, away from Pedra Branca.

17 April 1993

On 17 April 1993, at around 1110 hours a RMN vessel KD Todak entered Singapore territorial waters around Pedra

Branca. At 1122 hours KD Todak came within 0.8 nautical miles of Pedra Branca. It altered course twice before heading away from Pedra Branca at 1151 hours. There were 35 uniformed personnel on the vessel. One of them took photographs of Pedra Branca while another filmed Pedra Branca with a video camera.

#### 24 April 1993

On 24 April 1993, at around 1130 hours, a RMMP vessel, P/No 17, entered Singapore territorial waters around Pedra Branca. At 1145 hours, the vessel came to within 600 yards north west of Pedra Branca and remained stationary briefly before heading away from Pedra Branca. There were four personnel on the vessel.

#### 26 April 1993

On 26 April 1993, at around 0757 hours a RMN vessel, KD Kasturi, entered Singapore territorial waters around Pedra Branca. At 0809 hours the vessel was 0.9 nautical miles north west of Pedra Branca. It then headed for the South China Sea. Ten personnel were seen on the bridge of the vessel. One of them took photographs of Pedra Branca while another filmed Pedra Branca with a video camera on top of the bridge.

#### 4 May 1993

On 4 May 1993, at around 0928 hours, two RMN vessels, KD Todak and KD Jerai, entered Singapore territorial waters around Pedra Branca. At 0938 hours the vessels were 0.5 nautical miles north west of Pedra Branca. They then headed for the South China Sea. A total of four uniformed personnel were seen on the bridge of the lead vessel, KD Todak. Two of them were observing Pedra Branca with binoculars whilst another took photographs of the island. Ten uniformed personnel were seen on the bridge of the second vessel, KD Jerai. Two of them were also seen observing Pedra Branca with binoculars whilst another took photographs of the island.

#### 21 May 1993

On 21 May 1993, at around 0900 hours, RMMP craft P25 entered Singapore territorial waters and came within 1

nautical mile west of Pedra Branca. There were seven uniformed personnel on board the patrol craft. PZ5 proceeded in a south-westerly course before turning west at 0909 hours to head for the southern coast of Johor.

Also, on 21 May 1993, at around 0910 hours, another RMMP craft PX4 entered Singapore territorial waters around Pedra Branca. There were three uniformed personnel on board the patrol craft. PX4 moved in and out of Singapore territorial waters around Pedra Branca until around 1105 hours, when it headed for the South China Sea. During this period, at about 0956 hours, PX4 was seen approaching an unidentified fishing trawler, 2 nautical miles north of Pedra Branca. PX 4 left the fishing trawler at around 1005 hours.

#### 25 May 1993

On 25 May 1993, at around 1615 hours, RMMP craft PZ3 entered Singapore territorial waters and came within 0.6 nautical miles north west of Pedra Branca. At around 1628 hours, it headed for the southern coast of Johor. Four personnel were seen on board the craft. One of them was seen taking photographs of Pedra Branca.

#### 9 June 1993

On 9 June 1993 around 1110 hrs, RMN vessels KD Todak and KD Perdana passed about 3.8 nautical miles northwest of Pedra Branca, heading into the Singapore Strait. At 1146 hrs, when they were about 11 nautical miles west of Pedra Branca, they turned around and proceeded on an easterly course towards the island. The RMN vessels then altered to a north-easterly course, and subsequently passed about 0.5 nautical miles northwest of Pedra Branca.

A total of 7 personnel, all in RMN uniform were seen on-board the lead ship. One of the personnel was observing Pedra Branca using a pair of binoculars. Another 7 personnel were also seen onboard the second ship. Five of them were on the bridge, and one each on the fore and aft of the ship respectively. The person on the aft of the ship was using a camera to take photographs of Pedra Branca.

At about 1404 hrs, the KD Todak and KD Perdana were again sighted 5 nautical miles north of Pedra Branca, proceeding on a south-westerly course.

The RMN vessels subsequently passed 3.3 nautical miles northwest of Pedra Branca at 1415 hrs. They continued on their course, and at 1434 hrs, when they were about 7.8 nautical miles west of Pedra Branca, altered to a north-easterly course. At about 1500 hrs, the RMN vessels passed 3.4 nautical miles northwest of Pedra Branca. When they were about 7.3 nautical miles northeast of Pedra Branca at 1511 hrs, the vessels altered to a northerly course and headed towards the South China Sea.

. . . . .

**Annex 188**

Singapore's Note MFA/D1/678/93 dated 30 July 1993



MFA/D1/678/93

The Ministry of Foreign Affairs of the Republic of Singapore presents its compliments to the Malaysian High Commission and has the honour to refer to the Marine Department Peninsular Malaysia's Notice to Mariners No. 15(T) dated 26 May 1993 regarding the Environmental Impact Assessment (EIA) Study and sand investigation survey at Ramunia Shoal.

The Government of the Republic of Singapore notes that part of the area within which the abovementioned study and survey are being carried out lies within Singapore territorial waters around Pedra Branca.

The Government of the Republic of Singapore protests against the inclusion without its approval, of a part of Singapore's territorial waters around Pedra Branca in the Marine Department Peninsular Malaysia's Notice and the carrying out, without its agreement, of the EIA study and sand investigation in the said waters. The Malaysian Government is requested to note that the approval of the Government of Singapore must be obtained for the inclusion of any part of Singapore's territorial waters around Pedra Branca in any such Notice and for carrying out any EIA study

on sand investigation survey in Singapore's territorial waters around Pedra Branca.

The Ministry of Foreign Affairs of the Republic of Singapore avails itself of this opportunity to renew to the Malaysian High Commission the assurances of its highest consideration.

SINGAPORE

30 July 1993



Malaysian High Commission

Singapore



**Annex 189**

Singapore's Note MFA 1094/93 dated 1 Dec 1993



MFA 1094/93

The Ministry of Foreign Affairs of the Republic of Singapore presents its compliments to the Malaysian High Commission and has the honour to refer to the Malaysian Ministry of Foreign Affairs' letter reference SR(070)151-3 Vol VIII dated 25 August 1993 addressed to Mr Fong Hin Tat, Port Master, Port of Singapore Authority.

The Singapore Government categorically rejects the contentions in the above-mentioned letter addressed to the Port Master.

The Government of the Republic of Singapore reiterates that part of the area bounded by the coordinates given in the relevant clause of the tender document reference JPSB/3/93 (copy attached) issued by the Johor Port Sdn Bhd in connection with the Johor Port Development Phase IV falls within Singapore territorial waters around Pedra Branca. Hence, the approval of the Singapore authorities must be sought for the disposal of dredged materials within the area bounded by the coordinates given.

The Government of the Republic of Singapore protests against the inclusion in the said tender document of that portion of the dumping site which forms part of the Singapore territorial waters around Pedra Branca. The Malaysian Government is requested to note that the approval of the Singapore Government must be obtained for any such inclusion.

The Ministry of Foreign Affairs of the Republic of Singapore avails itself of this opportunity to renew to the Malaysian High Commission the assurances of its highest consideration.

SINGAPORE

1 December 1993



Malaysian High Commission  
Singapore

## **Annex 190**

**“Malaysia and Singapore to go by law to resolve sensitive issues” reported by Bernama News Agency dated 9 Sep 1994**

C:\GE\BNS0507

npt mest 091000

Malaysia-Singapore (news focus)

M'SIA AND S'FORE TO GO BY LAW TO RESOLVE SENSITIVE ISSUES

KUALA LUMPUR, Sept 9 (Bernama) -- The four-eye meeting between Prime Minister Datuk Seri Dr Mahathir Mohamad and his Singaporean counterpart, Goh Chok Tong, in Langkawi last Tuesday appears to be more than just an ordinary bilateral meeting.

As Malaysian and Singaporean ministers and senior officials were having an informal discussion to improve and expand relations at all levels and stressing the need to clarify their policies to avoid misunderstandings, the two leaders were discussing more serious and specific matters which could affect the present good relations between the two countries.

The two leaders spent nearly two hours discussing a wide range of topics, including disputes over the ownership of a tiny island called Pulau Batu Putih, off Johor, and the status of Malayan Railway (now KTM Berhad) lands in the island republic.

Their intention in bringing up these "sensitive" issues at the meeting is very clear -- to preserve the good relations between the two countries -- and it was with this view that both leaders agreed to settle them on points of law.

The issue of the ownership of the island, known to Singapore as Pedra Branca, 15km off Teluk Kemuning southeast of Johor, arose in the early 1960s when Malaysian fishermen were said to have been prevented from fishing there.

For historical reasons, Singapore has been managing the lighthouse on the island to this day. -- more

AFY JK

**Annex 191**

Singapore's Note MFA/D1/554/94 dated 14 Sep 1994

MFA/D1/554/94

The Ministry of Foreign Affairs of the Republic of Singapore presents its compliments to the Malaysian High Commission and has the honour to refer to the Royal Malaysian Navy Hydrographic Directorate's Notices to Mariners No 06 of 1994 regarding sand mining operations proposed to be carried out at Beting Rumania, Johor.

The Government of the Republic of Singapore notes that a small part of the area within which sand mining operations are proposed to be carried out lies within Singapore territorial waters around Pedra Branca.

The Government of the Republic of Singapore protests the inclusion, without its approval, of a part of Singapore's territorial waters around Pedra Branca in the Royal Malaysian Navy Hydrographic Directorate's Notices to Mariners No 06 of 1994, and the carrying out, without its agreement, of sand mining operation within those parts of the waters which are Singapore territorial waters. The Malaysian Government is requested to note that the approval of the Government of Singapore must be obtained for the inclusion of any part of Singapore's territorial waters

around Pedra Branca in any such Notices and for carrying out any sand mining operation in Singapore's territorial waters around Pedra Branca.

The Ministry of Foreign Affairs of the Republic of Singapore avails itself of this opportunity to renew to the Malaysian High Commission the assurances of its highest consideration.

SINGAPORE

14 September 1994



Malaysian High Commission

Singapore



**Annex 192**

Malaysia's Note EC135/94 dated 17 Sep 1994

EC 135/94

The Malaysian High Commission presents its compliments to the Ministry of Foreign Affairs of the Republic of Singapore and has the honour to inform the Ministry that the Malaysian Government has agreed that the issue of Pulau Batu Puteh/Pedra Branca be referred to the International Court of Justice (ICJ).

The Malaysian High Commission avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Singapore the assurances of its highest consideration.

17 September, 1994

Ministry of Foreign Affairs  
Republic of Singapore.



**Annex 193**

Tarling N., The First Pharos of the Eastern Seas: The  
Construction of the Horsburgh Lighthouse on Pedra Branca,  
67 Journal of the Malayan Branch  
of the Royal Asiatic Society 1 (1994)

**Vol. 67 Part 1**

**No. 266**

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**Journal  
of the  
Malaysian Branch of the  
Royal Asiatic Society**

**'THIS FIRST PHAROS OF THE EASTERN SEAS':  
THE CONSTRUCTION OF THE HORSBURGH LIGHTHOUSE ON  
PEDRA BRANCA**

*by*  
**NICHOLAS TARLING**

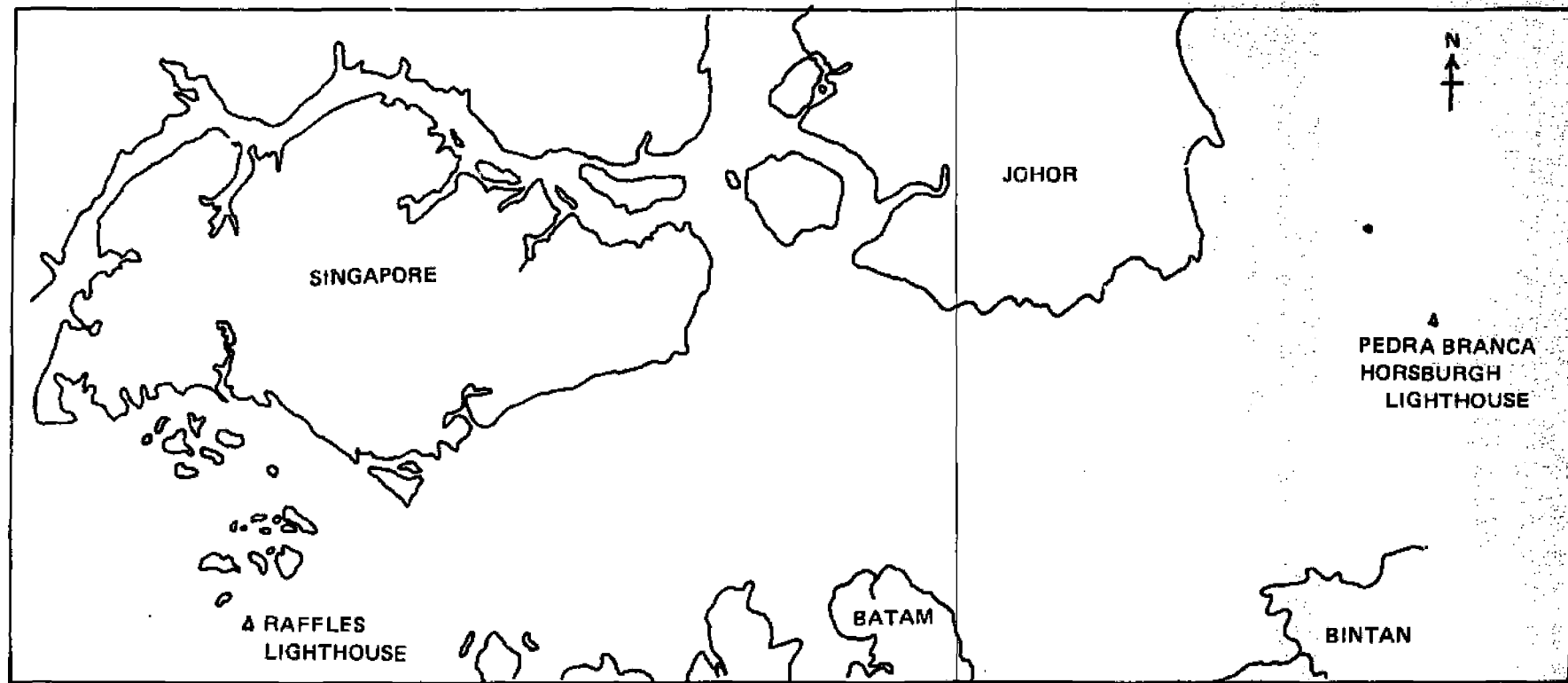
**M**en may dispute over 'a little patch of ground', as the Captain reminded Hamlet, and so may states. Pedra Branca, or Batu Putih, thirty seven miles to the east of Singapore harbour, has been the subject of some argument between the Republic and neighbouring Malaysia. The patch of ground is, however, no mere rock. In the early 1850s it became the site of a lighthouse that guided shipping to and from the developing entrepot. Building it on the rock was indeed controversial, but the controversy did not relate to the question of ownership. Indeed the documents of the day make little or no reference to the question. The controversy was about paying for the lighthouse. That raised questions of policy, but also questions of equity.

Singapore, established by Sir Stamford Raffles in 1819 by agreement with the Temenggong of Johor and Sultan Hussain, had quickly become an entrepot that linked the trade of the peninsula and archipelago with international traffic. Much of that traffic was between India and China, and Singapore also benefited from the lack of a British base further east before the acquisition of Hong Kong in 1842. Those interested in its facilities thus included not merely its residents, a small community mainly of Chinese and British merchants, often acting as agents for larger houses in Britain, London or China. They also included merchants and shipowners in those other centres.

The government they had to deal with was that of the East India Company, constrained as it was by the India Board, an instrument of the British government itself, and by the diversity of its obligations. Though it had begun as a trader across Asia, it had from the late eighteenth century increasingly become a great territorial power on the Indian sub-continent. That indeed led the British Government to assert its ultimate control through the Board. But the commercial role of the Company remained unclear. Under the charter of 1813 it lost its monopoly of the trade between Britain and India. Under the charter of 1833 it lost its monopoly of the trade with China, and the British Government established a Superintendent of Trade at Canton. Even before that, country traders, largely based in India, had carried on much of the commerce within Asia, and indeed had been essential to the Company's operations. What obligations did the Company's government have towards Singapore, and the other settlements in the Straits, Penang, acquired in 1786, and Malacca, finally taken over from the Dutch in 1825? It was an important route commercially and strategically. But its government was in the hands of a Governor responsible to the authorities in Bengal. That might affect its sense of priorities. It might also make it difficult for merchants in the Straits to influence it. Not until the 1860s were the Settlements to be a Colony directly under the government in London.

A lighthouse on the approaches to Singapore would, of course, be important to commercial interests other than those on the island itself. That might facilitate bringing pressure to bear on the spreadeagled Company government in the case of such a facility. But its response would still reflect its diverse responsibilities.

Late in 1836 merchants, mariners and others in Calcutta interested in the trade and navigation of the Straits of Singapore pointed to the dangers at the eastern and western entrances



2

*Map showing the location of Pedra Branca.*

for India-China and Britain-China commerce. They suggested constructing lighthouses, one at Coney Rock for the western channel, one on Pedra Branca to the east, and offered to contribute to the expense.<sup>1</sup> The Marine Board thought that, if only one light were to be erected, the western entrance should come first. Lights were not 'essential', but would expedite navigation by enabling vessels to pass at night. A levy at Singapore for their maintenance might, however, deter visits to Singapore. The views of the Singapore authorities should be sought, both on the question of expense, and on the means of meeting it.<sup>2</sup> But Governor-General Lord Auckland suspended further consideration of the matter : 'without duties of some kind the funds would not be forthcoming whence the expense of Light Houses and Establishment would have to be maintained', and the Court had prohibited port or any other duties at Singapore.<sup>3</sup>

Singapore had indeed been established as a free port, not only in the sense that it was, unlike many of those in the neighbouring Dutch Indies, open to all traders, but that it was, more extensively, free of duties on goods and traffic. That, of course, helped it in its early years, and it remained an article of faith, particularly with the merchants at Singapore, that imposing duties would destroy the prosperity which its superb position would not alone guarantee. The Court of Directors had directed the suspension of import and export duties in 1826, though as acting Governor Thomas Church pointed out, the Company had to keep up armed vessels, maintain a lighthouse at Malacca, and provide other services, 'while the ships and vessels visiting the several Ports are entirely exempt from any charge, save 1 Rupee for a Port Clearance....'<sup>4</sup> Auckland thus referred the lighthouse question to the Court. Its reply was unhelpful. 'As it appears that the erection of Light Houses in the Straits is not essentially necessary to the safe navigation of them, and that some difficulty might be found in levying the necessary Funds for maintaining them, we do not feel justified in issuing any orders for the purpose.' At the instance of the Board, the Court added 'that the importance attached by the Mercantile Community in this Country [Great Britain] to the preservation of perfect freedom of Trade at Singapore, forbids our subjecting it to any restrictions'.<sup>5</sup>

In the meantime the question of duties had been raised again in the East. Lord Auckland had sent W.R. Young to the Straits in 1837 with a view to suggesting possible economies after the closing of the Company's China trade.<sup>6</sup> He suggested levying harbour and anchorage dues at the three settlements : 'having after mature consideration and much enquiry come to the conclusion that the imposition of a moderate customs duty at Penang and Singapore would not only be by far the most equitable expedient for raising the revenues of the Straits Settlements to the level of the reasonable expectation of the Supreme Government, but that it would not in any sensible degree check the prosperity or divert the course of the commerce of those places, I can entertain no doubt as to the propriety or safety of the less computensive scheme for imposing light harbour dues.' Lighthouses at Singapore and Malacca would justify the duties, 'though no doubt not in the minds of those never ready to bear any taxation'.<sup>7</sup> The Singapore authorities were in support, and the Bengal authorities proposed to publish Young's draft Act. Lord Auckland recalled his opposition to customs duties in 1836 : 'Singapore, the Settlement at which they could be levied with most pecuniary advantage, had, only by the liberality of its regulations grown into existence and

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1 Memorial to the Governor-General, 29 December 1836, Board's Collections [BC] 72141a, p.14, India Office Library, London.  
 2 Marine Board to Governor-General, 11 May 1837, and enclosures, BC 72141a, p.23.  
 3 Punsep to himself, 24 May 1837, BC 72141a, p.34.  
 4 Church to Secretary, 2 July 1834, BC 72141a, p.3.  
 5 Despatch, Bengal Marine, 4 September 1839, 22. Despatches to India and Bengal, Vol.21, p. 345, para 20, India Office Library.  
 6 N. Tarling, *British Policy in the Malay Peninsula and Archipelago, 1824-1871*, Kuala Lumpur, 1969, p.53, fn 187.  
 7 Young to Prinsep, 30 May 1838, BC 72881, p.116.

importance, and I would not for the sake of a small item of revenue, break down this solitary illustration of the advantage to be gained by a perfect freedom of commerce.' The Court took the same view. Harbour duties certainly seemed 'a most reasonable exaction in general'. But imposing them might be 'unwise and unprofitable': the 'busy rivalry' of the Dutch would take advantage of the change. Moreover, Singapore was 'an open roadstead', and the authorities provided 'no good offices' in return for the proposed duties. A lighthouse was proposed, but no clear ratio was established between its expense and the tax: 'the inclination of my mind is against the present imposition of any such tax, unless it should be clearly connected with the erection of the lighthouse in question'.<sup>8</sup>

Auckland's reference to the advantages of a free trade appear to have stirred Young to respond. The justice of his proposal should be considered. The Straits Settlements raised most of its revenue by excise, which fell on the poorest part of the population, and the merchants escaped taxation almost entirely. 'One of my strongest reasons for favouring the imposition of these duties is the conviction I have that our existing scheme of taxation must expose us to the imputation of the grossest partiality and injustice.' And 'is it equitable towards the people of India who are now compelled to provide funds for the Government of the Straits Settlements, the annual resources of which fall far short of the annual charges for administration, to refuse to adopt an expedient which promises at least to diminish in some degree the yearly drain on the finances of India?'

