

Translation

**Local Vessels Advisory Committee**  
**Joint Sub-committee on Class I and Class IV Vessels**  
**Minutes of the 4<sup>th</sup> Meeting**

Date : 1 March 2013 (Friday)  
Time : 2:30 p.m.  
Place : Conference Room A, 24/F, Harbour Building, Central

**Present**

Mr. CHAN Cheuk-sang (Chairman)	Marine Department (MD)
Mr. WONG Sai-fat (Chairman)	MD
Mr. KWOK Tak-kee	Hong Kong & Kowloon Motor Boats & Tug Boats Association Ltd. (MBTA)
Mr. WEN Tsz-kit	MBTA
Mr. PUI Chi-keung, Emil	MBTA
Mr. WONG Ho-yum	Hong Kong & Kowloon Ferry Ltd. (HKKF)
Mr. WU Ka-shun	South China Towing Co. Ltd.
Mr. CHEUNG Kwok-wai	New World First Ferry Services Ltd. (First Ferry)
Mr. P.M. LEE, Alfred	First Ferry
Mr. LI Kin-wah	First Ferry/Hong Kong Seamen's Union (HKSU)
Mr. CHOR Yee-on	The Hongkong and Yaumati Ferry Co. Ltd. (HYF)
Mr. Ben LO	Discovery Bay Transportation Services Ltd. (DBTPL)
Mr. Bill CHAN	DBTPL
Ms. CHING Ngon-lai	Harbour Transportation Workers General Union (HTWGU)/Small Craft Workers Union
Mr. M.S. ON	HTWGU
Dr. Andrew KAY	Hong Kong Catamaran Club
Mr. LEE Shing-hing	Sai Kung Kaito Association
Mr. Roger EASTHAM	Royal Hong Kong Yacht Club (RHKYC)
Mr. Paul CHEUNG	Hong Kong Jet Sports Boating Association

Mr. CHEUNG Sun-ming	Hebe Haven Yacht Club
Mr. KWOK Chi-hong	Marine Excursion Association (MEA)
Mr. WONG Yiu-wah	MEA
Mr. CHAN Chi-ming	The Hong Kong Shipyard Limited (HK Shipyard)
Mr. MA Chi-wai	HK Shipyard
Mr. KEUNG Siu-fai	Hong Kong & Kowloon Floating Fishermen Welfare Promotion Association (Floating Fishermen)
Ms. Monita LEUNG	Tsui Wah Ferry Service Co. Ltd. (Tsui Wah)
Mr. K.P. CHEUNG, Donald	Park Island Transport Company Ltd. (PITCL)
Mr. LIN Wing-ho, Vico	Hong Kong Police Force
Mr. YUEN Wing-cheong	Transport Department (TD)
Ms. YAU Lai-sze, Lizzy	Leisure and Cultural Services Department
Mr. CHAN Hon-bun	MD
Mr. SHUEN Chi-keung, Ivan	MD
Mr. Clement HAU (Secretary)	MD

### **In Attendance**

Mr. CHAN Mang-fu, Jack	Transport and Housing Bureau (THB)
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### **Absent with Apologies**

Mr. NG Siu-yuen, Nelson	HKKF
Mr. LO Ngok-yang	Cheoy Lee Shipyards Limited
Mr. Keith MOWSER	Hong Kong Sailing Federation
Mr. Donald LEE	Hong Kong Water Ski Association
Mr. CHEUNG Yat-leung, Jacky	Sai Kung Yacht Association
Mr. CHEUNG Chi-chuen	Hong Kong & Kowloon Fishermen Association
Mr. Albert WU	Gold Coast Yacht and Country Club
Dr. LAU Kwok-lam, Alan	Pleasure Boating Operations
Mr. CHEUNG Yau-kwong	Fat Tat Hong

## **I. Opening Remarks**

**Mr. CHAN Cheuk-sang (MD)** and **Mr. WONG Sai-fat (MD)** welcomed all industry representatives to the meeting.

## **II. Confirmation of Minutes of Previous Meeting**

2. There being no amendments from members at the meeting, the minutes of the previous meeting were confirmed.

## **III. Discussion Items**

### **1. Marine Traffic Control and Safety Measures**

3. **Mr. CHAN Cheuk-sang (MD)** said MD had prepared a paper on marine safety measures titled “Proposed Legislation to Require that Children Don a Lifejacket at all times while on board and a Passenger and Crew List be kept by the Coxswain during Fireworks Displays and other Major Events at Sea” (i.e. **Paper No. 2/2013**). **Mr. CHAN** asked **Mr. SHUEN Chi-keung, Ivan (MD)** to brief members on the paper.

