

Speakers

Loss Prevention Webinar – 16 September 2025



Capt. Charles Chong
Associate Director,
Loss Prevention (Master Mariner)

Master Mariner, with 16 years of seagoing experience, of which two were in command. Before joining the Club, he worked with a large ship management companies as Marine Supt, DPA and CSO for shipping company with AHTS, passenger ferries, tankers, and numerous offshore vessel types. His subsequent shore-based experience included ships operations and as a marine surveyor, carrying out investigations into marine incidents, cargo claims, damage, and safety surveys, many for International Group P&I Clubs.

Charles joined the Club in 2022.



Colin Chung
Associate Director, Claims

Colin heads up the FD&D team in Singapore. He is an English qualified solicitor with over 20 years PQE having trained and practised shipping, international trade and commodities law at Clyde & Co LLP in the City of London for over 10 years. Having since relocated to Singapore, he has over 10 years of experience as an Associate Director and senior legal counsel working on shipping and commodities matters at three International Group P&I Clubs and two trading businesses headquartered in Singapore.

Colin joined the Club in 2021.

Guest Speakers





Mr. Jeroen Overbeek

APAC Regional Manager: Maritime Civil Engineer

Jeroen Overbeek is a Maritime Civil Engineer with 35 years of experience in a range of Infrastructural work with extensive international experience in the planning, design, procurement, construction and repair of a wide range of maritime, port and terminal infrastructure works. Jeroen is the APAC Regional Manager of Waves Group and has previously held positions as Technical Director in engineering consultancies.

Jeroen has provided his support to owners, authorities, contractors and lawyers, and other members of the maritime community. He has considerable experience in performing location scouting studies and preparation of port master plans. He has supported clients through all project stages including providing advice on safety of continued operations and repairs after incidents.

Having worked as a contractor's designer on numerous EPC projects as well as owner's representative reviewing procedures and undertaking site attendances and inspections relating to design, construction Jeroen is well aware of constructability considerations and risks.

Jeroen has worked closely with operators and mariners as well as other design specialists in disciplines such as coastal engineering and geotechnical engineering.



Guest Speakers

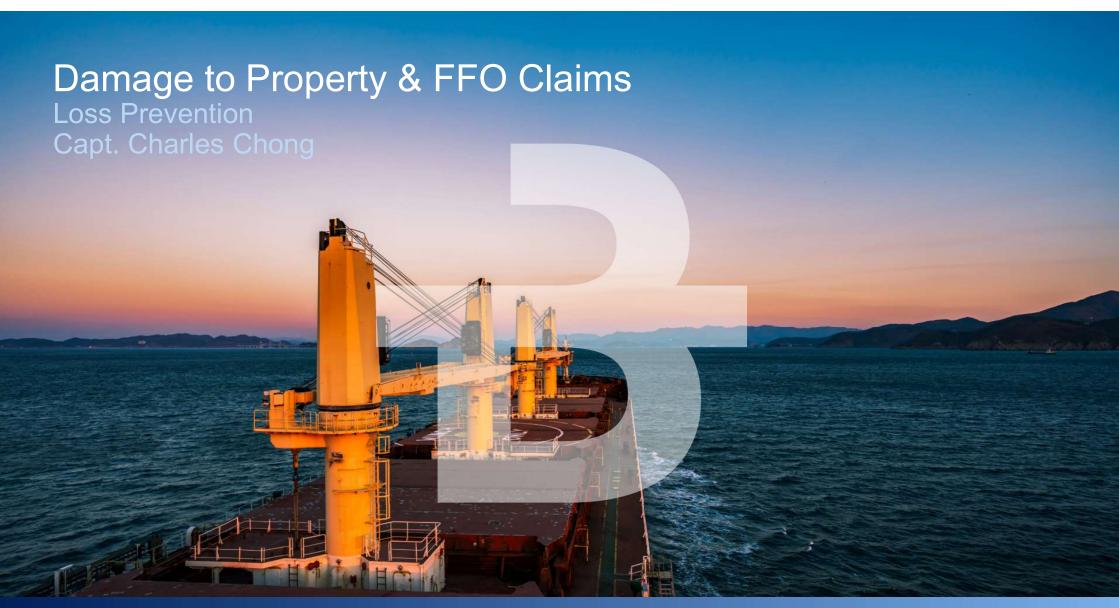
HILL DICKINSON



Mr. Donal Keaney
Partner – Master Mariner
Marine & Trade – Singapore
Hill Dickinson LLP