'It is generally understood that the Home Authorities are opposed to the imposition of any duties or restrictions affecting commerce in the Straits, and this chiefly with reference to the political importance of Singapore and to the apprehension that any restraints on the perfect freedom of that Port would have a tendency to diminish the resort of shipping thither and to lessen the value of the Settlement to Great Britain as a commercial entrepot.' These views, 'needless to say', were 'heartily seconded by the Mercantile bodies both at home and in the East'. Harbour duties, however, could be seen less as a tax on commerce, than as an equivalent for local facilities, and a considerable proportion of the funds could be allocated to the construction and maintenance of a lighthouse at the southern entrance to the Straits. Governor Bonham agreed that such duties would not drive shipping away from Singapore. 'I may mention that I took the opportunity of visiting [Dutch] Riau and its inferiority to Singapore in every respect calculated to give eligibility to a commercial entrepot struck me as very remarkable. But in truth the present condition of the two places is quite sufficient to show that there is something in the position or circumstances of Singapore which ensures its preference for mercantile undertakings.' Riau was a free port, but had 'scarcely any commerce worth mentioning'.<sup>9</sup>

In 1836-7 5513.50 dollars had been subscribed, mainly in China, for a testimonial to James Horsburgh, hydrographer to the East India Company, and the subscribers had suggested a lighthouse on Pedra Branca.<sup>10</sup> The money would not be enough and the Singapore Chamber of Commerce suggested 'that the main burthen of the contributions ought in justice to devolve upon the Mercantile Communities of the Indian Presidencies and China whose interest in the contemplated aids to the Navigation of the Straits are infinitely more concerned than those of the Merchants of Singapore'.<sup>11</sup> Bonham suggested that the subscriptions might be spent on the building, the inhabitants of Singapore pay for the lantern, and the Government maintain the light, levying a charge of 4 Rs for port clearance on square-rigged vessels and junks and 2 Rs on native boats.<sup>12</sup>

<sup>8</sup> Minute, 14 January 1839, BC 72881, p.166.

<sup>9</sup> Note by W.R. Young, 5 March 1839, B.C. 72881, p. 191.

<sup>10</sup> Jardine Matheson & Co to Bonham, Macau, 1 March 1842, B.C. 98792, n.p.

<sup>11</sup> Napier to Bonham, 23 July 1842, B.C. 98792, n.p.

<sup>12</sup> Bonham to Bushby, 23 July 1842, B.C. 98792, n.p.



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Again, mindful of the 1839 despatch, the Bengal government declined the proposition for a port duty at Singapore.<sup>13</sup> Only 60% of the 762 square-rigged vessels that entered Singapore in 1840-1 belonged to ports in the vicinity, Bonham replied. Perhaps a higher rate could be charged at Calcutta, Madras and Bombay?<sup>14</sup> What about other ports? an official wondered.<sup>15</sup> Bonham's successor, W.J. Butterworth, tried again. He had asked Sir Edward Belcher to find a site that would cost less to maintain than Barn Island, which Bonham had put forward. Peak Rock, one of the Romania group, was suggested, 'part of the Territories of the Rajah of Johore, who with the Temenggong have willingly consented to cede it gratuitously to the East India Company'.<sup>16</sup> Sultan Ali indeed indicated his pleasure at the plan, and the Temenggong gave his full consent.<sup>17</sup> Given the interests of the British Government in China, where Hong Kong was now a colony, perhaps it would pay for the lantern.<sup>18</sup>

The Court now responded more positively. 'We readily admit the propriety of affording all possible facilities in the Straits of Singapore, and entrance to the China Seas, more especially an account of the daily increasing importance of the trade with China, and we are also of opinion that the opportunity now offered of constructing at a very trifling expense to the public a lighthouse in a very desirable situation should not be neglected.' But the Directors were 'opposed upon principle to the appropriation of any further sum however small, from the General Revenues of India to purposes which apply with equal advantage to all shipping frequenting the Straits of Malacca and China Seas, and we think that the additional funds required for the construction and maintenance of a Lighthouse near Singapore, should according to the practice in all other parts of the world, be raised at the expense of the Shipping Interest for whose special benefit it is designed.' The Court had ascertained that the British Government would not object to 'the levy of moderate Light House duties at Singapore', and so they authorized a charge not exceeding one rupee per 100 tons on all vessels entering Singapore, and a proportionally reduced charge on vessels of less than 100 tons. A similar charge should be levied in India on ships clearing out for China, though it would exempt them from further charges in Singapore. The money was to be appropriated to the lighthouse and its current expenses, and the charge was to be reduced if the income exceeded what was required.<sup>19</sup> The opening of China made a lighthouse more desirable. But the Company saw no reason to burden its revenues for that purpose.

Where should it be? In his account of the voyage of the *Nemesis*, W.D. Bernard recommended a lighthouse on Pedra Branca.<sup>20</sup> Sir Edward Belcher, of the surveying vessel H.M.S. *Samarang*, preferred Peak Rock. Pedra Branca would be the best position, Butterworth declared, but it was 'so remote from Singapore, at so great a distance from the mainland and so inaccessible at certain seasons of the year', that he preferred the position Belcher selected.<sup>21</sup> The Admiralty did not agree. Pedra Branca was the right choice, easier to approach, freer from surrounding rocks than Peak Rock.<sup>22</sup> Butterworth sought the views of the surveyor, J.T. Thomson, and Captain Samuel Congalton, and they agreed that Pedra Branca was 'the only true position'.<sup>23</sup> The light would be in a more advanced position towards the China Sea, and it would extend to the

<sup>13</sup> Bushby to Bonham, 31 August 1842, B.C. 98792, n.p.

<sup>14</sup> Bonham to Bushby, 25 October 1842, B.C. 98792, n.p.

<sup>15</sup> Note on *ibid.*

<sup>16</sup> Butterworth to Currie, 28 November 1844, B.C. 98792, n.p.

<sup>17</sup> Letters, 25 November 1844, B.C. 98792, n.p.

<sup>18</sup> As note 16.

<sup>19</sup> Despatch, India Marine, 15 October 1845, 6. Despatches to India and Bengal, Vol 46, pp. 592-5.

<sup>20</sup> W.D. Bernard, *Narrative of the Voyages and Services of the Nemesis*, London, 1844, p. 168.

<sup>21</sup> Butterworth to Beadon, 22 August 1845, B.C. 104710, np; 105224, p.3.

<sup>22</sup> Hamilton to Melville, 18 April 1846, B.C. 104700, np.

<sup>23</sup> Butterworth to Bushby, 26 August 1846, B.C. 104700, n.p.

dangerous northeastern point of Bintang. Victualling a house at Pedra Branca would be no more difficult than victualling one at Peak Rock.<sup>24</sup> Contributions from the Horsburgh collections at Bombay and Madras were available, and it was suggested that an iron lighthouse be sent out from Great Britain.<sup>25</sup> The Court reaffirmed that Pedra Branca was the better site. But it ruled out the iron lighthouse : it was much more costly than the masonry building originally suggested, and the Court was opposed to increasing the proposed duties or putting a burden on the general revenues of India.<sup>26</sup> Butterworth was instructed to go ahead with a lighthouse on Pedra Branca according to the original specification.<sup>27</sup>

That did not, however, dispose of the issue of cost. For one thing, the Court seems to have omitted the lantern from its calculation which had led it to propose a duty of no more than one rupee per 100 tons. Second, the shift to Pedra Branca turned out to have its costs. Late in 1847 Thomson erected brick pillars to test the strength of the waves. Several were swept away, and he decided that granite would have to be used. Moreover, to provide protection against pirates, a tower was required for accommodation, rather than a separate building.<sup>28</sup> Even using a Chinese contractor, and employing convicts in Singapore to make the cement, the estimate rose to 35917 Rs, and with the lantern, 50917 Rs. The establishment was also somewhat more costly than estimated. The levy suggested was thus 2 dollars per 100 tons, or 4.8 Rs.<sup>29</sup> Was the Court ready to accept that?<sup>30</sup> ~~The question of raising that amount — not in fact unlike what Bonham had recommended — was referred home, as Butterworth had told a somewhat impatient Singapore Chamber of Commerce was likely.~~<sup>31</sup> In London the East India and China Association pressed the Court on the need to construct the lighthouse after so long a delay.<sup>32</sup> The Court, ascribing the increase in cost to the move to Pedra Branca advised by the Admiralty, thought Butterworth's new estimates might be further exceeded 'in a work of such difficult construction'. The lower levy it had sanctioned would be 'quite inadequate, and as there seems no more unobjectionable mode of providing for its construction and maintenance than the imposition of a suitable tonnage duty on shipping, we authorize you to levy a duty as soon as a light is exhibited on that station: but as we have no doubt that the expense will exceed the amount you have estimated, we direct that a Tonnage duty of 2½ dollars per 100 tons be levied....'<sup>33</sup>

The Singapore Chamber of Commerce regretted that the Court had determined on so heavy a duty, 'much beyond that required to meet the annual expenses'. If it were carried out, the repayment of the loan should be spread over a considerable number of years, and other steps taken to improve navigation, such as additional lights near Singapore and a light on the 2½ fathom bank; and the duty should be reduced when the loan had been repaid. The Chamber also wanted the duties levied, so far as possible, in Calcutta, Bombay and Madras, where duties were already levied, rather than in Singapore, 'hitherto...unfettered by a single pecuniary exaction for any purpose whatever'.<sup>34</sup> Though the Court had contemplated levying duties at the Indian ports, Butterworth did not think this suggestion feasible. It would make for a complicated Act, the public would not be aware of the amount produced, and receipts would not always be available to

<sup>24</sup> Thomson and Congalton to Butterworth, 25 August 1846, B.C. 104700, n.p.

<sup>25</sup> As note 23.

<sup>26</sup> Despatch, India Marine 24 February 1847, 1. Despatches to India and Bengal, Vol.52, pp. 485-9.

<sup>27</sup> Beadon to Butterworth, 10 May 1847, B.C. 112262, p.476.

<sup>28</sup> J.T. Thomson, 'Account of the Horsburgh Light-house', *Journal of the Indian Archipelago*, VI (1852), pp. 390-2.

<sup>29</sup> Butterworth to Karr, 12 June 1848, B.C. 119941, n.p.

<sup>30</sup> India Government to Court, 3 March 1849, Marine 3, B.C. 119941, n.p.

<sup>31</sup> Butterworth to Chairman, 1 March 1849, B.C. 119942, n.p.

<sup>32</sup> Gregson to Melvill, 7 May 1849, B.C. 119942, n.p.

<sup>33</sup> Despatch, India Marine, 5 September 1849, 3. Despatches to India and Bengal, Vol.62, pp. 733-6.

<sup>34</sup> Extracts, Minutes of a Meeting of the Singapore Chamber of Commerce, 19 December 1849, B.C. 125763, p.33.

cancel the obligation in Singapore.<sup>35</sup> His draft Act provided for the levy of 2½ c a ton on all square-rigged vessels of 50 tons burden or upwards, save ships of war. Port clearances would not be granted without a certificate that it had been paid.<sup>36</sup> The Court declined to appropriate any of the surplus dues to other projects until the debt incurred in respect of the Pedra Branca lighthouse had been paid off.<sup>37</sup> In fact an additional half a cent was added to the duty to pay for a floating light on the Northern Sands in the Straits of Malacca.<sup>38</sup>

The Singapore Chamber had commented on the draft legislation. Its members regretted that the duties were confined to those ships that entered Singapore Harbour, whereas others also benefited. They would deter the resort of ships to Singapore: opium clippers and others would call at Penang or Malacca instead. The Act should embrace ships clearing out from India to China and the East.<sup>39</sup> Thomas Church, the Resident Councillor, thought there was little in this: 'the dues are comparatively small, and less than the expense and delay of touching at either of the Ports in the Straits, particularly Penang.' It was 'scarcely possible to frame an Act to embrace every conceivable case, the more simple and short the better, to make the Light House dues payable at the Presidencies would cause perplexity and trouble to parties'.<sup>40</sup> Acting Governor Blundell agreed. 'If it should be found hereafter that numerous vessels pass Singapore, without anchoring, purposely to avoid payment of the Light House toll, measures may be adopted to obtain payment from them.'<sup>41</sup> Act No 6 of 1852 was passed. Church had met the Chamber's objections, the Court thought, 'but it will be proper to inquire after a sufficient time has elapsed, whether the mode in which the tolls are at present levied, has really had any tendency to deter ships from entering the harbour of Singapore'.<sup>42</sup>

The Singaporeans had already insisted that it had. In the first six months, 31 India-China ships had passed through without paying. They urged that the due should be levied in the way earlier suggested. The Horsburgh was not a harbour light, and the port of Singapore 'ought not to be expected to maintain a light by which it is injured to the extent of tonnage passing through its harbours without anchoring, which injury would cease if the light dues were levied at the ports of loading or discharge, whereby vessels would pay equitably for a Light for which they derived an immediate benefit'.<sup>43</sup> Church agreed that not all who benefited from the Light, a 'valuable boon', contributed to it, and some vessels which had formerly anchored briefly now passed by. But he did not think that 'detrimental to trade generally'.<sup>44</sup>

The foundation stone had been laid in Butterworth's presence and at his request by M.F. Davidson, worshipful Master of Zetland in the East, on 24 May 1850, Queen Victoria's birthday.<sup>45</sup> The contractor was Choa Ah Lam.<sup>46</sup> Thomson supervised the work, finding the contractor dishonest, the labour force untrained. As the Court anticipated, the cost exceeded the estimates.<sup>47</sup> But on 27 September 1851, shortly before he retired, Butterworth visited it. 'The afternoon was spent in inspecting the tower and lantern, together with the numerous conveniencies that have been constructed for the comfort of the light keepers, including a store

<sup>35</sup> Butterworth to Karr, 13 February 1850, B.C. 125763, p.13.

<sup>36</sup> Draft, *ibid.*, p.37.

<sup>37</sup> Despatch, 18 September 1856, Bengal Marine, 31. Despatches to India and Bengal, Vol.67, pp. 459-63.

<sup>38</sup> India Government to Court, 10 February 1852, Marine, B.C. 138802, p.1.

<sup>39</sup> Memorial to President-in-Council, n.d., B.C. 142867, p.42.

<sup>40</sup> Church to Blundell, 6 September 1851, B.C. 142867, p.40.

<sup>41</sup> Blundell to Halliday, 11 December 1851, B.C. 142867, p.39.

<sup>42</sup> Despatch, 15 June 1853, India Marine, 3. Despatches to India and Bengal, Vol 81, pp. 729-30.

<sup>43</sup> Memorial of Merchants and Inhabitants, 20 September 1852, B.C. 162838, p.12.

<sup>44</sup> Church to Blundell, 20 September 1852, B.C. 162838, p.3.

<sup>45</sup> C.B. Buckley, *An Anecdotal History of Old Times in Singapore*, London, 1902-3, pp. 512 ff.

<sup>46</sup> Thomson to Church, 20 December 1849, B.C. 125763, p.21.

<sup>47</sup> J.I.A., p. 465.

and kitchen cut out in the solid granite, and a jetty of timber, secured by guys of massive chain-work, to facilitate landing during the northeast monsoon; and from the vivid impression left on the minds of the visitors, we anticipate that this first Pharos of the Eastern Seas will prove the great Lion of the Straits for some time to come.' It was an edifice of which Singapore could be proud, the *Singapore Free Press* continued: it provided the granite and the timber; the brass rails were moulded and turned in Singapore; Thomson obtained his experience as Government Surveyor. Only the cast-iron dome and lantern provided by Stevensons of Edinburgh, came from outside Singapore.

Fifty guests dined on the *Hooghly* at 5.30, and then 'the process of illumination' commenced. 'Three hearty cheers welcomed to life the meteor-like brilliancy which will probably serve to guide the midnight path of the mariner for a thousand years to come.'<sup>48</sup> The following month it went into regular operation,<sup>49</sup> a revolving bright light, which gradually declines, until it totally disappears to the distant observer; whilst, when viewed from a short distance, it is never entirely invisible'.<sup>50</sup>

Later in 1852 Blundell recommended a lighthouse on Barn Island : the receipts from the Lighthouse duties might be thought 'sufficiently encouraging to authorize a further expenditure towards facilitating the navigation between India and China now that the number of steamers running on that line is annually on the increase'.<sup>51</sup> T.E. Rogers, Superintendent of Marine preferred Coney Island.<sup>52</sup> 3000 dollars was to be drawn from the Lighthouse fund to construct it.<sup>53</sup> The foundations of what became the Raffles Lighthouse were again laid in the presence of Freemasons.<sup>54</sup>

<sup>48</sup> SFP, 30 October 1851.

<sup>49</sup> J.I.A., pp. 453-4.

<sup>50</sup> J.I.A., p.494.

<sup>51</sup> Blundell to Secretary, 16 November 1852, B.C. 150933, p.9.

<sup>52</sup> Rogers to Dalhousie, 30 December 1852, B.C. 150933, p.15.

<sup>53</sup> India Government to Court, 23 August 1853, 8, B.C. 150957, p.1.

<sup>54</sup> Despatch, 3 October 1855, India Public, 104. Despatches to India and Bengal, Vol 93, p. 916.

**Annex 194**

Singapore's Note MFA 815/94 dated 3 Jan 1995

MFA 815/94

The Ministry of Foreign Affairs of the Republic of Singapore presents its compliments to the Malaysian High Commission and has the honour to refer to a recent incident involving a Royal Malaysian Air Force (RMAF) aircraft flying in the vicinity of Pedra Branca. The details of the incident are as follows:

At 1036 hours on 6 December 1994, an RMAF B200 aircraft flying 9 nautical miles (nm) from Pedra Branca did not acknowledge when informed on Guard frequency to turn away from Pedra Branca. Instead, the aircraft proceeded to fly as close as 1 nm from Pedra Branca before turning right towards the Malaysian coast. The aircraft was also observed to have circled Pedra Branca in a clockwise direction at an estimated height of 300 to 500 feet and a distance of 1 to 2 nm from Pedra Branca. It was only at 1046 hours that the aircraft contacted the Civil Aviation Authority of Singapore requesting for clearance to climb and return to Senai. It subsequently changed its destination to Kuala Lumpur.

The Singapore Government protests the violation by the RMAF aircraft of Singapore's sovereign airspace around Pedra Branca and the unauthorised actions of the RMAF aircraft in the said airspace. Pedra Branca is an integral part of the territory of Singapore. The incident also poses a safety risk to other aircraft operating in the vicinity, particularly those belonging to the Republic of Singapore Air Force flying to and from the South China Sea training areas.

