

Amendments to Rules associated
with Local Certificate of Competency

Purpose

1. This paper seeks the views of members on the proposals to amend the Merchant Shipping (Local Vessels) (Local Certificates of Competency) Rules (LVCoC Rules), Examination Rules for Local Certificate of Competency (ExCoC Rules) and Examination Rules for Pleasure Vessel Operator Certificate of Competency (PVCoC Rules).

Background

2. The Merchant Shipping (Local Vessels) Ordinance (LVO) and its subsidiary regulations and rules were developed over many years. Certain regulations referenced in different rules were not yet available at the time of their development; they were left as blanks while waiting for their updates. Similar phenomenon also occurred to new measures developed to address the developments in the industry before the implementation of the Cap. 548. These new measures were not recorded in the appropriate rules accordingly at the time of implementation.

3. After the implementation of the LVO on 2 January 2007 and the subsidiary rules such as the LVCoC Rules, ExCoC Rules and PVCoC Rules, incorrect references, inconsistencies and imperfections in these rules were discovered during the course of their application. The amendments proposed in this paper are to rectify these incorrect references and inconsistencies etc. in these rules.

Proposals

4. The amendment proposals are grouped by rule. Each rule is listed separately in the Appendices for reference. The amendments to LVCoC, ExCoC and PVCoC Rules are listed out in Appendices A, B and C respectively.

5. The amendments within each rule are further divided into sections according to the nature of the amendment, namely, "referencing errors", "clarifications and updates" and "new measures not yet covered by rules".

6. The amendments under "referencing errors" deal with the missing and incorrect references in the rules. The "clarifications and updates" enhance the text in the rules to reflect the current practice and interpretation to the specific clauses in the rules. "New measures not yet covered by rules" are new amendments that are necessary for the smooth operation of Cap. 548 and its subsidiaries after the publication of the rules but before they have come into force.

7. The reasons for the proposed amendments are provided in the last column of the tables in the Appendices.

Advice Sought

8. Members are invited to comment on the proposals as explained in Appendices A to C.

Marine Department
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Merchant Shipping (Local Vessels)(Local Certificates of Competency) Rules

Section No.	Original Context	Proposed Amendments	Reasons for Amendments
<i>Referencing errors</i>			
2	“aggregate power” (總功率), in relation to a local vessel, means the total power of all the vessel’s propulsion engines measured in kW as specified in the certificate of survey or certificate of inspection issued to the vessel in accordance with the provisions of the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub.leg.[])	“aggregate power” (總功率), in relation to a local vessel, means the total power of all the vessel’s propulsion engines measured in kW as specified in the certificate of survey or certificate of inspection issued to the vessel in accordance with the provisions of the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub.leg. G)	To eradicate the incomplete referencing error in the definition of “aggregate power”.
2	“length” (長度) in relation to a local vessel, means the length as specified in section 2 of the Merchant Shipping (Local Vessels)(Safety and Survey) Regulation (Cap. 548 sub.leg.[])	“length” (長度) in relation to a local vessel, means the length as specified in section 2 of the Merchant Shipping (Local Vessels)(Safety and Survey) Regulation (Cap. 548 sub.leg G)	To eradicate the incomplete referencing error in the definition of “length”.
2	“length overall” (總長度), in relation to a local vessel, means the length overall as specified in section 2 of Merchant Shipping (Local Vessels)(Certification and Licensing) Regulation (Cap. 548 sub.leg.D);	“length overall” (總長度), in relation to a local vessel, means the length overall as specified in section 2 of the <u>Merchant Shipping (Local Vessels) Ordinance (Cap. 548)</u> ;	To correct the wrong reference in the definition of “length overall”.