4. **Mr. SHUEN Chi-keung, Ivan (MD)** said that the marine disaster of 1 October 2012 had resulted in a large number of casualties and caused public concern. After the incident, it was found that the children who died did not don a lifejacket. The absence of a passenger and crew list also caused immense difficulties in verifying the number of people on board and in effecting rescue. A Commission of Inquiry had been established and an inquiry had commenced. However, given that the inquiry took time, MD was considering to enact legislation to require that children don a lifejacket at all times while on board Class I and Class IV vessels and a passenger and crew list be kept by the coxswain during fireworks displays and other major events at sea with a view to enhancing passenger safety.

5. **Mr. Roger EASTHAM (RHKYC)** enquired about the definition of children. As children of different ages were of different sizes, he wondered if lifejackets of different sizes had to be prepared on board.

6. **Mr. CHAN Cheuk-sang (MD)** responded that based on the experience of the New Year Countdown celebration and previous fireworks displays, the initial proposal was to define a child as a person under 12 years of age. Regarding children lifejackets, it was understood that lifejackets specially designed for children were available in the market. Given that MD was still examining legislative details, discussions would be held with members after further information had been collected.

7. **Mr. Roger EASTHAM (RHKYC)** agreed with the legislative proposal but remarked that problems which might be encountered during its implementation, such as the method of donning children lifejackets, should be carefully considered.

8. **Mr. KWOK Chi-hong (MEA)** asked to which area(s) of water the proposed legislation would be applicable and whether children would be required to don lifejackets at all times while on board, including outside the time during which a major event at sea was held. The industry would be affected if children were required to don lifejackets at all times while on board.

9. **Mr. CHAN Cheuk-sang (MD)** responded that members' views would be considered in the formulation of the law. According to recent observations by enforcement officers, passengers in general would proactively help children don lifejackets at popular landing steps. As the vessels involved in the marine disaster earlier had yet to reach the waters where the fireworks display was staged when the incident occurred, it was necessary to ensure in the legislation that children would not wait until their arrival in the waters concerned to don lifejackets. Instead, lifejackets should be donned on the way to the events. Issues related to liabilities could be discussed further.

10. **Mr. KEUNG Siu-fai (Floating Fishermen)** said that it was necessary to define major events at sea first and to consider to which types of vessels the law would apply, e.g. whether the law would apply to all vessels in the vicinity of the event. In addition, members ought to think about what should be done if the passenger and crew list was lost during an accident.

11. **Ms. CHING Ngon-lai (HTWGU)** remarked that there was a need to determine whose responsibility it was to provide the passenger and crew list and to consult representatives from the tourism industry. Moreover, **Ms. CHING** asked whether coxswains could refuse to set sail if a passenger and crew list could not be provided.

12. **Mr. P.M. LEE, Alfred (First Ferry)** said that although coxswains could cross-check the number of passengers on the list against the number of persons on board, they would not be able to ascertain the identities of the people on board and hence could not verify the accuracy of the passengers' names provided on the list.

13. **Mr. CHEUNG Kwok-wai (First Ferry)** remarked that it was imperative to prescribe clearly who should be held responsible if tourist guides failed to provide an accurate passenger list. **Mr. CHEUNG** was also concerned about issues of powers and responsibilities arising from children on board removing their lifejackets or having their lifejackets removed by their parents.

14. **Mr. KWOK Tak-kee (MBTA)** asked whether the proposed legislation would only apply to Class I and Class IV vessels, and whether private pleasure vessels would be covered.

15. **Mr. CHAN Cheuk-sang (MD)** thanked members for their input. **Mr. CHAN** responded that the proposed legislation would apply to Class I and Class IV vessels, including private pleasure vessels. The issue of children lifejackets would be dealt with by another working group. Moreover, MD had discussed with the Hong Kong Tourism Board (HKTB) and the Travel Industry Council of Hong Kong (TICHK) the proposed legislative requirement that a passenger list be kept on board. TICHK agreed with the proposal and suggested that the requirement could be explained to its members through briefing sessions after the enactment of the law. As neither of the two organisations sent representatives to the meeting, MD would talk with them again in due course and would continue to invite their representatives to the meeting. **Mr. CHAN** planned to send a copy of the minutes of this meeting to HKTB and TICHK for reference. In addition, MD would discuss the details with the Department of Justice after more views had been collected.