The Singapore Government requests the cooperation of the Malaysian Government to ensure that an incident of this nature is not repeated.

The Ministry of Foreign Affairs of the Republic of Singapore avails itself of this opportunity to renew to the Malaysian High Commission the assurances of its highest consideration.

SINGAPORE

3 January 1995

Malaysian High Commission  
Singapore



**Annex 195**

Singapore's Note MFA 200/95 dated 2 Mar 1995





MFA 200/95

The Ministry of Foreign Affairs of the Republic of Singapore presents its compliments to the Malaysian High Commission and wishes to register its strong protest regarding another violation of Singapore's airspace by a Royal Malaysian Air Force (RMAF) aircraft on 24 February 1995. This violation is in addition to earlier incidents on 6 December 1994 and 10 January 1995 which were protested in the Ministry's Notes No.815/94 of 3 January 1995 and No. 057/95 of 20 January 1995 respectively.

The details of the 24 February 1995 incident are as follows:

At about 1040 hours on 24 February 1995, an RMAF B200 aircraft was detected approaching Pedra Branca from a north-easterly direction. Following two ATC warnings, the aircraft turned north but headed back in the direction of Pedra Branca six minutes later. Two additional warnings went unheeded and the aircraft flew as close as 800 metres from Pedra Branca. It then circled the island below 150 metres before heading off in a north-easterly direction. The incident occurred during the period for which a NOTAM was in place for air activities in the airspace over Pedra Branca.

The Singapore Government protests strongly the repeated violations of Singapore's sovereign airspace around Pedra Branca and the unauthorised actions of RMAF aircraft in Singapore airspace. The 24 February 1995 violation also took place in an area over which a NOTAM was issued for air activities. The

violation was provocative and irresponsible. It constituted an unacceptable safety risk to other aircraft operating in the vicinity, particularly those belonging to the Republic of Singapore Air Force flying to and from the South China Sea training areas. Disregard for the NOTAM affects general aviation safety in the area.

The Ministry reiterates that Pedra Branca is an integral part of the territory of Singapore. The unauthorised actions of RMAF aircraft over Pedra Branca and the repeated violations of Singapore's airspace are therefore not acceptable. Such violations are also not in keeping with the spirit of amicable settlement agreed to by both countries in referring the issue of Pedra Branca to the International Court of Justice. The Malaysian Government should put an end to such violations.

The Ministry of Foreign Affairs of the Republic of Singapore avails itself of this opportunity to renew to the Malaysian High Commission the assurances of its highest consideration.

SINGAPORE

2 March 1995

Malaysian High Commission

Singapore



**Annex 196**

Maritime and Port Authority of Singapore Act, 1996  
(Republic of Singapore)

(3) The proceeds of sale of the vessel and bunkers, tackle, apparel or furniture so distrained or arrested may be used by the Authority to satisfy those rates, charges, dues, fees, damages or penalties or other sums and costs, including costs of sale remaining unpaid, rendering the surplus, if any, to the master or owner of the vessel on demand and, in case no such demand is made within one year from the date of the disposal of the vessel and bunkers, tackle, apparel or furniture, by paying the surplus to the account of the Authority, whereupon all rights to the same by such person shall be extinguished.

(4) If the Authority gives to the Port Master a notice stating that an amount therein specified is due in respect of rates, charges, dues, fees, damages or penalties or other sums payable under this Act or the regulations against the vessel or the owner, agent or master of the vessel, the Port Master shall not grant port clearance until the amount so chargeable has been paid or security has been given to the satisfaction of the Authority for the amount thereof.

## PART VI

### TRANSFER OF ASSETS, LIABILITIES AND EMPLOYEES

30.—(1) As from the appointed day, such property, rights and liabilities vested in the National Maritime Board, the Port of Singapore Authority and the Government relating to the Marine Department as may be determined by the Minister for Finance shall become, by virtue of this section and without further assurance, the property, rights and liabilities of the Authority.

Transfer to Authority of property, assets and liabilities.

(2) If any question arises as to whether any particular property, right or liability has been transferred to or vested in the Authority under subsection (1), a certificate under the hand of the Minister for Finance shall be conclusive evidence that the property, right or liability was or was not so transferred or vested.

(3) Any immovable property to be transferred to and vested in the Authority under subsection (1) shall be held by the Authority upon such tenure and subject to such terms and conditions as the President may determine.

Transfer of  
employees.

**31.—(1)** As from the appointed day, such persons employed immediately before that day in the Marine Department, the National Maritime Board and the Port of Singapore Authority as the Minister may determine shall be transferred to the service of the Authority on terms no less favourable than those enjoyed by them immediately prior to their transfer.

(2) Until such time as terms and conditions of service are drawn up by the Authority, the scheme and terms and conditions of service in the Government, the National Maritime Board or the Port of Singapore Authority, as the case may be, shall continue to apply to every person transferred to the service of the Authority under subsection (1) as if he were still in the service of the Government, the National Maritime Board or the Port of Singapore Authority, as the case may be.

Pension  
rights, etc.,  
of employees  
to be  
preserved.

**32.—(1)** The terms and conditions to be drawn up by the Authority shall take into account the salaries and terms and conditions of service, including any accrued rights to leave, enjoyed by the persons transferred to the service of the Authority under section 31 while in the employment of the Government, the National Maritime Board or the Port of Singapore Authority, as the case may be, and any such term or condition relating to the length of service with the Authority shall provide for the recognition of service under the Government, the National Maritime Board or the Port of Singapore Authority, as the case may be, by the persons so transferred to be service by them under the Authority.

(2) Nothing in the terms and conditions to be drawn up by the Authority shall adversely affect the conditions that would have been applicable to persons transferred to the service of the Authority as regards any pension, gratuity or allowance payable under the Pensions Act or the Port of Singapore Authority Act, as the case may be.

Cap. 225.  
Cap. 236.

(3) In every case where a person has been transferred to the service of the Authority under section 31, his employer immediately before the date of such transfer shall be liable to pay to the Authority such portion of any gratuity, pension or allowance payable to such person on his retirement as the same shall bear to the proportion which the aggregate amount of his pensionable emoluments during his service with such employer bears to the aggregate amount of his

pensionable emoluments during his service under both the Authority and such employer.

(4) Where any person in the service of the Authority whose case does not fall within the scope of any pension or other schemes established under this section retires or dies in the service of the Authority or is discharged from such service, the Authority may grant to him or to such person or persons wholly or partly dependent on him, as the Authority thinks fit, such allowance or gratuity as the Authority may determine.

33. Notwithstanding the provisions of the Pensions Act, no person who is transferred to the service of the Authority under section 31 shall be entitled to claim any benefit under the Pensions Act on the ground that he has been retired from the service of the Government, the National Maritime Board or the Port of Singapore Authority, as the case may be, on account of abolition or reorganisation of office in consequence of the establishment and incorporation of the Authority.

No benefits in respect of abolition or reorganisation of office. Cap. 225.

34.—(1) Where on the appointed day any disciplinary proceedings were pending against any employee of the Government, the National Maritime Board or the Port of Singapore Authority transferred to the service of the Authority under section 31, the proceedings shall be carried on and completed by the Authority; but where on that day any matter was in the course of being heard or investigated or had been heard or investigated by a committee acting under due authority but no order or decision had been rendered thereon, the committee shall complete the hearing or investigation and make such order, ruling or direction as it could have made under the authority vested in it before the appointed day.

Continuation and completion of disciplinary proceedings.

(2) Any order, ruling or direction made or given by a committee pursuant to this section shall be treated as an order, a ruling or a direction of the Authority and have the same force or effect as if it had been made or given by the Authority pursuant to the authority vested in the Authority under this Act.

Misconduct or neglect of duty by employee before transfer.

**35.** The Authority may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person who had, whilst he was in the employment of the Government, the National Maritime Board or the Port of Singapore Authority, as the case may be, been guilty of any misconduct or neglect of duty which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if he had continued to be in the employment of the Government, the National Maritime Board or the Port of Singapore Authority, as the case may be, and if this Act had not been enacted.

Penalty to be served by employee.

**36.** Where an employee of the Government, the National Maritime Board or the Port of Singapore Authority has been transferred to the service of the Authority under section 31, and on the appointed day any penalty (other than dismissal) has been imposed on the employee pursuant to disciplinary proceedings against him and the penalty has not been, or remains to be, served by the employee, he shall on his transfer to the service of the Authority, serve or continue to serve such penalty to its full term as if it had been imposed by the Authority and the penalty shall remain valid against the employee on his transfer and shall continue in full force and effect until he has served the penalty in full.

Existing agreements and pending proceedings.

**37.—(1)** All deeds, bonds, agreements, instruments and working arrangements subsisting immediately before the appointed day affecting the portion of the property, rights and liabilities transferred to the Authority under section 30 (1) or affecting any employee transferred to the service of the Authority under section 31 shall continue in full force and effect on and after that day and shall be enforceable by or against the Authority as if instead of the Government, the National Maritime Board or the Port of Singapore Authority, as the case may be, or any person acting on its behalf, the Authority had been named therein or had been a party thereto.

(2) Any proceedings or cause of action relating to the portion of the property, rights and liabilities transferred to the Authority under section 30(1) or to any employee transferred to the service of the Authority under section 31 pending or existing immediately before the appointed day by or against the Government, the National Maritime Board or the Port of Singapore Authority, as the case may be, or

any person acting on its behalf, may be continued and shall be enforced by or against the Authority.

PART VII

EMPLOYMENT OF SEAMEN

38.—(1) No person other than an employer shall engage a seaman. Employment of seamen.

(2) No employer shall engage a seaman and no seaman shall accept employment on board any vessel except in accordance with regulations made under section 40.

(3) No employer shall enter into arrangements with any seaman to transport him outside Singapore for the purpose of engagement in contravention of regulations made under section 40.

(4) For the purpose of this Part, "employer" includes the shipowner, charterer or operator, the agent of the shipowner, charterer or operator and the master of the vessel.

39.—(1) Any person or employer who —

(a) contravenes section 38; or

(b) selects or engages a seaman otherwise than in accordance with regulations made under section 40,

Penalty for employment of seamen in contravention of section 38 or of regulations made under section 40.

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

(2) Any person or seaman who accepts employment or works in a vessel as a seaman otherwise than in accordance with regulations made under section 40 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

40. The Authority may, with the approval of the Minister, make regulations for the purposes of this Part and, in particular, may make regulations for the following purposes: Regulations relating to seamen.

(a) to prescribe the age and other qualifications of applicants for registration as seamen;



**Annex 197**

Letter from Oei P. (Hydrographer, Maritime and Port Authority of Singapore) to Director-General, Maritime and Port Authority of Singapore dated 13 June 1996

PT/HY/NAS 2.008

13 Jun 96


② FNM  
19/6/96  
Technical specifications ready  
18/6

① Director-General  
Through Chairman  
Expenditure Evaluation Committee  
17/6

UPGRADING OF FIVE AUTOMATED LIGHTHOUSE EQUIPMENT


Subsequent to the Expenditure Evaluation Committee meeting on 6 May 96, the paper incorporating the points raised by the Committee, has been reviewed and supported by the Committee.

2 The above-mentioned paper is attached for your approval.

  
f PARRY OEI  
for HYDROGRAPHER  
HYDROGRAPHIC DEPT

cc Director (Port)  
Deputy Director (Corporate Services)  
Finance Manager

/chs

HL (Murray), J, 1/7  
The amended technical spec  
is forwarded to you thru E-mail  
on 28/6/96.  
  
28/6

## UPGRADING OF FIVE AUTOMATED LIGHTHOUSE EQUIPMENT

### INTRODUCTION

1 MPA maintains five lighthouses and they were automated from 1978 to 1988 at a total cost of \$2,124,856.75. The existing electrical equipment have limited monitoring capabilities and over the years have become obsolete. This proposal is aimed to replace all the lighthouse electrical systems with modern equipment. The new system would be an integrated system with computer-based remote control and monitoring functions. It would have growth capability for future monitoring of lighted buoys and beacons.

### EXISTING ELECTRICAL SYSTEM

2 The electrical equipment mainly consists of navigational lantern system, power supply system comprising solar panels and batteries, and monitoring equipment. The monitoring equipment is a passive system with limited capabilities such as reporting the on/off condition of the light and the high/low battery voltage condition. It is not possible to diagnose faults or switch on the lights remotely in times of poor visibility.

3 The number of major component failures for each lighthouse is as follows:

LIGHTHOUSE	ELECTRICAL EQUIPMENT COMMISSIONED ON	NO OF BREAKDOWN FROM 1992-1995
Bedok	1978	3
Sultan Shoal	1984	6
Pulau Pisang	1985	3
Horsburgh	1988	6
Raffles	1988	4

4 The number of breakdowns (22) is considered high as lighthouses are expected to be 100% operational at all times.

5 The existing equipment are obsolete and beyond their 8-year economic life-span. Spare parts are difficult to get. Technology is now available in the market to replace them with modern efficient equipment.

### PROPOSED CHANGE

6 In this proposal, all the existing obsolete electrical systems at each lighthouse would be replaced. Each of the new lighthouse systems would be integrated to a PC-based station and monitored from the office. It would have growth capability for future monitoring of lighted buoys and beacons, up to 250 stations. With this capacity the system would be able to monitor all the lighted nav aids under our responsibility in one integrated system.

### IMPLEMENTATION PROGRAMME AND COST

7 The implementation programme and costs expected to be incurred are shown below. Sultan Shoal and Horsburgh are to be carried out first due to more frequent breakdowns.

(a)	1996	Sultan Shoal and Horsburgh	\$0.40 million
(b)	1997	Bedok, Pulau Pisang and Raffles	<u>\$0.60 million</u>
			<u>\$1.00 million</u>

## BENEFITS

8 Aids to navigation are important landmarks which promote the safety of navigation. Most of the nav aids mark the limits of navigational dangers and mariners rely on them to navigate safely around the port. Lighthouses are expected to operate at 100% availability, especially in busy waterways, and MPA has a statutory duty to maintain them at a high standard of availability.

9 The benefits of this project can be summarised as follows:

- (a) Improving the reliability of the lighthouse equipment thus reducing frequency of light failures.
- (b) More efficient remote monitoring of the lighthouse equipment with the possibility of carrying out remote diagnostic checks. Frequency of costly on-site inspections reduced and the Mean Time Between Maintenance could be increased from 6 to 12 months.
- (c) Active remote control of lights, such as switching on the lights during periods of poor visibility.
- (d) Potential benefits of expanding the system for monitoring lighted buoys and beacons.

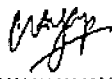
10 This project would modernise the lighthouses equipment and enable the department to implement a more effective light maintenance programme which contributes to improving the safety of navigation.

## FUNDS

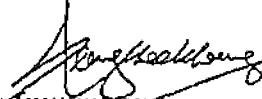
11 Budget for S1.0 million was approved in-principle by MPA Board meeting in Apr 96.



Mr Chua Lian Ho  
Chairman, EEC  
Date: 13/6/96



Mr Yap Cheng Hua  
Member  
Date: 13/6/96



Mr Leong Chee Kheong  
Member  
Date: 13/6/96

auto\_paf/chs

**Annex 198**

Investigation Report on Grounding of MV Gichoon  
on 14 October 1996

CA 298

**GROUNDING/SINKING OF MALAYSIAN VESSEL MV "GICHOON"  
ON 14 OCTOBER 1996 AT SOUTH LEDGE, OFF HORSBURGH LIGHTHOUSE**

**1 SYNOPSIS**

Times quoted are Singapore time.

1.1 On 14 October 1996, MV GICHOON, a Malaysian container vessel grounded and later sunk at South Ledge (01°17.8'N 104° 23.7'E), about 2 miles south south-west of Horsburgh Lighthouse.

1.2 The grounding occurred at about 1313 hours with the vessel immediately listing to port. The forward compartments were breached and water entered the cargo holds. The list continued to increase even though all the ship's pumps were running at full capacity. At about 1600 hours the list increased to about 15°. By then the main deck was awash and water was entering the engine room. The Master ordered the crew to abandon ship and the vessel sunk at about 1655 hours. All 17 crew members were safely brought to Singapore. There were no pollution nor any injury to the crew.

1.3 Salvage tugs with divers were at the scene for oil pollution control. Almost all the deck containers broke loose and drifted away. Those afloat in the vicinity were punctured, by the divers, and sank. Some containers that floated onto Middle Rocks (south of Horsburgh Lighthouse) was towed to deeper waters to be scuttled. It was confirmed by the local agents that the containers did not contain any toxic substances or dangerous cargoes.

**2 EVENTS LEADING TO THE INCIDENT**

2.1 GICHOON (ex Borussia) was a container vessel built in Germany and registered in Kuching, Malaysia. She was 119 metres in length, 17.8 metres in breadth and Gross Tonnage of 4867 (Annex A). She has a single Controllable Pitch Propeller (CPP) and is equipped with magnetic compass, gyro compass, Global Position System (GPS) receiver, two radars (without ARPA) and radio communications equipment.

2.2 GICHOON was recently purchased by PDZ Holdings Sdn Bhd. The vessel was deployed in carrying containers between Ho Chi Minh, Vietnam and Singapore on a weekly basis. This was the vessel's third trip out of Singapore. For the Chief Officer and 2nd Engineer, this was the second trip. The previous Chief Officer and 2nd Engineer were replaced due to incompetency (see Annex B). The rest of the crew had joined the vessel on the first trip.

2.3 On 14 October 1996, the vessel arrived alongside Keppel Container Terminal Berth No. K16 at about 0115 hours. Cargo work commenced immediately and loading completed at 0930 hours. She loaded 67 containers on deck and 156 containers inside the hold. The PSA pilot boarded at 0945 hours to pilot the vessel to Eastern Boarding Ground "A". The vessel sailed at about 0955 hours with draught of 5.64 m forward and 5.76 m aft. The pilot left the vessel at about 1010 hours.

2.4 The Master and Chief Engineer kept the 0800-1200 and 2000-2359 navigational and engine room watch respectively. On the day of the incident, the Master was at the bridge during departure and was in-charge of the subsequent navigational watch. He was assisted by one Able-Bodied (AB). The vessel was on auto-pilot and engines at full sea speed with sea passage commencing at 1030 hours. Radar No. 1 was running at 6 miles range and the Master plotted the vessel's position with fixes obtained from GPS. The watch was uneventful, traffic was light and weather was fine with good visibility.

2.5 At about 1150 hours the 2nd Officer came up to the bridge followed shortly by the duty AB Rogelio. The 2nd Officer plotted the 1200 hours position using the GPS. The Master then handed over the watch to the 2nd Officer and mentioned to him that the next alteration of course would be about 1 hour later. The Master then went down to the mess for his lunch.

2.6 The 2nd Officer was in charge of the navigational watch from 1200 hours till the time of the grounding. After the Master went down, the 2nd Officer started to prepare the noon report. This is a routine report, sent to interested parties ashore, containing details of distance run, distance to go, ETA, speed made good, fuel consumed, fuel remaining etc. since last noon or departure from last port.

2.7 At about 1220 hours, the duty AB reported the sighting of Horsburgh Lighthouse to the 2nd Officer who then took a look at the radar. The AB continued his lookout duties and did not further communicate with the 2nd Officer until after the grounding. At about 1230 hours, the 2nd Officer finished his draft of the noon report. He then plotted the 1300 hours Dead Reckoning (DR) position, based on speed made good of 10 knots and vessel steering the same course. This 1300 DR position was about one mile before the next alteration of course. The next course would take the vessel past Horsburgh Lighthouse to starboard and to the South China Sea.

2.8 The 2nd Officer entered the noon report particulars into the bridge log book and filled up a noon report form while waiting for the water in the electric kettle to boil and prepared a cup of tea for himself. After finishing the noon report, he took out 7-8 charts used during the previous voyage to Singapore and erased the position fixes.

2.9 The 2nd Officer then updated the Muster List. Muster list contain details of the general emergency alarm signal and stipulate the duties assigned to different members of the crew. There was a change of crew during the last trip namely the Chief Officer, 2nd Engineer and Electrician.

2.10 After that he noticed that the noon report forms was running low, he then did some photocopies of the same. The photocopier machine was situated on the port side of the bridge. Thereafter he rolled up the flags that were used in port and put the flags back into the respective boxes. All this while he did not take any position of the vessel.