Donal is a solicitor and master mariner, who specialises in marine casualty response. He is frequently instructed by Owners; P&I Clubs; and Hull Insurers to advise in all manner of shipping casualties. He has been retained by clients to assist with some of the largest casualties in the region in recent times, providing both on-site and remote crisis and casualty management support to his clients. Donal also advises clients on the legal issues which typically arise following a casualty, such as collision liability; salvage; general average; as well as disputes under various contracts of carriage. An associate of the Association of Average Adjusters, he also advises clients on issues related to contracts of marine insurance.

Following his 12 years at sea, during which he attained an Unlimited Master Mariner's Certificate of Competency, Donal spent time working in ship management and ship broking. Prior to moving to Singapore, Donal worked for international law firms in the UK and Hong Kong.



Club's Definition of FFO

Class 3 Rule 19.10 (Damage to Property)

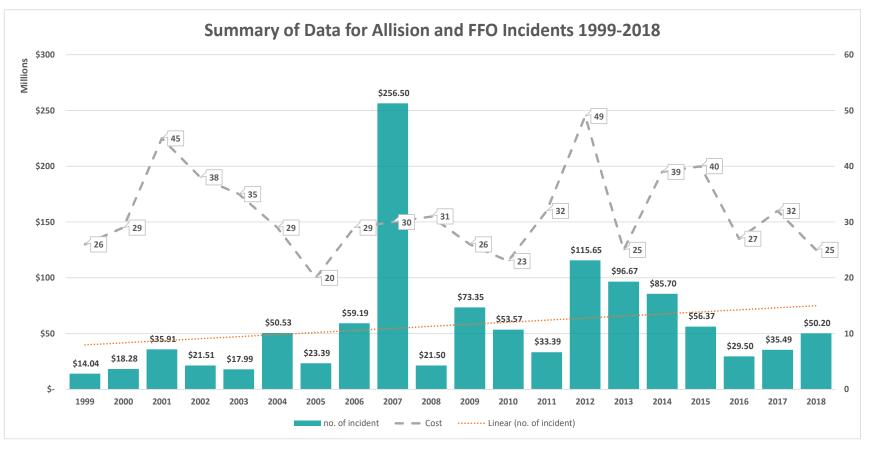
... The following shall be recoverable:

19.10.1 Fixed and floating objects

Liability arising out of any loss of or damage to any harbour, dock, pier, jetty, land or any object whatsoever moveable or immoveable (not being another ship or cargo or other property therein or cargo or other property carried in the Entered Ship) by reason of contact between the Entered Ship and such harbour, dock, pier, jetty, land or moveable or immoveable object.



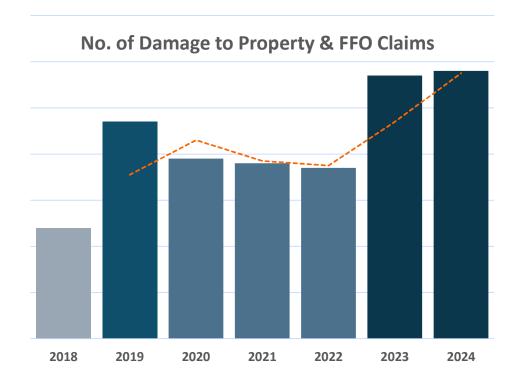
IG Pilotage Report 1999-2018



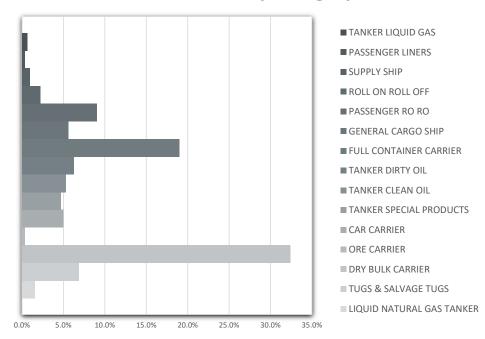
- IG P&I Club summary of allision and FFO incidents under pilotage
- 1999-2018
- 630 incidents, yearly average 31 incidents
- **\$1.149b**
- Yearly average \$1.82m