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<i>Clarifications & Updates</i>			
10	(2) Any fee paid in respect of such cancelled or postponed examination shall either be refunded to the candidate or, if so requested by him, be held to his credit for a future examination.	(2) Any fee paid in respect of such cancelled or postponed examination shall either be refunded to the candidate <u>on return of the original payment receipt</u> or, if so requested by him, be held to his credit for a future examination.	To clarify the procedural requirements for refund as laid down in the accounting procedures of the government.
<i>New measures not yet covered by rule</i>			
Schedule 2 Item 3	-----	<p>To add a new endorsement item (n):- The holder of this certificate may also act as the coxswain of a Class III fishing vessel, fish carrier, or a fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following condition</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Type A (Restricted Waters) Grade 3 (Master) Fishery Vessel Officer’s Certificate issued by the Bureau of Fishing Port Superintendence of Guangdong, PRC, to authorized officer for inspection;</p> <p>(ii) overall length of the vessel is not more than 50 m; and</p> <p>(iii) this endorsement expires on the expiry date of the “recognized certificate” stated in sub-paragraph (i) of this paragraph.</p>	A Coxswain Grade 3 Certificate holder who has also obtained a Type A (Restricted Waters) Grade 3 (Master) Fishery Vessel Officer’s Certificate, wants to operate a Class III fishing vessel, fish carrier, or a fishing sampan (which is a Guangdong/Hong Kong mobile fishing vessel of not more than 50 m), an endorsement on the certificate is necessary to permit such operation.

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Schedule 2 Item 3	-----	<p>To add a new endorsement item (o):- The holder of this certificate may also act as the coxswain of a Class III fishing vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Type A (Restricted Waters) Grade 4 (Master) Fishery Vessel Officer’s Certificate issued by the Bureau of Fishing Port Superintendence of Guangdong, PRC, to authorized officer for inspection;</p> <p>(ii) overall length of the vessel is not more than 35 m; and</p> <p>(iii) this endorsement expires on the expiry date of the “recognized certificate” stated in sub-paragraph (i) of this paragraph.</p>	<p>A Coxswain Grade 3 Certificate holder who has also obtained a Type A (Restricted Waters) Grade 4 (Master) Fishery Vessel Officer’s Certificate, wants to operate a Class III fishing vessel, fish carrier, or a fishing sampan (which is a Guangdong/Hong Kong mobile fishing vessel of not more than 35 m), an endorsement on the certificate is necessary to permit such operation.</p>
Schedule 2 Item 3	-----	<p>To add a new endorsement item (p):- The holder of this certificate may also act as the Coxswain of a Class III vessel in excess of 15 m in length.</p>	<p>To allow a Coxswain who holds a former Local Certificate of Competency with endorsement for fishing vessels only to continue operating a Class III vessel of unrestricted length.</p>
Schedule 2 Item 6	-----	<p>To add a new endorsement item (f):- The holder of this certificate may also act as the engine operator of a Class III fishing vessel, fish carrier, or fishing sampan which is a Guangdong / Hong Kong mobile fishing vessel subject to the</p>	<p>An Engine Operator Grade 3 Certificate holder who has also obtained a Type A (Restricted Waters) Grade 2 (Chief Engineer) Fishery Vessel Officer’s</p>

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		<p>following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Type A (Restricted Waters) Grade 2 (Chief Engineer) Fishery Vessel Officer’s Certificate issued by the Bureau of Fishing Port Superintendence of Guangdong, PRC, to authorized officer for inspection;</p> <p>(ii) aggregate power of the vessel is not exceeding 3000 kW;</p> <p>(iii) this endorsement expires on the expiry date of the “recognized certificate” stated in sub-paragraph (i) of this paragraph.</p>	<p>Certificate, wants to operate a Class III fishing vessel, fish carrier, or a fishing sampan (which is a Guangdong/Hong Kong mobile fishing vessel of not exceeding 3000 kW), an endorsement on the certificate is necessary to permit such operation.</p>
<p>Schedule 2 Item 6</p>	<p>-----</p>	<p>To add a new endorsement item (g): The holder of this certificate may also act as the engine operator of a Class III fishing vessel with engine(s) (without restrictions).</p>	<p>Schedule 3 Part 1 Item 6 already accepts a person holding a Local Certificate of Competency as an engineer of a fishing vessel to be equivalent to holding an Engine Operator Grade 3 Certificate. However, a local Engine Operator Grade 3 Certificate can only operate vessels up to 750 kW whereas the former certificate holder has no such restriction. An endorsement is necessary to continue to allow holders of such a former Local Certificate of Competency to operate Class III fishing vessels beyond the 750 kW limit.</p>