2.11 At about 1300 hours, the 2nd Officer took a position of the vessel using the GPS. The position revealed that the vessel had already passed 2 miles east of the alteration point. He was taken aback and started to doubt the accuracy of this position as it was some 3 miles ahead of the 1300 hours DR position. He perceived that the vessel was heading for the dangerous ground off South Ledge. Immediately he altered the ship's course by turning the knob of the auto-pilot. He depressed the knob to maintain a constant 5° change of course to port. As the vessel was swinging to port, he took a second GPS position. As he was plotting this position at about 1302 hours, a sudden heavy vibration was felt.

2.12 The vessel began to yaw violently to port. The engine was running at full sea speed of about 11 knots. Almost immediately the vessel developed a list to port. Very soon after this list, another vibration was felt and by then the Master had arrived at the bridge. A GPS position put the vessel on top of South Ledge, which at that time was below the water level and not visible. The vessel went over South Ledge from the south (Annex C) and the bottom of the forward holds was breached.

### 3 EVENTS SUBSEQUENT TO THE INCIDENT

3.1 Moments later, the Chief Engineer, Chief Officer and Radio Officer came to the bridge. The propeller pitch was then put to neutral and later the main engines was stopped by the Chief Engineer. The Master, in order to ascertain whether the vessel had been holed and taking in water, ordered the Chief Officer to check the cargo holds with one of the crew. The Chief Officer reported that water was rushing into the forward holds at a very fast rate.

3.2 The Master contacted various parties ashore i.e. VTIS and Tong Joo Shipping to advise them of the incident. He also ordered the 2nd Officer to send a distress message via the VHF set. At the same time he instructed the engineers to pump out the water from the cargo holds. However the Chief Officer reported the second time that the water level in the holds was rising very fast, indicating that the holds had been breached by contact with South Ledge rocks.

3.3 The crew had by then lowered and let go the starboard lifeboat without permission from the Master. Most of the crew was in the lifeboat with painters secured to the vessel. At about 1400 hours, a Coastal Patrol Craft - PH 50, came alongside to the starboard lifeboat to offer assistance. However the Master declined assistance and the craft went away but remained in the vicinity. PH 50 was instructed by their Command Centre to standby at the vicinity to warn passing vessels of floating debris. Later another craft, PH 57, arrived to assist in diverting traffic from the area.

3.4 The Master and Radio Officer remained on the bridge while the Chief and 3rd Engineer were in the engine room. The Chief Engineer went on deck and ordered the 2nd Engineer and both oilers to get back to the engine room to help out and they obliged. Meanwhile the list to port continued to increase and at 1500 hours the freeboard on the port side was only 1 metre. The 3rd Engineer and Bosun (who came back to the vessel from the starboard lifeboat) went to lower the port lifeboat and manoeuvred her alongside the starboard lifeboat.

3.5 At about 1600 hours, the Chief Engineer reported to the Master that water was entering into the engine room. The vessel was then listing some 15° to port and the port main deck already awash. The Master gave the orders to abandon ship soon after.

3.6 At about 1640 hours, the crew observed two deck containers falling into the sea. The vessel sunk at about 1655 hours. At 1700 hours, one tug boat picked up all the crew from the lifeboats. At about 2130 hours, they were transferred to another tug boat and arrived Singapore at about 0230 hours on 15 October 1996.

#### 4 WEATHER CONDITIONS/AREA OF INCIDENT

4.1 The weather conditions at the time of the incident were good with clear visibility, calm seas and light winds. The tidal stream was setting North-Easterly at about 2 knots. At the time of the incident, the tidal height was about 2 metres, effectively covering South Ledge.

4.2 South Ledge bears about 200° T from Horsburgh Lighthouse at a distance of about 2 miles and lies mid-point between the South and Middle Channel. It consists of 3 steep-to rocks and only the north-most of which dries. It is always indicated by heavy tide-rips or breakers. This ledge is not marked but the proximity of Horsburgh Lighthouse and other navigational aids were available to fix the vessel's position.

#### 5 FINDINGS

##### 5.1 Navigation/Safety Equipment

5.1.1 The magnetic compass, gyro compass, GPS receiver, two radars, steering gears, communication equipment and main engines were working satisfactorily prior to the incident. The safety equipment were all in good condition. All relevant nautical publications and charts were on board. The incident was not due to any mechanical, power or systems failure.

5.1.2 BA chart 3831 was being used at the time of the incident. It had been corrected up to notice number 2929/96. The planned track towards Middle Channel was plotted on the chart together with the 1100, 1130, 1200 and 1302 hours positions. The 1300 hours DR position was also shown on the chart (Annex D).



## 5.2 Pollution

There was no report of any pollution in the area. None of the fuel tanks were holed. Divers were deployed to plug all openings to prevent any escape of oil from the bunkers tanks and engine room. It was estimated that about 100 tonnes of fuel oil remains onboard the vessel. As a safety measure, Perdana Salvage and Towage Pte Ltd was engaged to conduct pollution control in the vicinity.

## 5.3 Manning

The vessel was manned by a Korean Master and Chief Engineer with 15 Filipino crew members. The Master holds a valid Korean First Class Certificate of Competency and the 2nd Officer holds a valid Philippines Second Mates Certificate. At the time of the incident, the bridge was properly manned. The 2nd Officer was the OOW and was assisted by one AB.

## 5.4 Time and location of incident

According to the 2nd Officer, he felt the first vibration at about 1302 hours ship's time. The Master, Chief Engineer, duty AB and 3rd Engineer gave the time of first vibration as after 1300 hours. According to VTIS records, the vessel was at the southern edge of South Ledge at 1311 hours. Based on the above, it was determined that the vessel's clock was about 9 minutes slow.

## 5.5 Influence on speed

The 2nd Officer plotted the 1300 DR position based on speed made good since 1030 hours at the same course. He did not take into account the tidal stream and the gradual increase of the engine's revolutions which had increased the speed made good. This failure to appreciate the above effects had contributed to the incident.

## 5.6 Fitness for duty

It is considered that fatigue was not one of the factors that might have affected the 2nd Officer's performance in this incident.

## 5.7 Performance of Master and 2nd Officer

5.7.1 The Master has considerable sailing experience and was in command since 1988, albeit initially on a limited class vessel. GICHOON was his third ship as Master with the same company. He had sailed with crew of various nationalities and there were no problems encountered.

5.7.2 The 2nd Officer regularly sails through Singapore and therefore transiting the TSS could be considered routine. Under such circumstances, familiarity could lead to a relaxation in concentration and an indulgence in non relevant activities. A relaxed attitude, due to familiarity of the area and the good weather, cannot be ruled out. His failure to plot the vessel's position regularly was due to the fact that he was pre-occupied with non relevant activities.

5.7.3 Had the 2nd Officer checked his position more frequently, he would have noted that the vessel was doing more than 10 knots and as such the alteration of course would have been sooner. After taking the 1300 hours GPS position, he should not have immediately altered course to port without ascertaining the dangers in the vicinity. It is considered that, faced with a deviation from the expected position, the 2nd Officer did not fully evaluate the circumstances and assess what appropriate action was required.

## 6 CAUSE OF THE INCIDENT

It is evident that the vessel ran aground in daylight, clear visibility and calm seas, because the vessel's position had not been fixed or plotted regularly by the 2nd Officer.

**7 CONTRAVENTION OF REGULATIONS**

This incident occurred due to the failure of the 2nd Officer to comply with the requirements of Regulation 18 of Chapter V of the Merchant Shipping (Safety Convention) Regulations (Annex E). This Regulation refers to the basic principles in watchkeeping outlined in Regulation 1 of Chapter II of the Regulations annexed to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 (Annex F).

Regulation II/1.6b (Navigation) of STCW states :

*"During the watch the course steered, position and speed shall be checked at sufficiently frequent intervals...to ensure that the ship follows the planned course."*

**8 CONCLUSION**

These conclusions identify the factors contributing to the incident.

8.1 There was a considerable difference between the 1300 hours DR and actual position. The 2nd Officer did not fully appreciate the situation and assess what appropriate action was required. His decision to make an immediate alteration to port, which resulted in the vessel passing over South Ledge, shows complete disregard of the basic principles of watchkeeping.

8.2 The lack of proper passage planning and the absence of any checks to ensure that the vessel was on the intended track also contributed to this incident.


**9 RECOMMENDATIONS**

9.1 No formal investigation is recommended as it is unlikely to shed any further light on this incident.

9.2 (a) Second Officer : Although in this case, there was no injury nor loss of lives, his apparent disregard of the basic principles of watchkeeping were serious. I therefore recommend :

- (i) that we cease to recognise his Certificate of Competency (CoC) for employment on Singapore ships; and
- (ii) send to the issuing Authority of his CoC i.e. Republic of Philippines, an abstract of this report without any recommendations.

(b) Master : In this incident, the Master had verbally informed the 2nd Officer of the time of the next alteration of course. However had he been present at the bridge during that time, this incident could have been avoided. The ordinary practice of good seamanship would have alerted the prudent Master to go up to the bridge during major alteration of courses. I therefore recommend that we counsel him accordingly.

  
**Foong Yee Kuan**  
Marine Surveyor / Nautical

Assisted by Low Koon Tiong  
Hydrographic Department

**Annex 199**

Reports of the 9th Parliament of Singapore, Volume 69,  
Column 213, Negotiations on Outstanding Bilateral Issues  
with Malaysia, dated 29 June 1998

*Oral Answers to Questions*

only 4 hours 15 minutes before the Finance Minister's statement on off-Budget measures to be taken, he will also highlight the inadequacy of some of the measures taken so far in view of the current economic slowdown.

### TAXES ON PETROLEUM (Reduction)

10. Mr Chuang Shaw Peng asked the Minister for Finance whether he will consider cutting taxes for petroleum as one of the off-Budget measures to reduce variable cost of transportation so as to stimulate the economy.

**Dr Richard Hu Tsu Tau:** Mr Speaker, Sir, the duty on petrol is one of the measures employed to curb excessive vehicle usage and minimize congestion on the roads. Reducing duty on petrol will affect our traffic management efforts. We will have to rely more heavily on measures such as the Electronic Road Pricing (ERP) System. Until and unless the ERP has been fully and comprehensively implemented covering all the necessary roads, it will not be prudent to reduce the petrol duty.

### NEGOTIATIONS ON OUTSTANDING BILATERAL ISSUES WITH MALAYSIA (Update)

11. Mr Hawazi Daipi asked the Minister for Foreign Affairs if he will give an update on the negotiations regarding outstanding bilateral issues with Malaysia.

**The Minister for Foreign Affairs (Prof. S. Jayakumar):** Mr Speaker, Sir, I last informed this House about Malaysia-Singapore relations during our sitting on 13th March 1998. On that occasion, Members will recall that I ran through the various items mentioned in the Joint Communiqué issued after our Prime Minister's visit to Kuala Lumpur in February 1998. I told the House that there had been progress in bilateral relations, but I also cautioned that several outstanding issues remained unresolved. This remains the situation.

On Pedra Branca, on 14th April 1998, officials from both sides finalised the text of a Special Agreement to refer Malaysia's

claim to Pedra Branca to the International Court of Justice. This is a positive development which brings the Pedra Branca dispute one step closer towards resolution.

However, there has been less progress on other issues such as the long-term supply of water to Singapore and the development of Malayan Railway Land.

On water, the Joint Communiqué issued in February 1998 contained a general undertaking that Malaysia would continue the supply of water to Singapore beyond the expiry dates of the 1961 and 1962 Water Agreements. This was to have been confirmed in a formal Water Agreement within sixty days from the issuance of the Joint Communiqué. However, both sides have not been able to meet the deadline.

What Singapore seeks is not just a general undertaking but a formal, legally binding, Water Agreement which sets out clearly the terms and conditions for the supply of water after the present Water Agreements run out in 2011 and 2061 respectively. This will avoid future disagreements after the present leaderships in both Singapore and Malaysia are no longer around.

There had been several rounds of negotiations before the deadline. But we had not reached agreement on a formal Water Agreement. We will continue discussions with the Malaysians when they are ready.

Sir, the region is in the grips of an economic crisis. Both Singapore and Malaysia are affected. In times of difficulties, both countries should enhance their cooperation and minimize the areas of disagreements. The two Prime Ministers have discussed financial cooperation but no agreement has yet been reached on specific measures of cooperation.

Other issues which have been discussed include the outstanding matters relating to the Points of Agreement (POA) on Malayan Railway Land in Singapore and withdrawal conditions for West Malaysians' CPF savings. Minister Lee Boon Yang told this House on 1st June 1998 that the CPF withdrawal conditions can be

**Annex 200**

Investigation Report on Grounding of MT Ocean Gunard  
on 6 August 1998

CA 366

INVESTIGATION  
INTO THE GROUNDING  
OF  
MT "OCEAN GURNARD"  
AT SOUTH LEDGE,  
OFF  
HORSBURGH LIGHTHOUSE,  
SINGAPORE  
ON  
6 AUGUST 1998

CA 366

**INVESTIGATION INTO THE GROUNDING OF TANKER MT  
"OCEAN GURNARD " AT SOUTH LEDGE, OFF  
HORSBURGH LIGHTHOUSE ON 6 AUG 1998**

CONTENTS

**A) REPORT**

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5. Recommendations	10

**B) LIST OF ANNEXES**

Annex A	Particulars of OG.
Annex B	Statements from OG.
Annex C	Certificates.
Annex D	Extracts.
Annex E	Chart used by OG.
Annex F	Crew List of OG.
Annex G	VTIS printout and Verbatim
Annex H	Incident Report and MPA Press Release.
Annex I	Miscellaneous Documents and Papers.

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CA 366

**A) REPORT****INVESTIGATION INTO THE GROUNDING OF TANKER MT "OCEAN GURNARD " AT SOUTH LEDGE, OFF HORSBURGH LIGHTHOUSE ON 6 AUG 1998****SYNOPSIS**

Times quoted are Singapore time.

- 1 On 6 August 1998, MT Ocean Gurnard (OG), a Singapore registered tanker, ran aground at South Ledge (01°18'N 104° 24'E), about 2.3 nautical miles south southwest of Horsburgh Lighthouse. This position is within the Singapore Territorial Waters. OG was loaded with 12,600 tonnes of marine gas oil at Singapore and was destined for Hong Kong when the grounding occurred.
2. The grounding occurred at about 2100 hours with the vessel forward compartments breached and water entered the No. 1 cargo hold which was empty at that time. The vessel freed itself from the shoal and anchored about 3 cables off South Ledge Rocks. The vessel's No. 4 and 5 port cargo oil tanks sustained large cracks and about 400 tonnes of marine gas oil leaked into the sea and evaporated. (see Annex C, Class fitness and diver report.)The forward main deck was awash with sea waters to a distance of about 8 metres aft of the forepeak store and water flooded the forepeak store up to knee high level. The water did not recede further and the vessel was not in danger of sinking. The vessel was about 3 metres down by the head. There were neither major oil pollution nor any injury to the crew.
3. After the vessel anchored, salvage tugs with divers were at the scene for oil pollution control. All the remaining marine gas oil onboard the OG was transferred to another company ship, the MT OCEAN SEAL. After the cargo was transferred the vessel was surveyed by the vessel's Classification Surveyor (NK Class) and certified that the ship was not in danger of sinking and fit to proceed into port for repairs.

**SEQUENCE OF EVENTS LEADING TO THE GROUNDING**

4. OG was built in 1995 at Hitachi Zosen Shipyard in Japan for Ocean Tankers. She was 120.1 metres in length, 21.9 metres in breadth and Gross Tonnage of 7463 (Annex A). She has a single Controllable Pitch Propeller



(CPP) and is equipped with magnetic compass, gyro compass, Global Position System (GPS) receiver, two radars (without ARPA) and radio communications equipment. (see Annex A, Particulars of OG.)

5. The vessel was a tramper. Her last voyage was from Singapore to Fuzhou, PRC. The vessel arrived at Singapore Western OPL and remained at anchorage waiting for loading instructions. The Third Officer was transferred from another Ocean Tanker vessels the Ocean Swift in Singapore. He had served onboard the OG for about 3 weeks before the grounding occurred. Since joining OG, the vessel laid at anchor waiting for loading instructions. The Master has been working for Ocean Tankers for about 3 years and had about 6 years experience as Master on tankers.
6. On 6 August 1998, the vessel completed loading of marine gas oil and departed Singapore at about 1235 hours. The vessel sailed with an even keel draught of 8.07 metres. The engine was rung "Full Away of Sea Passage" proceeding at economic speed at about 1500 hours. The ship was making a speed of about 11 knots.
7. The Master remained on the bridge till 1700 hours and left the bridge after satisfying that all in order and traffic in the Singapore Strait was not causing concern. From time to time, he would come to the bridge to check on the traffic. He would remain on the bridge for a short period and after ensuring that all in order, he would go to his cabin which was situated close to the bridge and was a flight of steps from the chart room.
8. At about 1940 hours, the duty AB (Mr. Lin RU AN) reported to the bridge for duty. He took over the lookout watch and was informed that the ship was steering a course 087° True. The Third Officer (Mr. Soe Hlaing) came to the bridge at about 1945 hours. After checking the chart, the ship's course and upon satisfying himself that all were in order, he took over the navigation from the Chief Officer at about 1950 hours.
9. The Master came to the bridge at about 2000 hours to monitor the traffic and to check on the Third Officer as such this was the Third Officer's first navigating watch since joining the ship 3 weeks ago. At 2015 hours, the Third Officer took a radar fix using a bearing and distance off Tg. Setapa. (see Annex E, chart used by OG.) At 2030 hours, another radar fix was obtained. The Master found both the positions correct and asked whether the Third Officer knew when to alter course and where Horsburgh lighthouse was at that time. The Third Officer calculated the time of course alteration at about 2040 hours and also the estimated time the vessel would be abeam to Horsburgh lighthouse at about 2050 hours.
10. The Master further asked the Third Officer whether he knew what to report when the vessel was abeam of Horsburgh lighthouse. The Third Officer replied in the affirmative. The Master pointed the flashing lights of the Horsburgh lighthouse to the Third Officer, which was about 1 point on the vessel's port bow at that time. The Third Officer acknowledged and informed

the Master that he had navigated through the Strait of Singapore many times in his previous vessels.

11. Having satisfied that the Third Officer knew what to do, the Master left the bridge at about 2036 hours to have his snack in his cabin with the intention of coming back on the bridge when Horsburgh lighthouse was abeam.
12. After the Master left the bridge, the Third Officer took a radar fix and went into the chart room to plot the position. He remained in the chart room and came out to the wheelhouse when the duty AB informed him that there was a vessel on the starboard quarter about to overtake the ship. The Third Officer went to the starboard bridge window and took a glance at the ship. The time was about 2040 hours and it was time to alter course.
13. After sighting the vessel which was proceeding in the same way, the Third Officer informed the duty AB to alter course to 080° True. This was not the proposed course as laid on the chart. The actual course was 050° True. The Third Officer had given the duty AB the wrong course. The duty AB went to the steering console and adjusted the auto pilot knob and set the course to 080° True. Once the course reached 080° True, he reported the course to the Third Officer. The Third Officer acknowledged and went into the chartroom. The chartroom was situated behind the wheelhouse and was separated from the wheelhouse by a drawn curtain. The Third Officer did not check the gyrocompass or lookout of the bridge window to see where Horsburgh lighthouse was. (After the alteration of course, Horsburgh lighthouse was to lie on the starboard bow and not on the port bow.) He also did not take a ship position.
14. Inside the chartroom, the Third Officer filled in the deck log the position and time the ship altered course. After completing filling the deck log, he read the night order book and signed the book accordingly. He remained in the chartroom for about 10 minutes and came to the wheelhouse when the duty AB informed him that someone was calling OG on the VHF.
15. When the Third Officer was inside the chartroom, the duty AB was keeping a lookout. The weather was fine and visibility was greater than 6 nautical miles. There was no moonlight and the horizon was in pitch darkness. The light from the Horsburgh lighthouse was strong and its flashes shone into the wheelhouse of OG. There was some traffic that was about to join the TSS at the terminal. The duty AB saw a dark shadow right ahead and it was quite a distance away. He could not make out what it was and thought that it was some reflected images from the cloud. He continued to monitor further before reporting it to the Third Officer. There was no light to indicate whether it was a vessel.
16. A short while later, the VTIS called OG. The duty AB heard the call but could not confirm that the VTIS was calling OG. He bent down placing his ear to the speaker and increased the volume control of the VHF set. At the same time he informed the Third Officer that someone was calling the ship.