16. **Mr. SHUEN Chi-keung, Ivan (MD)** added that tourist guides should be able to support the arrangement by providing coxswains with a passenger list. MD would continue to study the specific details of implementing the proposed legislative requirement.

## **2. Local Examination Syllabuses and System for Certification**

### **Area 1: Provision of short-term maritime course and proof of employment**

17. **Mr. WONG Sai-fat (MD)** reported that a total of 212 people sat for the Coxswain Grade 3 Certificate examination in 2012 with a passing rate of 32%. **Mr. WONG** thanked the industry for the support it showed to the Government's proposed requirement that people sitting for the Grade 3 Certificate examination (Candidates) should attend a preparatory maritime course and receive in-service training in certain required items. He also said that both the Maritime Services Training Institute (MSTI) and the HKSU were interested in organising the course.

18. **Mr. KEUNG Siu-fai (Floating Fishermen)** asked **Mr. WONG Sai-fat (MD)** to brief members again on the details of the preparatory maritime course and the in-service training requirement.

19. **Mr. WONG Sai-fat (MD)** briefed members again on the course and the in-service training requirement (refer to **Paper No. 5/2012** for details) and reiterated that Candidates could enrol in the course any time within a one-year service period.

20. **Mr. KEUNG Siu-fai (Floating Fishermen)** hoped that the course would be held at venues that were more convenient for Candidates, not just at the rather remotely located MSTI. **Mr. KEUNG** also hoped that proper arrangements could be made for the course to ensure that there would be sufficient classes to accommodate Candidates.

21. **Mr. WONG Sai-fat (MD)** responded that members would be informed of such particulars as course duration, detailed course contents and attendance mode after a specific proposal had been drawn up. As members did not give further comments, **Mr. WONG** suggested moving on to the next discussion item.

## **Area 2: Exploring the direction for continuing studies for coxswains**

22. **Mr. WONG Sai-fat (MD)** expressed gratitude to members for their support for the arrangement of continuing studies for coxswains. MD had discussed the “one-day refresher course for coxswains of local vessels” with the Working Group on Training of Local Vessels’ Crew of the Maritime Services Training Board of the Vocational Training Council. The preliminary proposal was that a coxswain had to attend a course once every three years. The course would provide coxswains with the opportunity to refresh and update their knowledge, and no examination would be required. MD would in due course discuss with MSTI and HKSU the number of refresher courses to be offered every year. Members would be informed of the details of the course after a detailed proposal had been drawn up.

## **Area 3: Exploring the requirement of taking practical operation assessment**

23. **Mr. WONG Sai-fat (MD)** reported that, under MD’s proposal: (1) local passenger carrying vessels requiring coxswains holding a Coxswain Grade 1 Certificate to operate; (2) local pleasure vessels for hire requiring operators holding a Pleasure Vessel Operator Grade 1 Certificate to operate; and all such personnel would be required to take a practical operation assessment (operation assessment). Since there would probably be a large number of candidates, it was proposed that the assessment be conducted with the use of a ship simulator. In addition, coxswains and operators were expected to have the opportunity to receive instruction on and familiarise themselves with simulator operation before taking the assessment. MD was discussing with the academic authorities concerned the design of the simulator and would report to members after obtaining further information.

24. **Mr. CHEUNG Kwok-wai (New Ferry)** said the operation assessment might be appropriate for certification purpose but was not necessarily suitable for assessing the experience of coxswains. **Mr. CHEUNG** was worried that the simulator might not be able to simulate faithfully the actual environment and circumstances encountered during navigation.

25. **Mr. WONG Sai-fat (MD)** said he expected that videos had to be made for setting up the simulator for the assessment. The simulator would mainly be used for testing the preparedness of coxswains and operators in dealing with situations in the waters of Hong Kong, and was thus different from MSTI's existing simulators of ocean going vessels.

26. **Mr. WONG Yiu-wah (MEA)** suggested informing representatives of the pleasure vessel industry in Sai Kung district about MD's intention to introduce an operation assessment, considering that there were altogether 200 pleasure vessels for hire in the district.

27. **Ms. CHING Ngon-lai (HTWGU)** expressed concern over the examination fee.

28. **Mr. WONG Sai-fat (MD)** replied that there was currently no specific information about the examination fee for the operation assessment. He believed that a decision would be made on the subject after an outcome had emerged from discussions on the simulator.

29. **Mr. CHEUNG Kwok-wai (New Ferry)** said he hoped the Government could provide the maritime industry with more resources.