Examination Rules for Local Certificates of Competency

Section No.	Original Context	Proposed Amendments	Reasons for Amendments
<i>Referencing errors</i>			
1.3	“aggregate power” (總功率), in relation to a local vessel, means the total power of all the vessel’s propulsion engines measured in kW as specified in the certificate of survey or certificate of inspection issued to the vessel in accordance with the provisions of the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub.leg.[])	“aggregate power” (總功率), in relation to a local vessel, means the total power of all the vessel’s propulsion engines measured in kW as specified in the certificate of survey or certificate of inspection issued to the vessel in accordance with the provisions of the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub.leg. G)	To eradicate the incomplete referencing error in the definition of “aggregate power”.
1.3	“length” (長度) in relation to a local vessel, means the length as specified in section 2 of the Merchant Shipping (Local Vessels)(Safety and Survey) Regulation (Cap. 548 sub.leg.[])	“length” (長度) in relation to a local vessel, means the length as specified in section 2 of the Merchant Shipping (Local Vessels)(Safety and Survey) Regulation (Cap. 548 sub.leg G)	To eradicate the incomplete referencing error in the definition of “length”
1.3	“length overall” (總長度), in relation to a local vessel, means the length overall as specified in section 2 of Merchant Shipping (Local Vessels)(Certification and Licensing) Regulation (Cap. 548 sub.leg.D);	“length overall” (總長度), in relation to a local vessel, means the length overall as specified in section 2 of the <u>Merchant Shipping (Local Vessels) Ordinance (Cap. 548)</u> ;	To correct the wrong reference in the definition of “length overall”.
3.3.2 will be eligible for a Coxswain Grade 1 Certificate if he meets the requirements specified in paragraphs 3.3.1(1), 3.3.1(2), 3.2.1(3) and 3.3.1(5) and also will be eligible for a Coxswain Grade 1 Certificate if he meets the requirements specified in paragraphs 3.3.1(1), 3.3.1(2), 3.3.1(3) and 3.3.1(5) and also	An editorial error in the preparation of the document.

<i>Clarifications & Updates</i>			
2.8.2	To grant an endorsement to allow a Coxswain Grade I Certificate holder to act as the coxswain of a local vessel that is – (1) not a pleasure vessel; and (2) of gross tonnage more than 1600, a practical examination on board the subject vessel by a local examiner to assess the ability of the concerned Coxswain in commanding the subject vessel is required.	To grant an endorsement to allow a Coxswain Grade I Certificate holder to act as the coxswain of a local vessel that is – (1) not a pleasure vessel; and (2) of gross tonnage more than 1600, a practical examination on board the subject vessel by a local examiner to assess the ability of the concerned Coxswain in commanding the subject vessel is required. <u>The Coxswain must be trained and has served on board the vessel or on a similar type of vessel for at least 1 year prior to the assessment.</u>	Vessels of more than 1600 gross tonnages are more complex in design and equipped with more modern equipments. Local certificate of competency holders are not familiar with these vessels. The additional service requirement of one year is to ensure that the Coxswain applying for the practical assessment has acquired the relevant experience prior to taking the assessment.
2.9.2	A person who holds certificates as both Engine Operator and Coxswain may be permitted to control any local vessel except pleasure vessels, the parameters of which fall within the scope of his certificates,	A person who holds certificates as both Engine Operator and Coxswain may be permitted to control any local vessel except pleasure vessels , the parameters of which fall within the scope of his certificates,	The exclusion of “pleasure vessels” in this section contradicts the requirements in Sections 19 & 20 of the Merchant Shipping (Local Vessels)(Local Certificates of Competency) Rules. A person that holds both Coxswain & Engine Operator Certificate can operate a Pleasure Vessel suitable for the operation by the corresponding Pleasure Vessel certificate holder.