17. The Third Officer came to the wheelhouse to check the call. At this moment, the duty AB saw the dark object appeared very close by and raised the alarm by pointing at the dark object and calling out to the Third Officer. The Third Officer turned towards the direction where the AB had pointed and saw the silhouette of a bow of a vessel.
18. The Third Officer rushed to the auto pilot knob and turned the knob towards starboard. A short while later, the ship responded and the bow turned towards starboard. At this moment, a jolt followed by a strong vibration and the ship listed slightly (about 1.5°) to starboard. The ship continued turning to starboard.
19. The Master was in his cabin having his snack when he felt the ship vibrating strongly. He rushed onto the bridge and stationed himself at the centre gyro repeater and lookout into the horizon for signs of any ship. At that moment, he thought that the vessel had collided with another vessel.
20. The Master saw the bow of an unlit vessel fine on the port bow and falling backwards. He ordered manual steering and wheel hard starboard. The duty AB changed to manual steering and placed wheel hard starboard. When the bow of the unlit vessel was abeam of the vessel about 20 metres away, the Master saw the funnel and realized that it was a wreck. As the vessel was turning to starboard, the Master worried that the propeller would come into contact with the wreck and ordered wheel hard over.
21. The helm was turned to hard port but the rudder indicator showed that the rudder was at about 10° starboard. The Master saw the ship's bow continued swinging to starboard and continuously yelled at the AB for hard port wheel. The AB replied that the helm was hard port but the rudder remained at starboard 10°.
22. The Master realized that the vessel was grounded and the ship's bottom was shearing over the submerged shoal. The vessel continued to turn to starboard despite the helm being at full port. Before the Master could stop the engine, the vessel had turned around and the bow was heading for the wreck, which was about 1.5 cables away. The Master ordered full astern engine and wheel amidship.
23. The emergency alarm was sounded and the Chief engineer, Second officer and Chief Officer came to the bridge. The other crewmembers mastered in the emergency position with their lifejackets on. The Master ordered the Chief Officer to forward anchor station.

#### SEQUENCE OF EVENTS AFTER THE GROUNDING

24. The Chief Officer closed up anchor station and reported to the Master that the forepeak store was flooded. After going astern for about 6 minutes the Master ordered let go anchor at about 2108 hours. At this time, the vessel's bow was

- down and seawater was awash on the main deck. The radio officer who was on the bridge asked the Master whether he should send out a distress message. After hesitating for awhile, the Master agreed and a distress signal was broadcasted.
25. At about 2115 hours, the bow stopped sinking and the seawater awash on the main deck did not advance further backwards. The seawater flooded to knee height and advanced to about 8 metres backward from the entrance of the forepeak store. In order to ascertain that the vessel was not sinking and taking in further water, the Master ordered the Chief Officer and Chief Engineer to check all cargo holds and tanks.
  26. At the meantime the Master contacted various parties ashore i.e. VTIS and Ocean Tankers to advise them of the incident. The Japanese Maritime Safety Agency called the vessel via inmarsat phone and the Master confirmed that the vessel was no more in danger of sinking. The same message was relayed to the VTIS. The distress message was cancelled.
  27. After assessing the damage, marine gas oil about a square metre in area was found bubbling to the surface of the seawater beside port cargo oil tanks number 4 and 5. Oil dispersants were sprayed onto the marine gas oil.
  28. At about 2200 hours, a salvage tug came alongside and took soundings all around the ship. The sounding indicated that the vessel was not grounded at the anchor position and there were about 32 metres of water all round the vessel. (see Annex D, extract from the sounding record.) At the same time, oil booms were rigged around the ship to confine the pollution. The tug crew sprayed chemical dispersants to disperse the marine gas oil. After 3 hours, there were no further signs of marine gas oil leaking from the tanks. A total of about 400 tonnes of marine gas oil were reported to have leaked into the sea.
  29. On 7 August 1998 at about 1700 hours, a company tanker the OCEAN SEAL came alongside the OG to off load all remaining cargoes. On 9 August 1998 at about 0855 hours cargoes transferred from OG to OCEAN SEAL were completed.
  30. With the tanks gas freed, the ship's Classification (NK Class) surveyor carried out a thorough survey on the vessel. Underwater divers surveyed the bottom hull and found the bottom hull from the bulbous bow to number 1 cargo tank sustained heavy indentation and tearing of the shell plating. Extensive cracks were found in forepeak tank, number 1 water ballast tank, forward pump room, number 1, 4 and 5 cargo oil tanks. ( see Annex C, Certificate of fitness and diver report.)
  31. The engine and steering gears were not damaged. The surveyor was of the opinion that the vessel was in a condition fit to proceed from the anchorage to a repair yard in Singapore for permanent repairs. OG shifted anchorage on 10 August 1998 at about 0650 hours. She anchored at Sultan Shoal western anchorage at about 1620 hours waiting for dock availability. The vessel went

into Hitachi Zosen dockyard at Tuas on 17 August 1998 Noon for permanent repairs.

## **FINDINGS**

### **Condition of the Vessels**

32. The safety certificates of OG was valid (see Annex C). The machinery, steering gear and the navigational equipment was working satisfactory prior to the grounding. All relevant nautical publications and charts were on board. The grounding was not due to any machinery or equipment failure.

**Manning** (see Annex C for Master and Third Officer CoC, Annex D for Ocean Tankers Recruitment Manual and Annex F for crew list.)

33. The vessel was manned by 21 crew consisting of 4 senior South Korean officers, 4 junior Myanmar officers and 13 Peoples Republic of China (PRC) ratings. At the time of the grounding, the Third Officer, a Myanmar national was having the con and was assisted by one AB. The Third Officer holds a valid Third Mate Certificate of Competency for foreign going trade issued by the Government of the Union of Myanmar's Ministry of Transport, Department of Marine Administrative. The Master holds a valid Korean First Class Deck Officer Certificate of Competency issued by the Authorities in the Republic of South Korea. The vessel's other deck officers and engineers were holding appropriate certificates issued by their respective Governments. The vessel was properly manned.

### **Weather and Tidal Conditions**

34. The weather condition at the time of the incident was good with partly cloudy sky and visibility greater than 6 nautical miles. The sea was calm and winds light. The tidal stream was setting South-Westerly at about 1 knot. At the time of the incident, the tidal height was about 1.8 metres, effectively covering South Ledge. The weather and tidal condition were not contributory factors to the grounding.
35. South Ledge bears about 200° T from Horsburgh Lighthouse at a distance of about 2 miles and lies mid-point between the South and Middle Channel. It consists of 3 steep-to rocks and only the north-most of which dries. Heavy tide-rips or breakers always indicate it. This ledge is not marked but a wreck (MV GICHOON) which ran aground on the rocks in 1996 is prominent and visible to the naked eyes in all tidal conditions. When using radar, the wreck is highly conspicuous on the radar screen. The proximity of Horsburgh Lighthouse and other navigational aids were available to fix the vessel's position.

**Time and location of grounding (see Annex E)**

36. According to the Master, he felt the vibration at about 2100 hours. The Third Officer did not take down the time or position when the first vibration was felt. Records from the VTIS verbatim showed that the VTIS operator called OG at about 2058 hours. From the duty AB and Third Officer's statements, the ship did not reply to the VTIS, as they were not sure who called them. About a minute passed they felt the vibration. In my opinion, the ship was grounded very close to 2100 hours as reported by the Master. The time of grounding is insignificant in this case.
37. Based on the Master's statement and the damage sustained as reported in the Class surveyor's report (see Annex C), OG did not hit any of the South Ledge rocks nor the wreck of MV GICHOON. OG ran over the 9, metre shoal (01° 17.6'N 104° 23.6'E) which is situated at the southern most tip of South Ledge.

**Speed of OG**

38. According to the VTIS printout, the heading and speed of OG over the ground when she ran aground was 077° and 10.4 knots. Based on the AB's statement, the ship was steering a course of 080° True and was in economical full speed ahead making a speed of about 11 knots. Speed of OG was not a contributory factor to the cause of grounding.

**Movement of OG recorded by VTIS (see Annex G)**

39. OG left the western OPL and reported to the VTIS. OG was infolinked and tracked by the VTIS when she was abeam to Western Buoy. At about 2057 hours, the VTIS operator sensed that something was wrong with OG's navigation when her projected track was heading for the South Ledge. At this instant, OG was about 1 nautical mile outside the TSS line. The distance from the point of alteration of course as in the chart to South Ledge was about 2.8 nautical miles. OG was steering a course of about 077° and she did not alter course to 050° True to follow the flow of traffic. OG had at this point entered the danger sector (1 nautical mile radius around the South Ledge) and the VTIS operator called OG to warn her of South Ledge Shoal that lies ahead. (see Annex E.) Many attempts were made over the VHF to contact OG but failed because of OG's poor lookout. In my opinion, the VTIS had done their duty by calling the OG. It was OG's poor lookout (inclusive of hearing by definition under the COLREGS) that caused them not responding to the VTIS's calls.

**Fitness for duty**

40. Fatigue was not one of the factors that might have affected the Third Officer's performance in this incident. The ship is a "dry" ship and liquors are not sold

onboard. The Master confirmed that the Third Officer was not under the influence of alcohol when the grounding occurred.

### Conduct of Navigation

41. OG 's passage plan was in place when the vessel sailed for Hong Kong. (see Annex D, Passage plan of OG.) The passage plan clearly states that the Officer of the Watch (OOW) must keep clear of all shallow patches and wrecks and to maintain a minimum under keel clearance of at least 3.5 metres. The Master's standing order also contained a comprehensive list of instructions for the OOW includes the checking of courses and etc. (see Annex D, Master Standing Order.)
42. Based on the ship's chart and the Third Officer's statement, it was evident that the Third Officer was not following the instructions as laid down by the Master. At the time of course alteration, the Third Officer did not check the course as lay on the chart and had given the wrong course to the duty AB. He also did not take position to ascertain the ship position after a course alteration. If he had taken a position immediately after the course alteration, he would have realized that he had given the wrong course to the duty AB. Furthermore, he did not supervise the execution of the course alteration. He merely allowed the duty AB to adjust the auto pilot knob setting to the new course. The Third Officer did not check the new course nor determine the ship's heading after the alteration. For a prudent mariner at that time, an alteration of course would place the Horsburgh lighthouse on the starboard bow instead of remaining at the port bow. The Third Officer did not bother to lookout of the horizon nor checked his radar to see where the ship was heading. Instead he went into the chartroom to do unnecessary and unimportant chore such as the filling of information on the deck log book. He remained in the chartroom for too long and no position was taken since 2036 hours to the time of grounding. Had he taken a position at 2045 hours (based on 15 minutes interval as per Master's standing instructions) and took appropriate action to bring the ship back on track, he would have averted the ship from grounded.
43. The Third Officer had worked for Ocean Tankers for about 2 years and had regularly sailed through Singapore and therefore transiting through the Singapore Strait could be considered a routine. Under such circumstances, familiarity could lead to a relaxation in concentration and an indulgence in non-relevant activities. A relaxed attitude due to familiarity of the area and the good weather cannot be ruled out. His failure to plot the vessel's position regularly was due to the fact that he was pre-occupied with non-relevant activities.
44. Based on the Third Officer previous experience the Master felt that he could entrust the navigational watch to him. The Master stayed on the bridge from 2000 to 2036 hours to judge the Third Officer's performance. After ensuring (including pointing the location of the Horsburgh lighthouse and questioning the Third Officer when to alter course and report to VTIS) that the Third Officer knew what to do, the Master felt comfortable to leave the job of a routine course alteration to him. Before leaving the bridge he also ensured that there

were no traffic causing concern and intended to return to the bridge before the ship was abeam of Horsburgh lighthouse. In the interview conducted at Shipping Division, the Master did not evade responsibility to the grounding. Instead he showed remorseful for not staying on the bridge for another few minutes to ensure that the ship altered its course correctly. The Master also admitted (see Annex B, Master's statement Q 10.) that it was his mistake to trust the Third Officer fully.

### CONTRAVENTION OF REGULATIONS

45. The grounding occurred due to the failure of the Third Officer to comply with the requirements of Regulation 18 of Chapter V of the Merchant Shipping (Safety Convention) Regulations. This Regulation refers to the basic principles in watchkeeping outlined in Chapter VIII of the Regulations annexed to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 as amended. (Annex D, extract from Chapter 8 of STCW95.)

Regulation VIII para 24 of STCW states:

*"During the watch the course steered, position and speed shall be checked at sufficiently frequent intervals...to ensure that the ship follows the planned course."*

### CONCLUSION

46. It is evident that the vessel ran aground in clear visibility and calm seas because of the Third Officer's negligence. He had given the wrong course to the duty AB to execute and he failed to fix or plot the vessel's position at regular intervals especially after an alteration of course. He showed complete disregard to the basic principles of watchkeeping and failed to navigate the vessel in a professional and cautious manner as required by the ordinary practice of good seamanship

### RECOMMENDATIONS

47. I do not recommend further investigation, as it is not likely to shed further light on the incident.
48. Although there was neither injury nor loss of lives in this grounding incident, serious oil pollution could have resulted if the vessel was carrying heavy fuel oil or other hazardous cargoes. The Third Officer apparent disregard of the basic principles of watchkeeping was serious. I recommend:
- (i) that we cease to recognise his Certificate of Competency (CoC) for employment on Singapore ships;
  - (ii) that he be compound fined S\$1000.00 (maximum) under the Merchant Shipping (Composition of Offences) Regulations for



contravening section 100 (2) (g) and (5) of the Merchant Shipping Act (Chapter 179) for not complying with V/18 (Basic Principles to be observed in Keeping a Navigational Watch.) of our Merchant Shipping (Safety Convention) Regulations; and  
(ii) (iii) that we send to the issuing Authority of his CoC i.e. Republic of the Union of Myanmar an abstract of this report without any recommendations.

49. In this incident, the Master had checked with the Third Officer the time of course alteration. Furthermore he had given instructions to the OOW as recorded in the passage plan and Master Standing Instructions. The Third Officer had acknowledged these instructions. However had he been present at the bridge during that time, the grounding could have been avoided. The ordinary practice of good seamanship would require a prudent Master to be present on the bridge during a major alteration of course. I therefore recommend that the Master be compound fined S\$250.00 under the same regulations as for the Third Officer.

  
Foong Kah Keong  
Marine Surveyor / Nautical

**Annex 201**

**Report on Hydrographic Survey around the Waters of Pedra  
Branca, Middle Rocks and South Ledge (2003)**

**REPORT ON HYDROGRAPHIC SURVEY AROUND THE WATERS OF PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE CARRIED OUT BY THE MARITIME AND PORT AUTHORITY OF SINGAPORE (MPA), 8<sup>TH</sup> APRIL TO 13<sup>TH</sup> APRIL 2003**

## **INTRODUCTION**

1 Three MPA vessels, namely, "Mata Ikan", "Discovery" and "Investigator" were deployed to carry out the hydrographic survey around the waters of Pedra Branca, Middle Rocks and South Ledge from 8<sup>th</sup> April 2003 to 11<sup>th</sup> April 2003. The sea state was favourable for acquisition of good quality data as minimal ambient noise was experienced. This made it possible to increase the swath width of the multibeam echo sounder system, which facilitated faster and larger coverage of the survey area.

2 A total of 24 personnel comprising hydrographic surveyors, technical support, crews of vessels were deployed. Taking advantage of the daylight hours, survey operation commenced each day at 0700 hours and completed at 1930 hours. Data processing and quality assurance were carried out daily by the post-processing teams onboard "Mata Ikan" from 0700 hrs to 2300 hours. The survey operations were completed 2 days ahead of schedule.

## **OBJECTIVE OF THE HYDROGRAPHIC SURVEY**

3 The objective of the hydrographic survey was to obtain 100% ensonification of the seabed covering Pedra Branca, Middle Rocks, South Ledge, Middle channel and South channel for the purpose of constructing a 3-dimensional digital terrain model.

## **SURVEY LIMITS**

4 The survey limits covered an area of 61.23 square kilometers, bounded by the following coordinates:

- a. 01° 21.00'N, 104° 22.50'E;
- b. 01° 21.00'N, 104° 26.50'E;
- c. 01° 16.50'N, 104° 22.50'E, and
- d. 01° 16.50'N, 104° 26.50'E;

- 5 A plan showing the survey limits is attached as **Annex A**.

#### **EQUIPMENT DEPLOYED**

6 Depths were acquired using the Reson SeaBat 8101 multibeam echo sounder system transmitting at 240 kHz, which has an operating depth of up to 500 metres (refer to **Annex B**). The system transmits 101 beams with each horizontal beamwidth measuring 1.5°. The range resolution is 1.25 cm.

7 TSS POS/MV 320 model motion sensor is a DGPS aided inertial navigation system that is integrated with the multibeam echo sounder system. The system comprises a compact inertial measurement unit, POS/MV computer system and two global positioning system antennas. The hydrographic survey data acquisition system is controlled and monitored via a Windows-based software programme.

8 Position were obtained from Ashtech Differential Global Positioning System model GG24 providing an accuracy of  $\pm 2$  metres. A reference station was established on Horsburgh Lighthouse and the differential correction signals transmitted via a UHF transmitter.

#### **CONDUCT OF HYDROGRAPHIC SURVEY**

9 Positional reference checks were made at the beginning and end of each day's survey against a cut mark on Horsburgh Lighthouse jetty. The positional integrity was monitored via the TSS POS/MV software and a maximum of  $\pm 2$  metres margin of error was set. This tolerance was not exceeded throughout the duration of survey operations.

10 Sound velocity profile of the water column were measured by a SV Plus Microelectronics velocimeter by each survey vessel before commencement of the survey operations, up to the maximum depth to be surveyed. The sound velocities measured were between 1543 to 1544 metres per second throughout the water column, which signified a well-mixed water column within the survey area.

11 Tidal heights for the reduction of bathymetric data were measured from the benchmark established at the southern end of the jetty. Tidal heights were measured and recorded at 10 minutes interval.

12 Generally, survey lines were ran parallel to the seabed contour to optimize the coverage. A 20% overlap between survey lines was planned and executed, except in shallower waters of lesser than 10 metres, where a larger overlap area

was planned and achieved to ensure all shoals and obstructions were detected and verified.

13 To minimize ambient noise and ensure acquisition of high quality data, the data used for processing were restricted to 60° to 70° swath width on both channels. A grid size of either a 1-metre or 2-metre square was set for the acquisition of data. The selection of appropriate grid size depended on the seabed topography ie. a smaller setting for undulating seabed terrain to ensure better depiction of the seabed topography.

## ANALYSIS OF BATHYMETRIC MEASUREMENTS

14 The multibeam sonar system was able to achieve 100% ensonification of the seabed, which provided the data to create 3-dimensional digital terrain models of varying grid sizes ie. from 3, 10 and 20 metres.

15 Survey results revealed that the seabed contours generally matched that of the charted information. It was observed that the seabed contours lie in the general direction of 060° and 240°. About 69% of depths were mainly between 20 to 40 metres below chart datum. The breakdown of the percentages in terms of depth of 10-metre band are shown below:

0 - 10 metres	-	1.0%
10.1 - 20 metres	-	5.0%
20.1 - 30 metres	-	51.0%
30.1 - 40 metres	-	18.0%
40.1 - 50 metres	-	6.0%
50.1 - 60 metres	-	9.0%
60.1 - 70 metres	-	9.0%
70.1 - 80 metres	-	1.0%

16 Within the radius of 350 metres from Pedra Branca, rock outcrops were found lying on the east, which is linked via an underwater ridge of less than 10 metres as shown in **Annex C**.

17 At a radius of about 1 kilometre (0.6 nautical miles) from Pedra Branca lying in the direction of 170° are Middle Rocks as shown in **Annex D**. Based on the bathymetric results, Pedra Branca and Middle Rocks appear to be clearly linked by an underwater ridge at the depth of less than 20 metres that curved southward from the rock outcrops east of Pedra Branca. Photographs of Middle Rocks at tidal height 2.2m (High water) and 0.867m (Low Water) are shown in **Annex E**.