Source: IGP&I Pilotage Sub-Committee

Club's Data



Claims Per Ship Category



Loss Prevention

- Damage to fixed and floating objects (FFO) includes harm to port infrastructure such as piers, breakwaters, fenders, dolphins, cranes, conveyors, mooring facilities, loading equipment, navigation marks, marine culture farms and offshore/ sub-sea installations.
- FFO damage causes costly claims, operational downtime and reputational damage to shipowners and operators.



Some Underlying Causes

- Lack of thorough passage planning and risk assessment, especially for berthing manoeuvres
- Breakdown of bridge team management
- Poor communication, lack of situational awareness and failure to intervene when pilot errors occur
- Mistakes in ship handling, poor use of tugs and inadequate local knowledge application
- Unclear roles, responsibilities and ineffective information exchange.









Britannia FFO Webinar

FFO Claims: A Technical Perspective

Investigating Cause, Managing Risk

September 2025

www.waves-group.co.uk



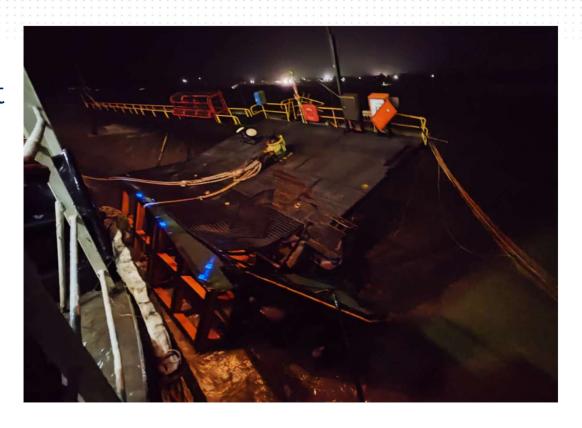
Contents

- Introduction
- Causation
- Survey
- o Example 1 Dolphin impact
- o Example 2 Crane damage
- o Example 3 BI



Beyond Liability: Understanding the 'Why'

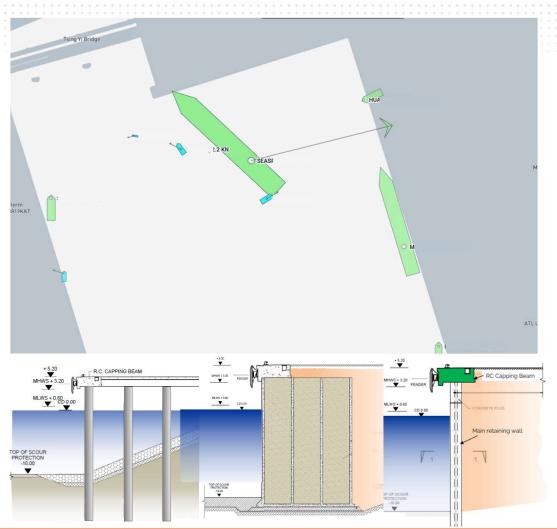
- o Liability: Who is responsible?
- Causation: How did the incident develop
- Consequence: How did the structure actually fail?
- Understanding cause and consequence is key to controlling the claim





- Fast response is important.
- Appoint a competent Expert
- The Mission: Preserve evidence & establish facts.