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3.2.1 (2) (a)	a minimum of 1 year service as coxswain or assistant coxswain whilst holding a Coxswain Grade 3 Certificate in any local vessels other than pleasure vessels; or	a minimum of 1 year service <u>on board as a member of the deck crew of a local vessel</u> as coxswain or assistant coxswain whilst holding a Coxswain Grade 3 Certificate in any local vessels other than pleasure vessels; or	The number of staff working on a local vessel is small. Specifying that the candidate must serve as a coxswain or assistant coxswain on board a local vessel may be too restrictive. This amendment is to bring the service requirement in line with modern practice.
5.2.4	(2) Any fee paid in respect of such cancelled or postponed examination shall either be refunded to the candidate or, if so requested by him, be held to his credit for a future examination.	(2) Any fee paid in respect of such cancelled or postponed examination shall either be refunded to the candidate <u>on return of the original payment receipt</u> or, if so requested by him, be held to his credit for a future examination.	To clarify the procedural requirements for refund as laid down in the accounting procedures of the government.

Examination Rules for Pleasure Vessel Operator Certificate of Competency

Section No.	Original Context	Proposed Amendments	Reasons for Amendments
<i>Referencing errors</i>			
1.3	“aggregate power” (總功率), in relation to a local vessel, means the total power of all the vessel’s propulsion engines measured in kW as specified in the certificate of survey or certificate of inspection issued to the vessel in accordance with the provisions of the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub.leg.[]).	“aggregate power” (總功率), in relation to a local vessel, means the total power of all the vessel’s propulsion engines measured in kW as specified in the certificate of survey or certificate of inspection issued to the vessel in accordance with the provisions of the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub.leg. G).	To eradicate the incomplete referencing error in the definition of “aggregate power”.
1.3	“length overall” (總長度), in relation to a pleasure vessel, means the length overall as specified in section 2 of Merchant Shipping (Local Vessels)(Certification and Licensing) Regulation (Cap. 548 sub.leg.D);	“length overall” (總長度), in relation to a pleasure vessel, means the length overall as specified in section 2 of <u>Merchant Shipping (Local Vessels) Ordinance (Cap. 548)</u> ;	To correct the wrong reference in the definition of “length overall”.
5.3.1 (vii)	crossed cheque for examination fee or application fee payable to "The Government of Hong Kong Special Administrative Region" or	crossed cheque for examination fee or application fee payable to "The Government of the Hong Kong Special Administrative Region" or	A minor amendment to reflect the proper name of the HKSAR.

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5.4.4	.2 Any fee paid in respect of such cancelled or postponed the examination shall either be refunded to the candidate or, if so requested by him, be held to his credit for a future examination.	.2 Any fee paid in respect of such cancelled or postponed the examination shall either be refunded to the candidate <u>on return of the original payment receipt</u> or, if so requested by him, be held to his credit for a future examination.	To clarify the procedural requirements for refund as laid down in the accounting procedures of the government.
5.8	A candidate who fails in an examination and applies re-examination for the same grade of certificate may only apply for a schedule not earlier than one month from his previous attempt.	A candidate who fails in an examination and applies re-examination for the same grade of certificate may only apply for a schedule not earlier than <u>28 days</u> from his previous attempt.	To specify a clear period without ambiguity for an applicant to apply for another examination.
7.1 (7) (k)	Marine Police - how to obtain help from the Marine Police in emergencies.	How to obtain help <u>from the local authorities in Hong Kong</u> in emergencies.	In case of emergencies, there are different Authorities such as Marine Department, Marine Police and Fire Service etc. where help can be obtained. A candidate is required to understand how to obtain help from these various authorities in case of emergencies.
7.2.1 Part A	(9) To fix the vessel's position on a chart by simultaneous cross bearings, bearings and ranges or by radio director finder (DF) bearings.	(9) To fix the vessel's position on a chart by simultaneous cross bearings, bearings and ranges or by radio director finder (DF) bearings.	Radio director finder (DF) is abolished for use on board vessels.