18 Further south of Middle Rocks lies South Ledge, which is about 4 kilometres (2.1 nautical miles) from Pedra Branca (in the direction of 190°) and 3

kilometres (1.6 nautical miles) from Middle Rocks. South Ledge is separated from Middle Rocks by a channel which measures 30 to 40 metres deep at its deepest. There appears to be a gradually sloping underwater ridge extending north-eastwards from South Ledge towards Middle Rocks. After extending for 1.5 kilometres (0.8 nautical miles), this ridge merges into the surrounding seabed. The remainder of the distance between South Ledge and Middle Rocks is characterized by patches of outcrops (in the 25 to 30 metres depth range) extending along the same axis as that of the ridge as shown in **Annex F**. Photographs of South Ledge taken at different tidal heights from 2.2m to 0.867m are shown in **Annex G**.

19 To the north-west of Pedra Branca, Middle Rocks and South Ledge run the Middle Channel, with depths exceeding 60 metres.

## CONCLUSION

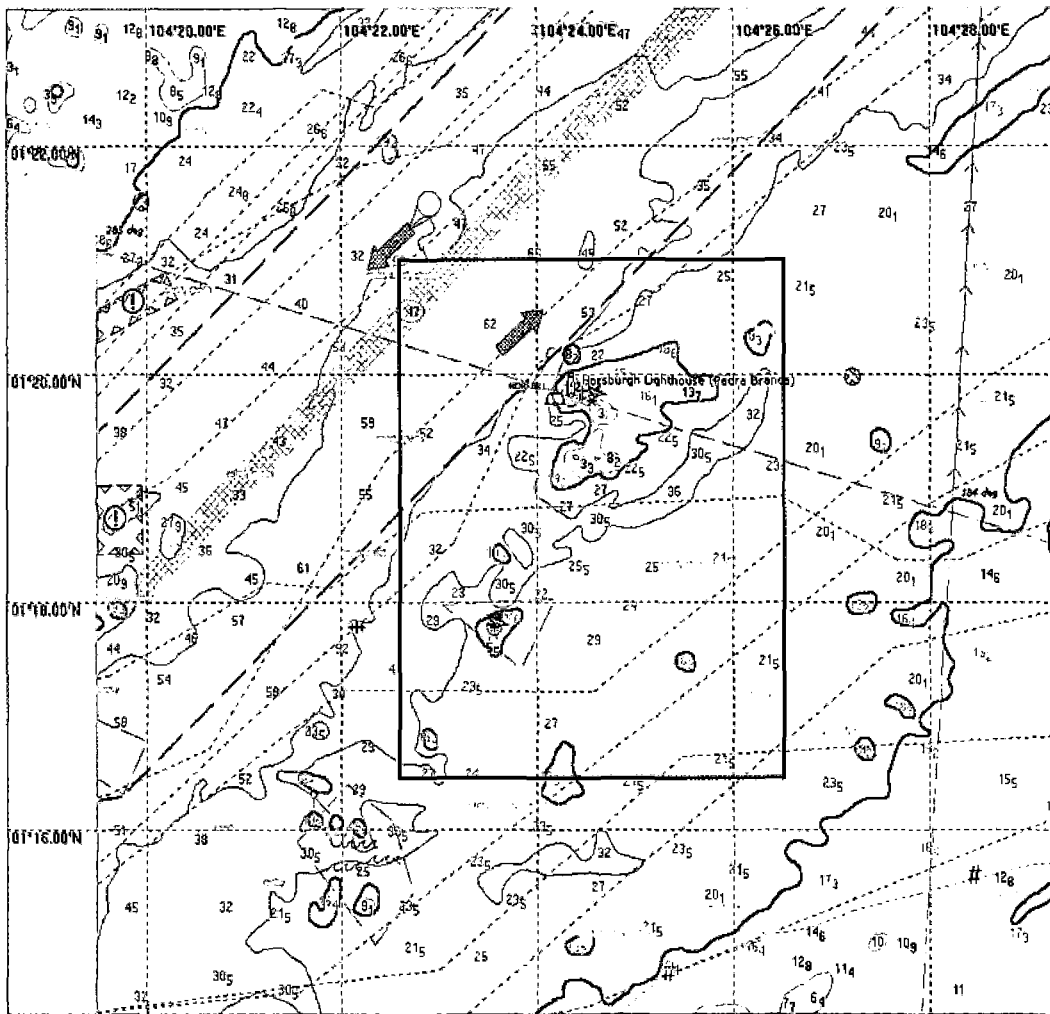
20 From the hydrographic survey, the following conclusions could be derived from analysis of the results :

- a. Pedra Branca and Middle Rocks appear to be a single rock formation. Based on bathymetry, there exists a clearly observable underwater ridge at the depth of less than 20 metres that curved southward from east of Pedra Branca linking with Middle Rocks; and
- b. Although the South Ledge and Middle Rocks are separated by a channel measuring 30 to 40 metres at its deepest, this channel is much shallower than the Middle Channel, which runs to the north-west of both Middle Rocks and South Ledge.

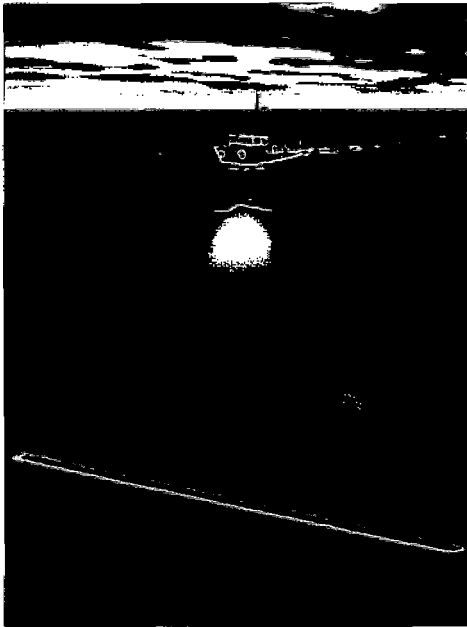
Parry S. L. Oei  
Hydrographer  
Maritime and Port Authority of Singapore

Annex A

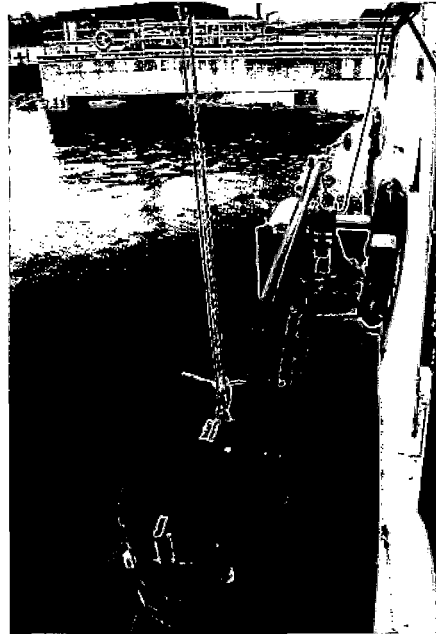
**SURVEY LIMITS**



MULTIBEAM SONAR SYSTEM



SWATH WIDE



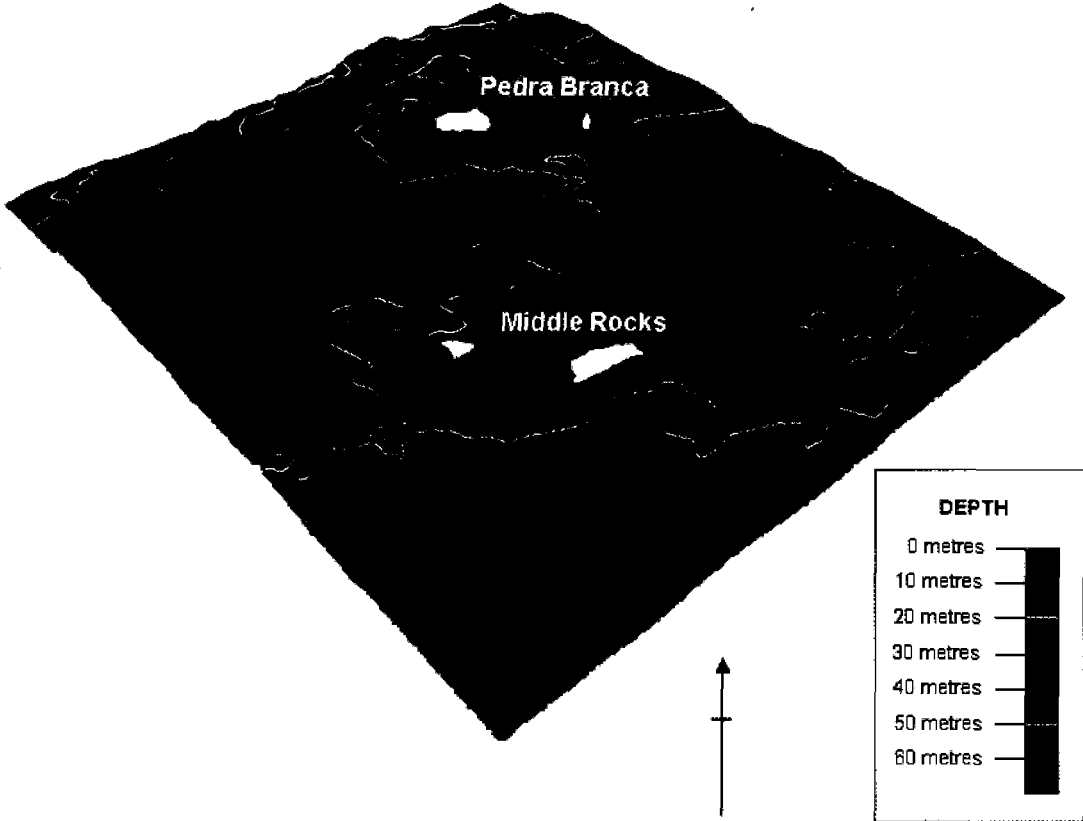
TRANSDUCER

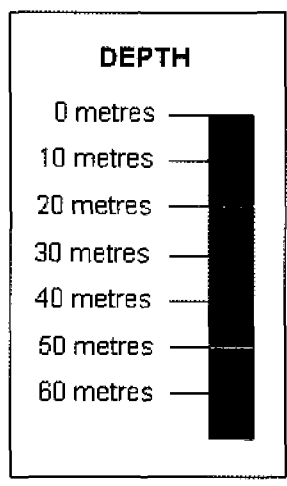
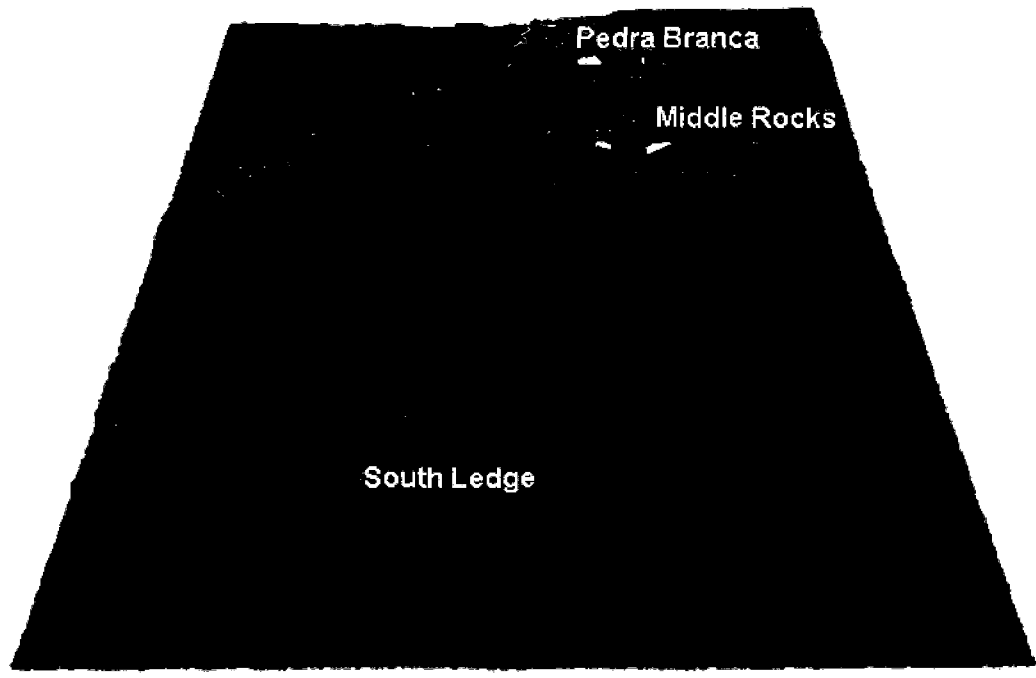


SURVEY VESSEL



Annex C



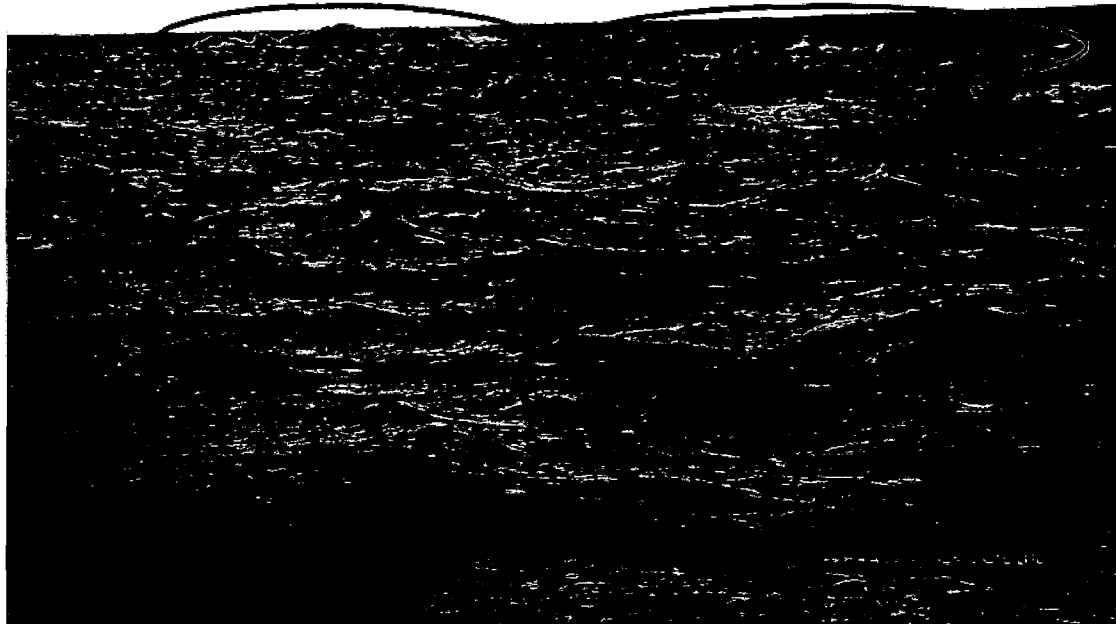


Annex E

Middle Rocks  
Tide 2.2m  
Time 0948hrs

Eastern Middle Rocks

Western Middle Rocks



Middle Rocks  
Tide 0.867m  
Time 1630hrs

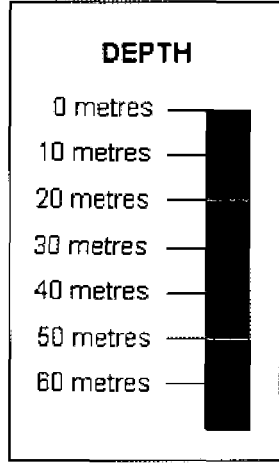
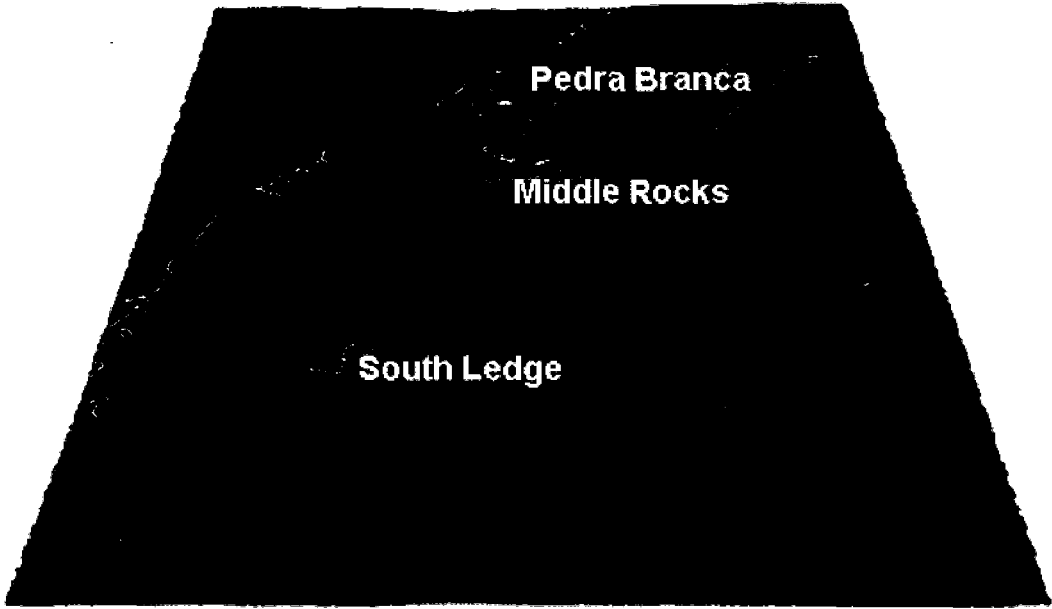
Eastern Middle Rocks

Shallow Patch  
(Shown during Low tide)

Western Middle Rocks

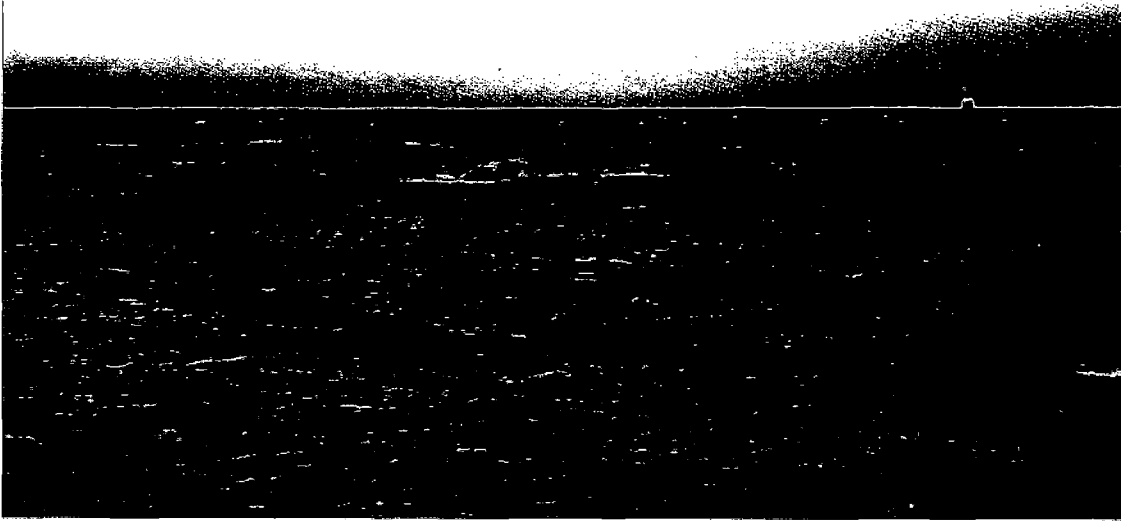


Annex F



ANNEX G

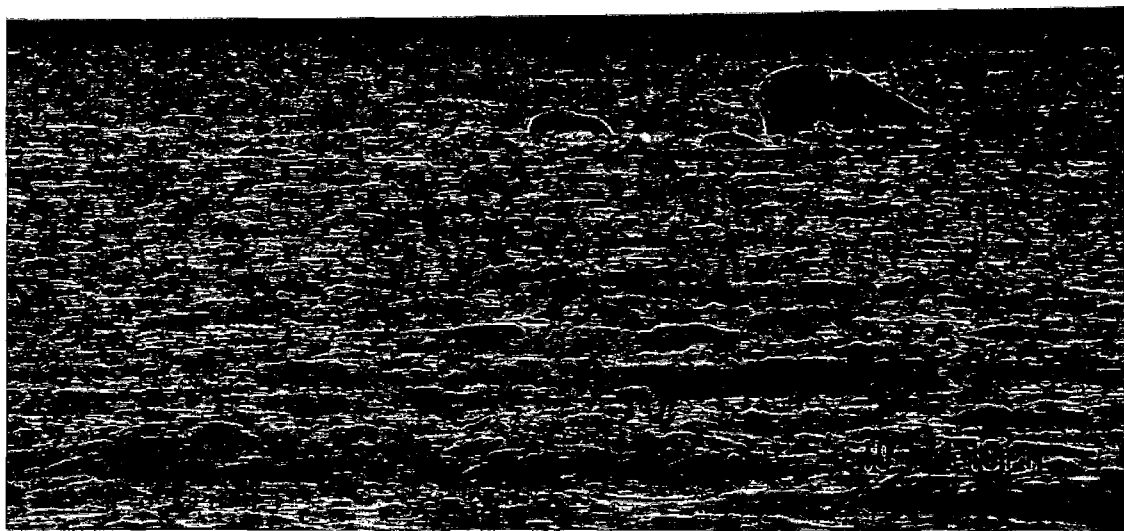
South Ledge  
Tide 2.2m



South Ledge  
Tide 0.89m



South Ledge  
Tide 0.89m



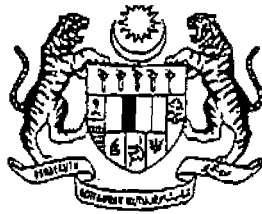
South Ledge  
Tide 0.89m





**Annex 202**

Malaysia's Note No. EC 65/2003 dated 30 June 2003



EC 65/2003

The Ministry of Foreign Affairs, Malaysia presents its compliments to the High Commission of the Republic of Singapore and has the honour to refer to the incident involving a Singapore registered container vessel "MPV APL EMERALD" which ran aground near Pulau Batu Puteh and the consequent spillage of part of its cargo of fuel oil within Malaysian territorial waters in and around Pulau Batu Puteh at approximately 0232 hrs on 12 June 2003.