30. **Mr. KEUNG Siu-fai (Floating Fishermen)** hoped that the marine transport industry could receive the same degree of respect as the land transport industry did. He hoped that, while offering various types of courses and assessments to the marine transport industry, the Government would introduce the same to the land transport industry. Noting that there was a demerit point system for the land transport industry, he suggested that the Government consider adopting such a system as a measure to improve maritime safety and let members consider its feasibility, so as to provide an alternative to the proposed refresher course which had to be taken once every three years.

31. **Mr. CHAN Mang-fu, Jack (THB)** expressed gratitude to members for their comments and reminded them that implementation of the demerit point system in the marine transport industry might have a huge impact on the industry.

32. **Mr. KWOK Tak-kee (MBTA)** said the whole discussion was brought about by a single incident and he queried whether new legislation would be needed should another incident happen in the future.

#### **Area 4: Exploring the Need of Type Rating Certificates for Fast Speed Vessels**

(Remarks by Secretary: The Chairman proposed that the discussion of this item be deferred until after the third discussion item on “Working Hours of Coxswains and Crew, and Review of Their Duty Roster System for Local Passenger Carrying Vessels”. Since no member objected to the proposal, the discussion on “Exploring the Need of Type Rating Certificates for Fast Speed Vessels” was deferred to the last part of the meeting.)

33. **Mr. WONG Sai-fat (MD)** enquired whether various shipping companies had calculated the number of high speed craft (HSC) in their fleet based on the international formula for HSC.

34. **Mr. KWOK Chi-hong (MEA)** said he was not clear about the calculation method for HSC.

35. **Mr. WONG Sai-fat (MD)** responded that members might also consider taking the definition of local HSC as vessels with a speed of more than 20 knots and a passenger capacity in excess of 100.

36. **Mr. P.M. LEE, Alfred (First Ferry)** enquired whether vessels which did not fall under the definition of HSC should be categorised as dynamically supported craft (DSC).

37. **Mr. WONG Sai-fat (MD)** responded that after the definition of fast speed vessels was determined, such type of vessels would be placed under the regime of the Type Rating Certificate system.

38. **Ms. Monita LEUNG (Tsui Wah)** said Tsui Wah did not have any vessels which fell under the definition of HSC.

39. **Mr. WONG Ho-yum (HKKF)** said HSC and DSC were very similar and some HKKF vessels were equipped with yellow flashing lights. He did not know if such lights were related to the vessel definitions.

40. **Mr. KWOK Chi-hong (MEA)** asked whether it was necessary to take into account the construction materials of vessels in determining the definitions.

41. **Mr. WONG Ho-yum (HKKF)** said the ship inspection department of the company would contact **Mr. WONG Sai-fat (MD)** for detailed discussion.

42. **Mr. K.P. CHEUNG (PITCL)** said the company in the past did not regard itself as having any HSC, but according to the definition put forward at the meeting, all vessels of the company were HSC.

43. **Mr. WONG Sai-fat (MD)** said he would liaise with various shipping companies for exchange of information.

### **3. Working Hours of Coxswains and Crew, and Review of Their Duty Roster System for Local Passenger Carrying Vessels**

44. Further to last meeting's discussion on the working/rest time arrangements for crew, **Mr. WONG Sai-fat (MD)** proposed that a rest period be provided to crew for every 6 hours of continuous on-duty navigation, and the total on-duty navigation time accumulated in every 24-hour period be capped at 13 hours. In addition, a meal break of at least 40 minutes should be provided to crew. Flexibility would be allowed in implementing the above taking into account the operational needs of shipping companies. Moreover, coroners had also suggested in their judgments in respect of certain marine accidents that a rest period should be provided for every 6 hours of continuous on-duty navigation.

45. **Mr. CHEUNG Kwok-wai (First Ferry)** enquired whether the working/rest time arrangements for crew mentioned by **Mr. WONG Sai-fat (MD)** were for guidance or to become statutory requirements. If MD required that a rest period be provided to crew for every 6 hours of continuous on-duty navigation, the manpower of shipping companies would be put under pressure. **Mr. CHEUNG** cited the example of bus operation where the working/rest time arrangements for bus drivers were for guidance only and where TD would allow

bus companies flexibility in handling such arrangements for their staff under exceptional circumstances or during festive periods. **Mr. CHEUNG** would like to know if MD would give shipping companies the same flexibility.

46. **Mr. WONG Sai-fat (MD)** responded that he would first like to know if the above proposals were feasible and the degree of flexibility required by shipping companies. Taking the Hong Kong-Macao ferry route as an example, **Mr. WONG** said that shipping companies submitted two monthly reports to MD, one on planned manning arrangements for the month to come and the other on actual manning arrangements for the entire month just passed. Such reports enabled MD to check whether shipping companies had adhered to the arrangements on duty roster as set out in the operating permits.