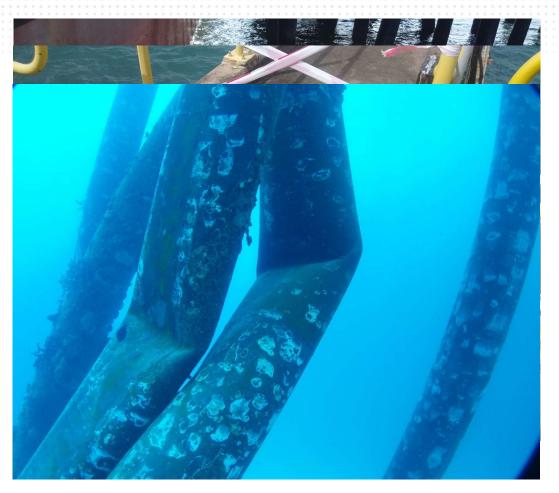
The Window of Opportunity: The Immediate Survey





Example 1: The Dolphin Impact

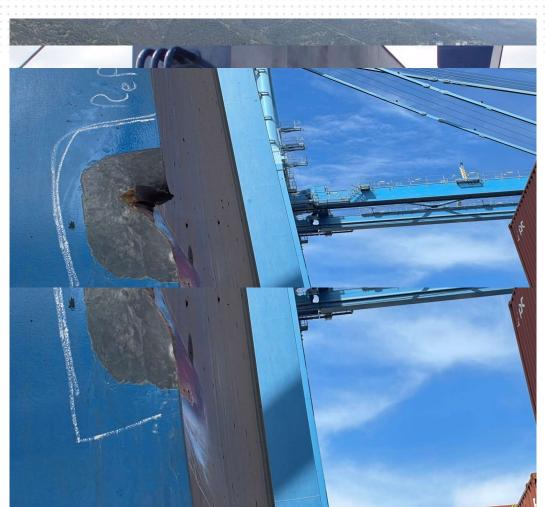
- o **The Incident**: Heavy contact with a mooring dolphin.
- The Claim: Full replacement required due to structural failure.
- The Question: Was the visible damage the whole story?





Example 2: The Crane Damage

- The Incident: Allision with a shipto-shore crane leg.
- The Claim: Crane is a "total loss" €8M replacement.
- The Investigation: Forensic structural analysis.





Example 3: The Business Interruption (BI) Claim

- The Consequence: Damaged berth closed for 3 months.
- The Claim: Considerable BI loss based on projected revenue.
- The Reality Check: Verify with independent data.





- Look Beyond Liability: Understand the technical cause-effect to control the claim's scope.
- Appoint the Right Expert, ASAP: A competent civil engineer on site within 24 hours may be your best investment.
- Challenge & Verify: Use objective, independent data to test the reality of property and BI claims.





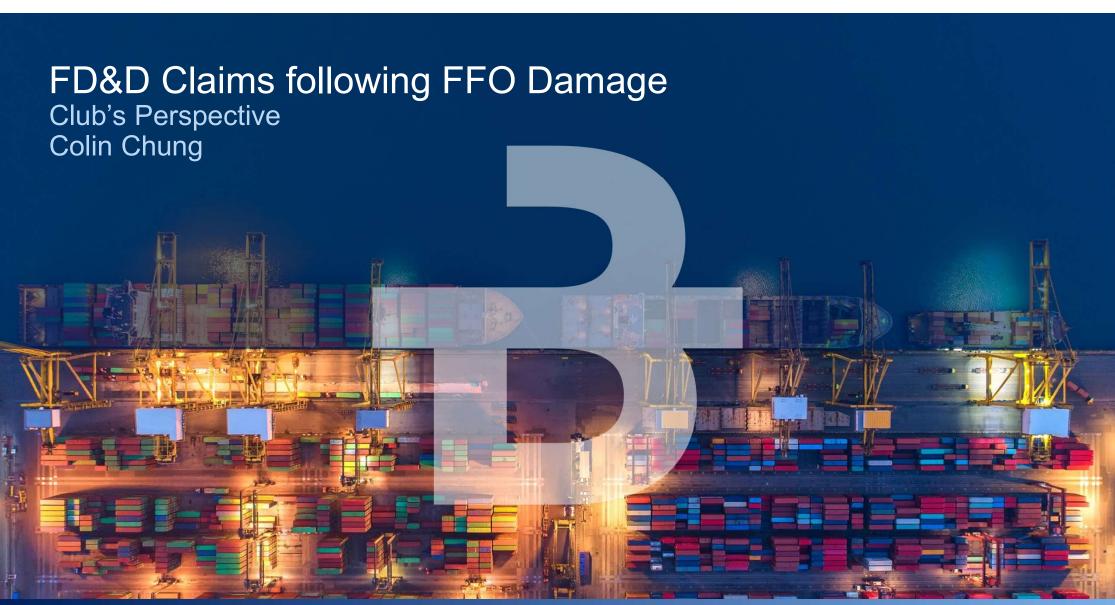
QUESTIONS?