The Government of Malaysia strongly protests the violation of Malaysia's territorial waters around the Malaysian island of Pulau Batu Puteh by the Maritime and Port Authority of Singapore and other Singapore authorities in carrying out the subsequent investigation and cleaning-up without prior consent from the relevant Malaysian authorities.

In view of the fact that the incident had taken place in Malaysian territorial waters, the Malaysian Marine Department had promptly commenced investigations into the circumstances of the incident. In this regard, the Government of Malaysia strongly protests the actions of the Singapore Police Coast Guard vessel PH50 which impeded the Malaysian Marine Department Vessel Bintang Selatan from carrying out its official and legitimate activities in and around Pulau Batu Puteh at approximately 1126 hrs on 13 June 2003.

The Government of Malaysia reiterates that Pulau Batu Puteh has always been part of the territory of Johor and that Malaysia has sovereignty over the island. The waters around the said island are Malaysian territorial waters and the airspace over the said island and over Malaysian territorial waters surrounding the said island are Malaysian airspace.

The Government of Malaysia reiterates further that any and all activities undertaken by Malaysia in its territory, including activities pertaining to Pulau Batu Puteh, its surrounding waters and airspace are legitimate exercise of its sovereignty and jurisdiction. Malaysian enforcement vessels and aircraft including that vessels belonging to the Malaysian Marine Department have and will continue to patrol and carry out all their normal duties in Malaysian territorial and maritime waters and airspace in, over and around Pulau Batu Puteh.

The Government of Malaysia reminds the Government of the Republic of Singapore that both countries have agreed that the issue of sovereignty of Pulau Batu Puteh be referred to the International Court of Justice. The Government of Malaysia further reminds the Government of the Republic of Singapore that such actions on the part of vessels belonging to the latter, in hindering Malaysian enforcement vessels from carrying out the legitimate duties in the waters surrounding Pulau Batu Puteh, is uncalled for and does nothing to further Singapore's claims.

The Government of Malaysia calls upon the Government of the Republic of Singapore to ensure that their vessels refrain from all such provocative acts.

The Ministry of Foreign Affairs of Malaysia avails itself of this opportunity to renew to the High Commission of the Republic of Singapore the assurances of its highest consideration

Putrajaya, 30 June 2003

Singapore High Commission  
Kuala Lumpur



**Annex 203**

Malaysia's Note No. EC 106/2003 dated 6 Nov 2003



EC 106/2003

The Ministry of Foreign Affairs of Malaysia presents its compliments to the High Commission of Singapore and for the record strongly protests the violation of Malaysia's airspace and territorial waters surrounding the Malaysian island of Pulau Batu Puteh by aircraft and vessels of the Singapore Government, including but not limited to the following incidents:

- At 1620 hrs on 16 January 2003, the Singapore Government vessel RSS GALLANT and an unidentified Singapore Police Coast Guard (PCGS) vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2005 hrs on 24 January 2003, the Singapore Government vessel RSS DAUNTLESS and the PCGS vessel (PH 50) were sighted in Malaysian territorial waters while shadowing the Royal Malaysian Navy vessel KD KELEWANG while the latter was conducting its legitimate patrol activities in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
- At 1400 hrs on 25 January 2003, the Singapore Government vessels RSS INDEPENDENCE, RSS KALLANG and RSS PUNGGOL were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
- AT 2015 hrs on 27 January 2003, an unidentified Singapore Government vessel was sighted shadowing the Royal Malaysian Navy vessel KD PERANTAU while the latter was conducting its legitimate patrol activities in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

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4/25

- At 0830 hrs on 28 January 2003, the Singapore Government vessel RSS DAUNTLESS and an unidentified PCGS vessel were sighted in Malaysian territorial waters shadowing the Royal Malaysian Navy vessel KD PERANTAU while the latter was conducting its legitimate patrol activities in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 1445 hrs on 28 January 2003, an unidentified Singapore Government SJOORMEN submarine vessel was sighted in the Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2020 hrs on 29 January 2003, two unidentified Singapore Government vessels were sighted shadowing the Royal Malaysian Navy vessel KD PANAHA while the latter was conducting its legitimate patrol activities in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2020 hrs on 29 January 2003, an unidentified Singapore Air Force SUPER PUMA helicopter was sighted in Malaysian airspace shadowing the Royal Malaysian Navy vessel KD PANAHA while the latter was conducting its legitimate patrol activities in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2007 hrs on 1 February 2003, an unidentified Singapore Government vessel and an unidentified PCGS vessel were detected in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2006 hrs on 2 February 2003, the Singapore Government vessel RSS UNITY and the PCGS vessel BLUE SHARK (PH 50) approached the Royal Malaysian Navy vessel KD PERANTAU at high speed while the latter was conducting its legitimate patrol activities in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2005 hrs on 3 February 2003, the Singapore Government vessel RSS INDEPENDENCE and the PCGS vessel BLUE SHARK (PH 50) were sighted

shadowing the Royal Malaysian Navy vessel KD KELEWANG while the latter was conducting its legitimate patrol activities in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2005 hrs on 4 February 2003, the Singapore Government vessel RSS FEARLESS and the PCGS vessel SCHOOL SHARK (PH 61) were sighted shadowing the Royal Malaysian Navy vessel KD KELEWANG while the latter was conducting its legitimate patrol activities in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2005 hrs on 5 February 2003, an unidentified Singapore Government vessel was sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2020 hrs on 6 February 2003, the PCGS vessel TIGER SHARK (PH 54) and an unidentified Singapore Government vessel were sighted shadowing the Royal Malaysian Navy vessel KD BELADAU while the latter was conducting its legitimate patrol activities in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 1035 hrs on 6 February 2003, the PCGS vessel TIGER SHARK (PH 54) and an unidentified Singapore Government vessel were sighted shadowing the Royal Malaysian Navy vessel KD BELADAU while the latter was conducting its legitimate patrol activities in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 1205 hrs on 9 February 2003, the Singapore Government vessel RSS DARING and the Singapore Government PCGS vessel WHITE SHARK (PH 52) and an unidentified Singapore Government vessel were sighted shadowing the Royal Malaysian Navy vessel KD BELADAU while the latter was conducting its legitimate patrol activities in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2005 hrs on 10 February 2003, the PCGS vessel SCHOOL SHARK (PH 61) and two unidentified Singapore Government vessels were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
  
- At 2005 hrs on 11 February 2003, the PCGS vessel BASKING SHARK (PH 55) was sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
  
- At 2005 hrs on 15 February 2003, the Singapore Government vessel RSS FREEDOM and the PCGS vessel GOBLIN SHARK (PH 60) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
  
- At 0805 hrs on 17 February 2003, the Singapore Government vessel RSS SOVEREIGNTY and the PCGS vessel TIGER SHARK (PH 54) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
  
- At 1105 hrs on 1 March 2003, the Singapore Government vessel RSS VENGEANCE and an unidentified Singapore Government vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2005 hrs on 1 March 2003, the Singapore Government vessel RSS GALLANT and the PCGS vessel BASKING SHARK (PH 55) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
  
- At 0955 hrs on 2 March 2003, the Singapore Government vessel RSS GALLANT and the PCGS vessel BASKING SHARK (PH 55) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.



- At 1030 hrs on 9 March 2003, the Singapore Government vessel RSS FEARLESS and two unidentified PCGS vessels were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
  
- At 2005 hrs on 16 March 2003, the PCGS vessel GOBLIN SHARK (PH 60) and an unidentified Singapore Government vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
  
- At 0805 hrs on 17 March 2003, the Singapore Government vessel RSS DARING and the PCGS vessel SCHOOL SHARK (PH 61) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2005 hrs on 17 March 2003, an unidentified Singapore Air Force FOKKER F50 aircraft was sighted in Malaysian airspace over the Malaysian island of Pulau Batu Puteh.
  
- At 2005 hrs on 18 March 2003, the PCGS vessels RSS GALLANT and TIGER SHARK (PH 54) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
  
- At 0805 hrs on 19 March 2003, the PCGS vessels RSS GALLANT and TIGER SHARK (PH 54) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2010 hrs on 19 March 2003, the PCGS vessels RSS GALLANT and THRESHER SHARK (PH 57) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2010 hrs on 19 March 2003, an unidentified Singapore Air Force FOKKER F50 aircraft was sighted in Malaysian airspace over the Malaysian island of Pulau Batu Puteh.
  
- At 2015 hrs on 27 March 2003, PCGS vessels RSS FREEDOM and BLUE SHARK (PH 50) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2005 hrs on 28 March 2003, the PCGS vessels RSS REARLESS, RSS FREEDOM and TIGER SHARK (PH 54) and BLUE SHARK (PH 50) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
  
- At 2015 hrs on 29 March 2003, the PCGS vessels RSS GALLANT, RSS FEARLESS, THRESHER SHARK (PH 57) and TIGER SHARK (PH 54) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
  
- At 2010 hrs on 30 March 2003, the PCGS vessels RSS INDEPENDENCE, RSS FREEDOM, WHITE SHARK (PH 52) and BLUE SHARK (PH 50) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
  
- At 2005 hrs on 1 April 2003, the Singapore Government vessels FEARLESS, VICTORY and an unidentified PCGS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
  
- At 2015 hrs on 3 April 2003, the Singapore Government vessels RSS BRAVE and PCGS SCHOOL SHARK (PH 61) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
  
- At 2015 hrs on 4 April 2003, the Singapore Government vessels RSS INDEPENDENCE, PCGS BLUE SHARK (PH 50), RSS BRAVE and SCHOOL SHARK (PH 61) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
  
- At 2007 hrs on 6 April 2003, the Singapore Government vessels RSS BRAVE and PCGS SHARK (PH 59) were sighted shadowing the Royal

Malaysian Navy vessel KD SR1 SARAWAK while the latter Malaysian vessel carried out its legitimate patrol activities in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2005 hrs on 7 April 2003, the Singapore Government vessels RSS FEARLESS and PCGS GOBLIN SHARK (PH 60) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2007 hrs on 8 April 2003, the Singapore Government vessels RSS FEARLESS and PCGS TIGER SHARK (PH 54) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2007 hrs on 9 April 2003, the Singapore Government vessel RSS FEARLESS was sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0941 hrs on 10 April 2003, the Singapore Government vessels RSS FEARLESS and PCGS WHITE SHARK (PH 52) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0805 hrs on 11 April 2003, the Singapore Government vessels RSS FEARLESS and PCGS THRESHER SHARK (PH 57) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2010 hrs on 12 April 2003, the Singapore Government vessels RSS VIGOUR and PCGS TIGER SHARK (PH 54) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0810 hrs on 13 April 2003, the Singapore Government vessels RSS SOVEREIGNTY and PCGS BLACKTIP SHARK (PH 59) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0830 hrs on 14 April 2003, the Singapore Government vessels RSS BRAVE and PCGS BLUE SHARK (PH 50) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2010 hrs on 14 April 2003, the Singapore Government vessels RSS DARING and PCGS SCHOOL SHARK (PH 61) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2010 hrs on 14 April 2003, two unidentified Singapore Government SUPER PUMA helicopters were sighted landing on the helipad of the Malaysian island of Pulau Batu Puteh.

- At 0810 hrs on 15 April 2003, the Singapore Government vessels RSS DARING and PCGS SCHOOL SHARK (PH 61) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2010 hrs on 15 April 2003, the Singapore Government vessel RSS INDEPENDENCE and the Singapore Government PCGS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2010 hrs on 15 April 2003, an unidentified Singapore Government CHINOOK helicopter was sighted in Malaysian airspace over the Malaysian island of Pulau Batu Puteh.

- At 2020 hrs on 18 April 2003, the Singapore Government vessels RSS FEARLESS and PCGS BLUE SHARK (PH 50) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0805 hrs on 21 April 2003, the Singapore Government vessels RSS INDEPENDENCE and PCGS DOLPHIN SHARK (PH 60) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2005 hrs on 21 April 2003, the Singapore Government vessels RSS INDEPENDENCE, DOLPHIN SHARK (PH 60), RSS FEARLESS and PCGS WHITE SHARK (PH 58) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 1900 hrs on 22 April 2003, the Singapore Government vessels RSS FEARLESS and RSS VALOUR were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 1140 hrs on 23 April 2003, the Singapore Government vessel RSS FEARLESS (OPV 94) and the Singapore Government PCGS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2005 hrs on 23 April 2003, the Singapore Government vessels RSS FEARLESS and PCGS WHITE TIP SHARK (PH 58) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0805 hrs on 24 April 2003, the Singapore Government vessels RSS UNITY and PCGS BLUE SHARK (PH 50) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 0805 hrs on 25 April 2003, the Singapore Government vessels RSS JUSTICE and PCGS SCHOOL SHARK (PH 61) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2005 hrs on 26 April 2003, the Singapore Government vessels RSS FEARLESS and PCGS GOBLIN SHARK (PH 60) were detected in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2005 hrs on 27 April 2003, the Singapore Government vessels RSS RESILIENCE and PCGS TIGER SHARK (PH 54) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2005 hrs on 28 April 2003, the Singapore Government vessels RSS UNITY, PCGS BLACKTIP SHARK (PH59), RSS RESILIENCE and PCGS TIGER SHARK (PH 54) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2007 hrs on 29 April 2003, the Singapore Government vessels RSS UNITY, RSS FEARLESS and antheSingapore Government PCGS vessel were

sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 0807 hrs on 30 April 2003, the Singapore Government vessels RSS FEARLESS and an unidentified PCGS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 0955 hrs on 30 April 2003, the Singapore Government vessels RSS FEARLESS and PCGS WHITETIP SHARK (PH 58) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2007 hrs on 30 April 2003, the Singapore Government vessel RSS FEARLESS and an unidentified Singapore Government FEARLESS CLASS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2007 hrs on 30 April 2003, the Singapore Government vessels RSS SEA WOLF and RSS SEA SCORPION were also sighted within Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2007 hrs on 1 May 2003, Singapore government vessels FEARLESS and an unidentified PCGS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2007 hrs on 4 May 2003, the Singapore Government vessels RSS DARING, RSS UNITA and PCGS SCHOOL SHARK (PH 61) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0810 hrs on 5 May 2003, the Singapore Government vessels RSS UNITY and PCGS SCHOOL SHARK (PH 61) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2015 hrs on 5 May 2003, the Singapore Government vessel PCGS BLACKTIP SHARK (PH 59) and an unidentified Singapore Government warship were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 1436 hrs on 6 May 2003, the Singapore Government vessel RSS INDEPENDENCE was sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 1706 hrs on 6 May 2003, the

Singapore Government vessels RSS ENDURANCE was sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 0815 hrs on 6 May 2003, the Singapore Government vessel PCGS BLACKTIP SHARK (PH 59) and an unidentified Singapore Government warship were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2010 hrs on 8 May 2003, the Singapore Government vessels RSS GALLANT and PCGS BLACK TIP SHARK (PH 59) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0815 hrs on 9 May 2003, the Singapore Government vessels RSS GALLANT and PCGS WHITE SHARK (PH 52) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 1400 hrs on 9 May 2003, three unidentified Singapore Government aircraft a SUPER SKYHAWK, a PC3 ORION and a SUPER PUMA helicopter was sighted in Malaysian airspace over landing on the Malaysian island of Pulau Batu Puteh. At 2030 hrs on 9 May 2003, the Singapore Government vessels RSS DARING and PCGS WHITE SHARK (PH 52) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0830 hrs on 10 May 2003, the Singapore Government vessels RSS DARING and PCGS WHITE SHARK (PH 52) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2005 hrs on 10 May 2003, the Singapore Government vessels RSS RESIELENCE and THRESHER SHARK (PH 57) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0805 hrs on 11 May 2003, the Singapore Government vessels RSS RESIELENCE and PCGS WHITE SHARK (PH 52) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2010

hrs on 11 May 2003, two unidentified Singapore Government vessels were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0825 hrs on 12 May 2003, the Singapore Government vessels RSS FREEDOM and PCGS WHITETIP SHARK (PH58) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2007 hrs on 14 May 2003, two unidentified Singapore Government vessels were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2007 hrs on 15 May 2003, the Singapore Government vessel RSS INDEPENDENCE and unidentified PCGS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2007 hrs on 16 May 2003, the Singapore Government vessel FEARLESS and an unidentified PCGS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2007 hrs on 16 May 2003, two unidentified Singapore Government aircraft were detected in Malaysian airspace over the Malaysian island of Pulau Batu Puteh.

- At 2007 hrs on 17 May 2003, the Singapore Government vessel FEARLESS and an unidentified PCGS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2007 hrs on 18 May 2003, the Singapore Government vessel FEARLESS and an unidentified PCGS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0800 hrs on 23 May 2003, the Singapore Government vessel RSS SOVEREIGNTY and an unidentified PCGS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2030 hrs on 23 May 2003, the Singapore Government vessel RSS GALLANT PCGS



was also sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0830 hrs on 24 May 2003, the Singapore Government OPV vessel was sighted within Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2005 hrs on 24 May 2003, the Singapore Government vessel RSS BRAVE and an unidentified PCGS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0830 hrs on 25 May 2003, the Singapore Government vessels RSS BRAVE and an unidentified PCGS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2030 hrs on 25 May 2003, the Singapore Government vessel RSS DARING and an unidentified PCGS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0830 hrs on 26 May 2003, the Singapore Government vessels RSS DARING and PCGS BLACKTIP SHARK were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 1500 hrs on 26 May 2003, the Singapore Government vessels RSS DARING, RSS RESILIENCE and PCGS GOBLIN SHARK (PH 60) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 1500 hrs on 26 May 2003, an unidentified Singapore Government FOKKER aircraft was detected flying in Malaysian airspace over the Malaysian island of Pulau Batu Puteh. At 1600 hrs on 26 May 2003, the Singapore Government vessels RSS DARING, RSS RESILIENCE and PCGS GOBLIN SHARK (PH 60) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2010 hrs on 26 May 2003, the Singapore Government vessels RSS RESILIENCE and PCGS GOBLIN SHARK (PH 60) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2010

hrs on 26 May 2003, two unidentified Singapore Government jet fighters were sighted in Malaysian airspace over the Malaysian island of Pulau Batu Puteh.

- At 2007 hrs on 27 May 2003, the Singapore Government vessel FEARLESS and an identified Singapore Government PCGS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2007 hrs on 28 May 2003, the Singapore Government vessels RSS SOVEREIGNTY, RSS SEA HAWK, RSS DAUNTLESS, the SEA WOLF and two unidentified Singapore Government VICTORY class vessels were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2007 hrs on 28 May 2003, two unidentified Singapore Government F16 jet fighters were flying in the Malaysian airspace over the Malaysian island of Pulau Batu Puteh. At 2007 hrs on 28 May 2003, an unidentified Singapore Government SUPER PUMA helicopter was sighted landing on the helipad of the Malaysian island of Pulau Batu Puteh.

- At 2007 hrs on 29 May 2003, the Singapore Government vessel FEARLESS, VICTORY an unidentified PCGS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2007 hrs on 30 May 2003, the Singapore Government vessel FEARLESS and an unidentified PCGS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2007 hrs on 31 May 2003, the Singapore Government vessel FEARLESS and an unidentified PCGS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2007 hrs on 1 June 2003 the Singapore Government vessels RSS FEARLESS and an unidentified Singapore Police Coast Guard Vessel (PCGS) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0810 hrs on 4 June 2003, the Singapore Government vessels RSS FEARLESS and an unidentified PCGS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2030 hrs on 4 June 2003, the Singapore Government vessels RSS FEARLESS and two unidentified PCGS vessels were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2030 hrs on 4 June 2003, an unidentified Singapore Government FOKKER F 50 aircraft was sighted in Malaysian airspace over the Malaysian island of Pulau Batu Puteh.

- At 0830 hrs on 5 June 2003, the Singapore Government vessels RSS FEARLESS and an unidentified PCGS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2030 hrs on 5 June 2003, the Singapore Government vessels RSS FEARLESS, PCGS GOBLIN SHARK (PH 60) and two unidentified PCGS vessels were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0830 hrs on 6 of June 2003, the Singapore Government vessels RSS DARING and PCGS GOBLIN SHARK were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2010 hrs on 6 June 2003, the Singapore Government's vessels RSS FEARLESS and PCGS TIGER SHARK were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0830 hrs on 7 of June 2003 the Singapore Government vessels RSS FEARLESS and PCGS TIGER SHARK (PH 54) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2030 hrs, on 7 June 2003, the Singapore Government vessels RSS FEARLESS and PCGS TIGER SHARK (PH 54) were also sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0810 hrs on 8 of June 2003, the Singapore Government vessels RSS SOVEREIGNTY and PCGS THRESHES SHARK (PH 57) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2005 hrs on 8 June 2003, the Singapore Government vessels RSS FEARLESS and PCGS WHITE SHARK (PH 52) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0810 hrs on 9 June 2003, the Singapore Government vessels RSS FEARLESS and PCGS WHITE SHARK (PH 52) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2015 hrs on 9 June 2003, the Singapore Government vessels RSS FEARLESS and PCGS THRESHES SHARK (PH 57) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2015 hrs on 9 June 2003, an unidentified Singapore Government FOKKER F 50 aircraft was sighted in Malaysian airspace over the Malaysian island of Pulau Batu Puteh.

- At 0830 hrs on 10 June 2003, the Singapore Government vessels RSS FEARLESS and PCGS THRESHES SHARK (PH 57) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2005 hrs, on 10 June 2003, the Singapore Government vessels RSS SOVEREIGNTY and PCGS WHITETIP SHARK (PH 58) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2005 hrs, on 10 June 2003, three Singapore Government aircrafts RSAF SUPER SKYHAWK and an unidentified Singapore Government FOKKER F 50 aircraft was sighted in Malaysian airspace over the Malaysian island of Pulau Batu Puteh.

- At 0810 hrs on 11 June 2003, the Singapore Government vessels RSS SOVEREIGNTY and PCGS WHITETIP SHARK (PH 58) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 1300 hrs on 11 June 2003, the Singapore Government vessels RSS VENGEANCE, RSS VALIANT and RSS DAUNTLESS were sighted in Malaysian

territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2030 hrs on 11 June 2003, the Singapore Government vessels RSS VENGEANCE and PCGS BLACKTIP SHARK (PH 59) were also sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2014 hrs on 12 June 2003, the Singapore Government vessels RSS JUSTICE and PCGS BLACKTIP SHARK (PH 59) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2020 hrs on 13 June 2003, the Singapore Government vessels RSS BRAVE and PCGS BLUE SHARK (PH 50) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 1230 hrs on 14 June 2003, the Singapore Government vessels RSS FEARLESS and PCGS BLACKTIP SHARK (PH 59) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0814 hrs on 16 June 2003, the Singapore Government vessels RSS FREEDOM and PCGS SCHOOL SHARK (PH 61) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2010 hrs on 17 June 2003 the Singapore Government vessels RSS DAUNTLESS and PCGS WHITETIP SHARK (PH 58) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 1030 hrs on 18 June 2003, the Singapore Government vessel RSS DAUNTLESS were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 1120 hrs on 18 June 2003, the Singapore Government vessels RSS DAUNTLESS and PCGS WHITETIP SHARK were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 1740 hrs on 18 June 2003, the Singapore Government vessels RSS FREEDOM, RSS VENGEANCE and the Singapore

Government warship were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2030 hrs on 19 June 2003, the Singapore Government vessels RSS JUSTICE and PCGS BLUE SHARK (PH 50) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2020 hrs on 20 June 2003, the Singapore Government vessels RSS FREEDOM and PCGS BLUE SHARK (PH 50) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2020 hrs on 21 June 2003, the Singapore Government vessel RSS FEARLESS and an unidentified PCGS vessel were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2045 hrs on 22 June 2003, the Singapore Government vessels RSS FEARLESS and PCGS BLUE SHARK (PH 50) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2020 hrs, on 23 June 2003, the Singapore Government vessels RSS FREEDOM, RSS SOVEREIGNTY, PCGS WHITETIP SHARK (PH 58) and PCGS SCHOOL SHARK (PH 61) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2020 hrs on 24 June 2003, the Singapore Government vessels RSS SOVEREIGNTY and PCGS SCHOOL SHARK (PH 61) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2030 hrs on 25 June 2003, the Singapore Government vessels RSS DAUNTLESS and PCGS SCHOOL SHARK (PH 61) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0820 hrs on 26 June 2003, the Singapore Government vessels RSS RESILIENCE, PCGS SCHOOL SHARK (PH 61) and FEARLESS were sighted in

Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2000 hrs on 26 June 2003, the Singapore Government vessels RSS RESILIENCE and PCGS BLACKTIP SHARK (PH 59) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2010 hrs on 27 June 2003, the Singapore Government vessels RSS RESILIENCE and PCGS WHITETIP (PH 58) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0820 hrs on 28 June 2003, the Singapore Government vessels RSS RESILIENCE and PCGS WHITETIP (PH 58) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2010 hrs on 28 June 2003, the Singapore Government vessels RSS DAUNTLESS and PCGS WHITE SHARK (PH 52) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 1720 hrs on 28 June 2003 the Singapore Government aircraft FOKKER F50 were detected flying in the lower altitude of the Malaysian airspace over the Malaysian island of Pulau Batu Puteh.

- At 2010 hrs on 29 June 2003, the Singapore Government vessels RSS DAUNTLESS and PCGS SCHOOL SHARK (PH 61) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2000 hrs on 30 June 2003, the Singapore Government vessels RSS DAUNTLESS, RSS RESILIENCE, PCGS SCHOOL SHARK (PH 61) and PCGS WHITE SHARK (PH 52) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 0805 hrs on 2 July 2003, the Singapore Government vessels RSS SOVERERIGNTY and PCGS BLACKTIP SHARK (PH 59) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2007 hrs on 3 July 2003, the Singapore Government vessels

**FEARLESS and PCGS SCHOOL SHARK (PH 61) were sighted within Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.**

- **At 0807 hrs on 3 July 2003, four Singapore Government aircrafts RSAF SKYHAWK were detected in Malaysian airspace over the Malaysian island of Pulau Batu Puteh. At 2007 hrs on 3 July 2003, the Singapore Government vessels RSS BRAVE, PCGS BLACKTIP SHARK (PH59) and FEARLESS CLASS were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.**

- **At 2030 hrs, on 5 July 2003, the Singapore Government vessels RSS FREEDOM and PCGS MAKO SHARK were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2007 hrs on 6 July 2003, the Singapore Government vessels RSS FREEDOM and PCGS TIGER SHARK (PH 54) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.**

- **At 2007 hrs on 9 July 2003, the Singapore Government vessels RSS FEARLESS and PCGS THRESHER SHARK (PH57) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2007 hrs on 10 July 2003, the Singapore Government vessels RSS FEARLESS, RSS FREEDOM and PCGS WHITETIP SHARK (PH58) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.**

- **At 0807 hrs on 12 July 2003, the Singapore Government vessels RSS BRAVE and PCGS SANDBANK SHARK (PH 56) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2007 hrs on 12 July 2003, the Singapore Government vessels RSS FEARLESS and PCGS BLACKTIP SHARK (PH 59) were observed approaching the Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.**



- At 0807 hrs on 13 July 2003, the Singapore Government vessels RSS FEARLESS and PCGS SANDBAR SHARK (PH 56) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2007 hrs on 13 July 2003, the Singapore Government vessels RSS RESILIENCE, RSS FEARLESS, PCGS SCHOOL SHARK (PH 61) and PCGS SANDBAR SHARK (PH 56) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
  
- At 2010 hrs on 15 July 2003, two unidentified Singapore Government vessels were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2020 hrs on 17 July 2003, the Singapore Government vessels RSS FREEDOM and PCGS WHITETIP (PH 50) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh to the direction of the Malaysian island of Pulau Batu Puteh.
  
- At 2010 hrs on 19 July 2003, the Singapore Government vessels RSS BRAVE and PCGS BLACKTIP SHARK (PH 59) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2010 hrs on 20 July 2003, two unidentified Singapore Government vessels were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
  
- At 2003 hrs on 23 July 2003, the Singapore Government vessels RSS DAUNTLESS and PCGS were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
  
- At 2010 hrs on 25 July 2003, the Singapore Government vessels RSS INDEPENDENCE and PCGS BLACKTIP SHARK (PH 58) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

- At 2003 hrs on 26 July 2003, the Singapore Government vessels RSS SOVEREIGNTY and PCGS GOBLIN SHARK (PH 60) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
  
- At 2003 hrs on 27 July 2003, the Singapore Government vessels RSS VALOUR and PCGS TIGER SHARK were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
  
- At 2003 hrs on 28 July 2003, the Singapore Government's vessels RSS DAUNTLESS and PCGS TRESHER SHARK (PH 57) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.
  
- At 2020 hrs on 29 July 2003, the Singapore's Government vessels RSS SOVEREIGNTY, RSS INDEPENDENCE, PCGS WHITETIP SHARK and PCGS BASKING SHARK (PH 55) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 1515 hrs, on 30 July 2003 the Singapore's Government vessels RSS SOVEREIGNTY, RSS DAUNTLESS, PCGS WHITETIP SHARK and PCGS BASKING SHARK (PH 55) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. At 2020 hrs on 31 July 2003, the Singapore Government vessels RSS DAUNTLESS, PCGS WHITETIP (PH 58) and PCGS SANDBAR SHARK (PH 56) were sighted in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh.

In view of the above, the Government of Malaysia reiterates its strong protest over the presence of vessels and aircraft belonging to the Singapore Government in Malaysian territorial waters and airspace surrounding the Malaysian island of Pulau Batu Puteh.

The Government of Malaysia reiterates that Pulau Batu Puteh has always been part of the territory of Johor and that Malaysia has sovereignty over the

island. The waters around the said island are Malaysian territorial waters and the airspace over the said island and over Malaysian territorial waters surrounding the said island is Malaysian airspace.

The Government of Malaysia is concerned over the incident of 2 February 2003 during which the Singapore Government vessel RSS UNITY and the PCGS vessel BLUE SHARK (PH 50) approached the Royal Malaysian Navy vessel KD PERANTAU at high speed while the latter was conducting its legitimate patrol activities in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh. The Government of Malaysia calls upon the Government of the Republic of Singapore to ensure that their vessels and aircraft refrain from any and all dangerous manoeuvres or to otherwise hinder Malaysian vessels from carrying out their legitimate duties in the waters surrounding Pulau Batu Puteh.

The Government of Malaysia reminds the Government of the Republic of Singapore that both countries have agreed that the issue of sovereignty of Pulau Batu Puteh be referred to the International Court of Justice. The Government of Malaysia further reminds the Government of the Republic of Singapore that the presence of aircraft in Malaysian airspace over the Malaysian island of Pulau Batu Puteh or on the Malaysian island of Pulau Batu Puteh, the presence of vessels belonging to the latter in Malaysian territorial waters surrounding the Malaysian island of Pulau Batu Puteh is uncalled for and does nothing to further Singapore's claims.

The Ministry of Foreign Affairs of Malaysia avails itself of this opportunity to renew to the High Commission of the Republic of Singapore the assurances of its highest consideration.

Putrajaya, 6 November 2003

Singapore High Commission  
Kuala Lumpur



**Annex 204**

Malaysia's Note No. EC 109/2003 dated 6 Nov 2003



**EC 109/2003**

The Ministry of Foreign Affairs, Malaysia presents its compliments to the High Commission of the Republic of Singapore and has the honour to refer to the Diplomatic Notes from the Ministry of Foreign Affairs of the Republic of Singapore MFA/PD1/00063/2003 dated 8 August 2003 and MFA/PD1/00050/2003, MFA/PD1/00051/2003, MFA/PD1/00052/2003 and MFA/PD1/00053/2003 dated 8 July 2003 respectively.

The Government of Malaysia categorically rejects the contention of the Government of the Republic of Singapore that the incident involving a Singapore registered container vessel "MPV APL EMERALD" which ran aground near Pulau Batu Puteh and the consequent spillage of part of its cargo of fuel oil, occurred in Singapore's territorial waters. The Government of Malaysia also strongly rejects the contention of the Government of the Republic of Singapore that the Maritime and Port Authority of Singapore and other Singapore authorities have the authority to conduct the investigations and cleaning-up operations without prior consent from the relevant Malaysian authorities.

In this regard, the Government of Malaysia categorically rejects the contention of the Government of the Republic of Singapore that the Royal Malaysian Navy patrol craft KD Sri Sarawak, KD Badek, KD Sundang and KD Kelewang between 1 February 2003 to 30 March 2003, the Royal Malaysian Navy patrol crafts KD Sundang and KD Kelewang between 6 April 2003 to 28 April 2003 and the Malaysian Marine Department Bintang Selatan on 13 June 2003, 16 June 2003 and 18 June 2003 intruded into Singapore's Territorial Waters around Pulau Batu Puteh. The Government of Malaysia also categorically rejects the contention of the Government of the Republic of Singapore that the Royal Malaysian Air Force B200 aircraft on 28 May 2003 intruded into Singapore's territorial airspace around Pulau Batu Puteh. The Government of Malaysia also strongly rejects the assertions by the

Republic of Singapore that aforementioned Malaysian Navy patrol craft, the Malaysian Marine Department Bintang Selatan and the Royal Malaysian Air Force B200 executed manoeuvres that were inconsistent with the right of passage.

The Government of Malaysia affirms that Pulau Batu Puteh is Malaysian territory, the airspace over Pulau Batu Puteh and the surrounding waters are part of Malaysia's airspace and the waters around it are part of Malaysia's territorial and maritime waters as depicted in the Territorial Waters and Continental Shelf Boundaries of Malaysia Map of 1979.

The Government of Malaysia reiterates that Pulau Batu Puteh has always been part of the territory of Johor and that Malaysia has sovereignty over the island. The waters around the said island are Malaysian territorial waters and the airspace over the said island and over Malaysian territorial waters surrounding the said island are Malaysian airspace.

The Government of Malaysia reiterates further that any and all activities undertaken by Malaysia in its territory, including activities pertaining to Pulau Batu Puteh, its surrounding waters and airspace are legitimate exercise of its sovereignty and jurisdiction. Malaysian enforcement vessels and aircrafts including that vessels belonging to the Royal Malaysian Navy, Royal Malaysian Air Force and Malaysian Marine Department have and will continue to patrol and carry out all their normal duties in Malaysian territorial and maritime waters and airspace in, over and around Pulau Batu Puteh.

The Ministry of Foreign Affairs of Malaysia avails itself of this opportunity to renew to the High Commission of the Republic of Singapore the assurances of its highest consideration

Putrajaya, 6 November 2003

Singapore High Commission  
Kuala Lumpur



**Annex 205**

Singapore's Note MFA/PD1/00007/2004 dated 5 Feb 2004



MFA/PD1/00007/2004

The Ministry of Foreign Affairs of the Republic of Singapore presents its compliments to the High Commission of Malaysia and has the honour to refer to Note EC 106/2003 dated 6 November 2003 from the Ministry of Foreign Affairs, Malaysia.

The Government of Singapore categorically rejects the assertions in the aforementioned Note, in particular Malaysia's unsubstantiated protests of the legitimate presence of Singapore Government vessels and aircraft in Singapore Territorial Waters and airspace around Pedra Branca.

The Government of Malaysia is aware that the Government of Singapore has, since the 1840s, by virtue of both its acts and those of its predecessor governments, occupied and exercised sovereignty over Pedra Branca and the waters around it. It follows that Pedra Branca, its surrounding waters and airspace above are an integral part of the territory of Singapore. The basis of Singapore's sovereignty over Pedra Branca has been previously communicated to Malaysia through various documents and meetings.

Consequently, it is clear that there is no basis for Malaysia's contention that it exercises sovereign control over the waters and airspace surrounding Pedra Branca. The Government of Singapore categorically rejects that Malaysia has any basis for making such a contention.



The Ministry of Foreign Affairs of the Republic of Singapore avails itself of this opportunity to renew to the High Commission of Malaysia the assurance of its highest consideration.

SINGAPORE

5 February 2004

High Commission of Malaysia  
Singapore



**Annex 206**

Singapore's Note MFA/PD1/00008/2004 dated 5 Feb 2004



MFA/PD1/00008/2004

The Ministry of Foreign Affairs of the Republic of Singapore presents its compliments to the High Commission of Malaysia and has the honour to refer to Note EC 109/2003 dated 6 November 2003 from the Ministry of Foreign Affairs, Malaysia.

The Government of Singapore categorically rejects the Malaysian assertions in the aforementioned Note, in particular Malaysia's contention that Pedra Branca and its surrounding waters and airspace are part of the territory of Malaysia.

The Government of Malaysia is aware that the Government of Singapore has, since the 1840s, by virtue of both its acts and those of its predecessor governments, occupied and exercised sovereignty over Pedra Branca and the waters around it. It follows that Pedra Branca, its surrounding waters and airspace above are an integral part of the territory of Singapore. The basis of Singapore's sovereignty over Pedra Branca has been previously communicated to Malaysia through various documents and meetings.

In this regard, the Government of Singapore rejects the contention that any activity undertaken by Malaysia pertaining to Pedra Branca, its surrounding waters and airspace can be a "*legitimate exercise of its sovereignty and jurisdiction.*" The Government of Singapore reiterates its position regarding the intrusions by Malaysian government vessels and

aircraft into Singapore's territorial waters and airspace around Pedra Branca, as contained in its Notes, including MFA/PD1/00050/2003, MFA/PD1/00051/2003, MFA/PD1/00052/2003 and MFA/PD1/00053/2003 dated 8 July 2003.

Consequently, the Government of Singapore categorically rejects Malaysia's assertion that the Maritime and Port Authority of Singapore and other Singapore authorities required prior consent from Malaysian authorities to conduct investigations and cleaning-up operations within Singapore Territorial Waters. On the contrary, it is Malaysia that must obtain the prior consent of relevant Singapore authorities to enter or conduct activities in Singapore's territory around Pedra Branca.

The Ministry of Foreign Affairs of the Republic of Singapore avails itself of this opportunity to renew to the High Commission of Malaysia the assurances of its highest consideration.

SINGAPORE

5 February 2004

High Commission of Malaysia  
Singapore