Thank you.

Jeroen Overbeek Maritime Civil Engineer

Waves Group +65 68175010 (24/7) j.overbeek@waves-group.sg

www.waves-group.co.uk



FFO incidents are not uncommon...

You might wake up to find one crashed into a garden... Example



Source: https://splash247.com/second-officer-charged-with-negligent-navigation-over-last-weeks-high-profile-grounding-in-norway/

Where FFO Sits in P&I Cover

Club's Perspective



- Britannia Rule 19.10 (Damage to Property)
- Covers fixed & floating objects (not ships/cargo)
- Common examples: quay walls, dolphins, jetties, cranes, bridges

Initial Handling Mirrors a P&I Property Damage Claim

Immediate Actions

- Immediate notification to Club
- Evidence: surveyors, photos, VDR, AIS, crew statements
- Preserve privilege (lawyers instruct experts)
- Early engagement with port/terminal/insurers



Key Claim Issues in FFO Cases

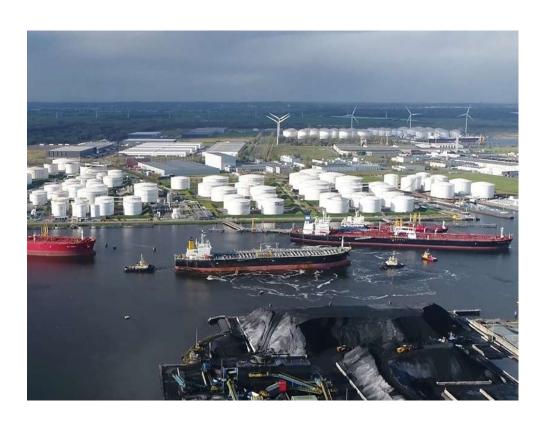
Issues to Consider

- Quantum of repair costs often inflated
- Business interruption (BI) claims frequently contentious
- Causation disputes what damage actually arose from incident?
- Duty to mitigate



Transition into FD&D-Type Dispute Handling

Follow-up Claims



- From cover to dispute: P&I pays, then dispute begins
- Defending against inflated/ unsupported claims
- Pursuing recourse if third-party equipment or design at fault
- Arbitration / litigation support

Strategic Lessons / Best Practices

Follow-up Actions

- Early, thorough evidence collection is decisive
- Scrutinise business interruption claims carefully
- Maintain transparency with Members
- Adopt firm but reasonable negotiation stance
- Feed lessons back into SMS / risk management



Who is Liable?

Claim's Perspective







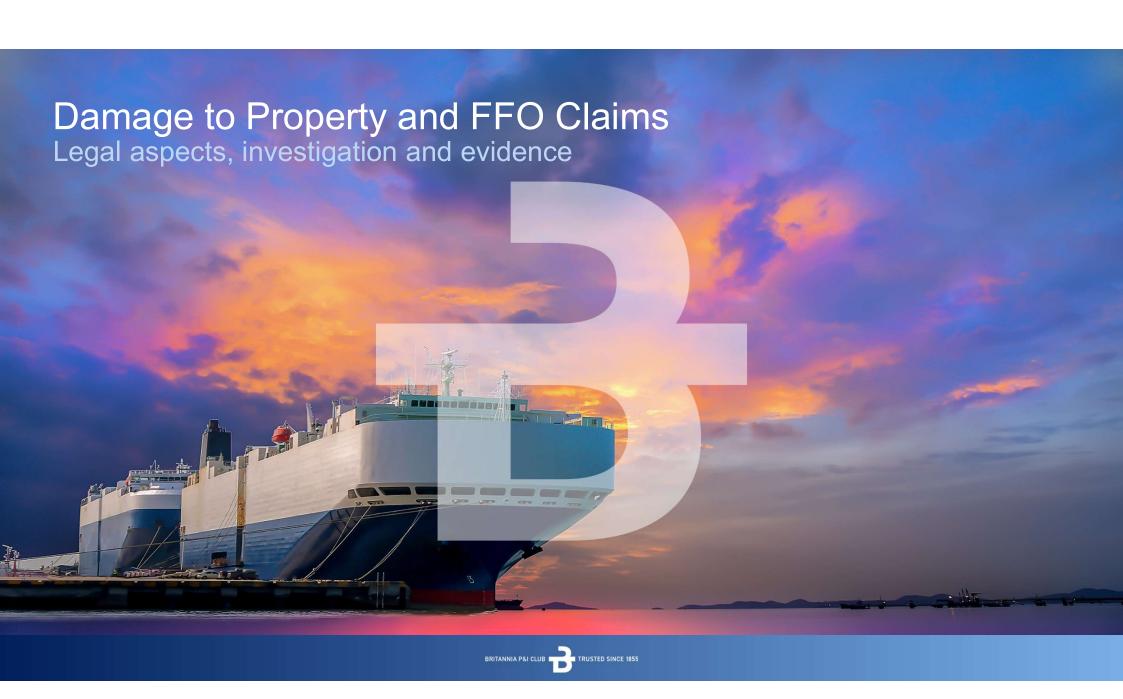


Takeaways

Claim's Perspective



- FFO = core P&I cover (Rule 19.10)
- Claims often escalate into FD&D disputes
- Key issues: quantum, BI, causation, mitigation
- Evidence and early handling critical
- Role of claims handler: defend, recover, resolve



FFO claims – legal and evidential considerations

A loss prevention presentation for the members of Britannia P&I Club

Donal Keaney, Partner & Master Mariner

E: donal.keaney@hilldickinson.com

T: +65 6576 4742

M: +65 8869 9777

16 September 2025

Content

- 1. Causation and liability
- 2. Evidence and investigation
- 3. Recovery



Who's at fault - defence of claims

- Local law will apply
- Default position will often be vessel at fault
- Facts to consider
 - Was the vessel in a designated or recognised channel?
 - Was the FFO charted / marked / lit?
 - Were there warnings about any deficiencies in the above
 - Was the position of the FFO reasonable?
 - Was a pilot and/or tugs engaged?



Who's at fault – defence of claims

Pilots

- The fact that a ship is being navigated in an area and in circumstances in which pilotage is compulsory for it shall not affect any liability of the owner or master of the ship for any loss or damage caused by the ship or by the manner in which it is navigated (Pilotage Act 1987)
- Whilst the pilot is engaged in pilotage duties he is considered to be a servant of the shipowner – and as such the shipowner is vicariously liable for the pilot's faults vis-à-vis any damage caused to third parties. (The "CAVENDISH" [1993])

Tugs

- Terms and conditions of towage
- Has the towed vessel owner agreed to be bound?



Evidence – Preservation & protection

- Electronic evidence
- Paper records
- Witnesses
- Photographs and video
- Emails / 'text messages'
- Port/VTS recordings
- Seek the assistance of the P&I Club's correspondent



Evidence – Preservation & protection

- Lock down the vessel
 - Restrict access
 - Visitors 3rd parties escorted at all times
 - Consider shutting down crew internet access
- Brief master / crew
 - Access to vessel
 - Engaging with third parties
 - Social media
- Take control of all evidence
 - Ensure crew do not make/have copies
 - Obtain evidence from crew



Investigation & reporting

- Follow documented procedures
- Obtain as much evidence as possible and consider everything
- Test the evidence
- Stick to the facts
- Present considered and balanced conclusions
- Avoid opinion and conjecture and never comment on ability or competence

Remember your report will likely be disclosable to opponent parties!



Recovery

- Charterers
 - Safe port/berth warranty
 - Implied indemnity
- Pilot
- Pilotage authority
- Individual pilot
- Tug
- Agreed terms
- Negligence of tug crew or failure of the tug owner to exercise reasonable care (UK Standard Conditions for

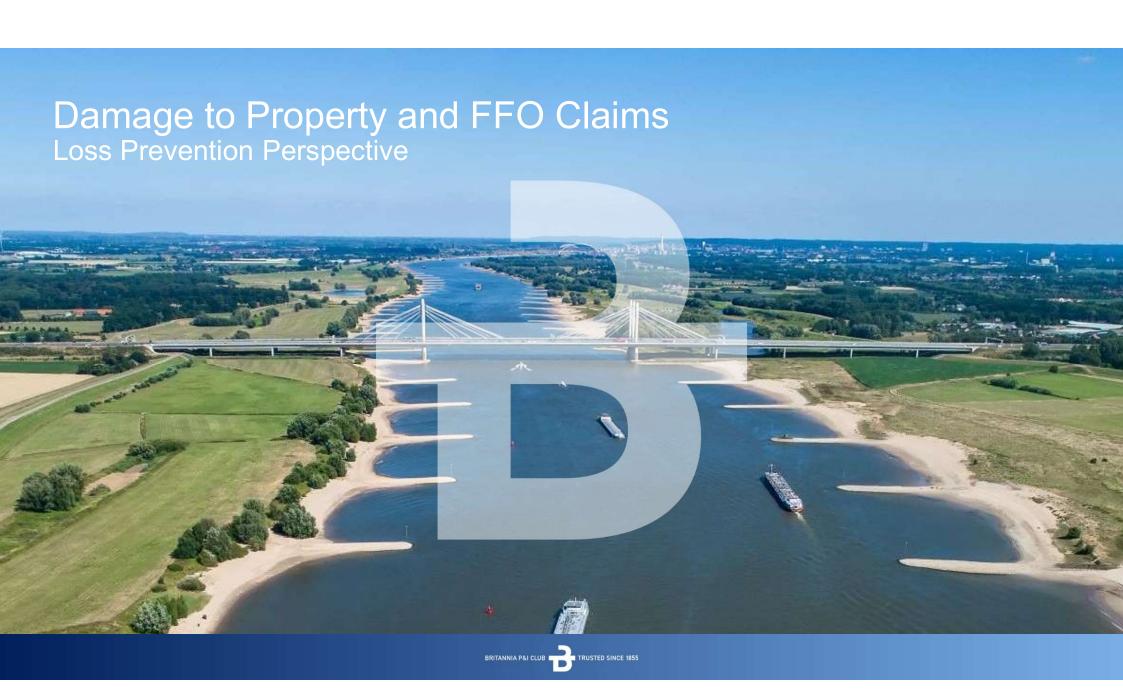
Towage)



Consider local legal advice and potential for local bias



hilldickinson.com



Loss Prevention

Mitigating Measures

- Passage planning must cover berth-toberth navigation and incorporate latest local notices to mariners to ensure safety
- Master and officers should counter check with each other and discuss passage plans to guarantee accuracy and effectiveness
- Officers must actively monitor and update the passage plan during navigation, especially in confined waters, sometime real-time adjustments may be needed.





Loss Prevention

Continued

- Encourage open challenge, open dialogue on the bridge team to enhance situational awareness and decision-making – empower crew
- A clear, well-defined relationship between master and pilot to clarify the manoeuvring strategies, tugs, speed expectation, waypoints, abort plan and responsibilities, etc
- Pilot cards and checklists clarify roles, responsibilities and expectations before and during pilotage – provide common mental model.



Loss Prevention

Continued

- Proper speed control during berthing and unberthing prevents damage and ensures safe ship handling – alongside fenders
- Deployment of tugs risk-based depends on wind, tide, manoeuvring space and other environmental factors to aid safe navigation
- The master must have the authority and confidence to question pilot decisions to prevent incidents and maintain control. - hesitation during critical moments causes incidents.



Loss Prevention Materials

FFO – Planning – Pilots – BRM – Intervention







Loss Prevention Materials

FFO – Planning – Pilots – BRM – Intervention

- Pilotage Guidance, Bridge Resource
 Management (BRM) and Master Pilot Exchange (MPX), 2023
- Ship Pilotage and Intervention Including Case Studies, 2021
- Damage to Fixed and Floating Objects (FFO), 2014
- Bridge Resource Management (BRM), 2020
- Safe Passage Planning An
 Overview for the Maritime Sector,
 2022



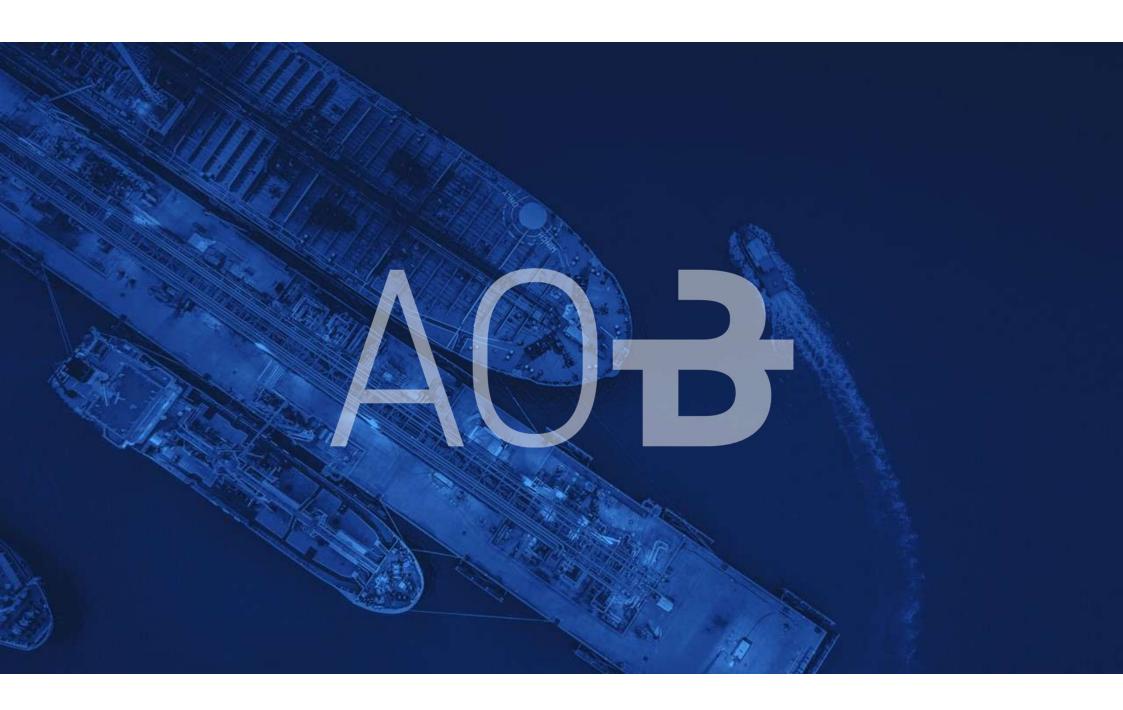


D LOSS PREVENTION

PERSONALISED RISK SERVICES



FOR MORE INFORMATION: lossprevention@tindallriley.com



BRITANNIA P&I CLUB TRUSTED SINCE 1855







X: @britanniapandi | Instagram: @britanniapandi | LinkedIn: https://www.linkedin.com/company/britannia-p-i-club/

Summary – Waves Group - Jeroen

Summary & Q&A

- How can an (early) understanding of the incident development and structure help manage a case and reduce surprises.
- Questions:
 - Underwater surveys are expensive, are they always necessary?
 - How do you value the BI
 - Are design checks always needed or useful

Summary – Hill Dickinson - Donal

Summary & Q&A

- Will a vessel's passage plan have a bearing on the liability of a vessel in case of an allision with an FFO?
- What should a master / owners do if the VDR cannot be preserved?
- Can an owner still make a recovery against a charterer under an unsafe port claim if a local court decides the port is safe in proceedings brought by the port authority for the damage caused.

Summary – Britannia P&I - Colin

Summary & Q&A

- Isn't it inevitable that Members end up paying inflated FFO claims, given ports and terminals often have the upper hand?
- Doesn't all this legal involvement slow down resolution and make the claims process more expensive?
- If you had to give Members just one piece of advice to prepare for an FFO claim, what would it be?