47. **Mr. CHEUNG Kwok-wai (First Ferry)** enquired whether shipping companies would be allowed to cancel some of the sailings having regard to operational needs if the requirements were to be implemented. In addition, **Mr. CHEUNG**, hoped MD would consider the possible need for additional sailings during special festive periods.

48. **Mr. P.M. LEE, Alfred (First Ferry)** remarked that shipping companies needed to arrange for extra hands and make the necessary deployment when planning the provision of additional sailings, otherwise there would not be enough space for the berthing of vessels. First Ferry, having regard to the needs of the trade, allowed sufficient time for its staff to take turns to have their meals. **Mr. LEE** was also of the view that the working/rest time arrangements for workers in the marine transport industry should be different from those for workers in the land transport industry.

49. **Mr. WONG Ho-yum (HKKF)** stated that it was the general wish of shipping companies to provide staff with adequate rest time, but they had often been faced with the problem of manpower shortage.

50. **Mr. CHEUNG Kwok-wai (First Ferry)** said ferry companies also hoped to recruit additional staff, but the industry was suffering from acute manpower shortage.

51. **Ms. CHING Ngon-lai (HTWGU)** said the shortage of manpower might be attributed to an imbalance in supply and demand in the employment market. It would be very difficult to attract people to join the maritime industry in the absence of sound working conditions.

52. **Mr. CHEUNG Kwok-wai (First Ferry)** replied that ferry companies were unable to support their daily operations with the fares charged at the moment, and essentially had to rely on government subsidy for maintaining their operations. Hence, it would be very difficult for ferry companies to meet the requirements on rest time arrangement.

53. **Mr. KWOK Tak-kee (MBTA)** said small enterprises within the industry were having a particularly hard time at the moment as they could not raise their fares and found it very difficult to attract talent.

54. **Mr. Roger EASTHAM (RHKYC)** suggested that reference be made to existing international standards such as those set for seafarers by the International Labour Organization.

55. **Mr. CHEUNG Kwok-wai (First Ferry)** asked the Chairman to estimate the number of vacancies within the industry so as to ascertain whether the manpower shortage was the result of insufficient manpower or unattractive remuneration.

56. **Mr. KEUNG Siu-fai (Floating Fishermen)** said manpower shortage was a problem common to all trades and industries in Hong Kong that could not be resolved overnight. To provide long-term solutions to the problem, more training opportunities had to be offered and the attractiveness of the industry had to be enhanced.

57. **Mr. WONG Sai-fat (MD)** hoped that members could focus the discussion on the rest time arrangement for crew of local passenger carrying vessels. The international convention mentioned by **Mr. Roger EASTHAM (RHKYC)** was applicable only to ocean-going vessels and not to local passenger carrying vessels. **Mr. WONG** said the labour legislation of Singapore stipulated that crew had to be provided with rest time after 6 hours of continuous on-duty navigation.

58. **Mr. WEN Tsz-kit (MBTA)** agreed that rest time was necessary for crew, who generally knew how to co-ordinate with each other for that.

59. **Mr. WONG Sai-fat (MD)** said the three-point proposal on working/rest time arrangements for crew should be feasible. It seemed, however, that the industry did not want to put these proposals into specific guidelines or requirements. **Mr. WONG** hoped that a feasible standard could be set with reference to the statistics set out in Paper No. 9/2012.

60. **Ms. CHING Ngon-lai (HTWGU)** said some crew were not satisfied with the state of the industry as the prolonged working hours would pose a threat to the safety of passengers. It was thus necessary for the industry to take the issue seriously by discussing the working/rest time arrangements for crew.

61. **Mr. WEN Tsz-kit (MBTA)** said rigidly prescribing that shipping companies should adhere to the requirement on working/rest time arrangements for crew would disrupt the modus operandi of the industry that had been in practice for years.

62. **Mr. WONG Sai-fat (MD)** said if a 30-minute meal break for crew was already in place at the moment, the existing modus operandi might not necessarily be disrupted by the new arrangements.

63. **Mr. K.P. CHEUNG (PITCL)** enquired whether the requirement on working/rest time arrangements for crew would be rigidly enforced. **Mr. CHEUNG** asked what could be done if, for example, the crew of a vessel had performed continuous on-duty navigation for 6 hours and a duty replacement was desperately needed when the vessel was still underway at sea.

64. **Mr. WONG Sai-fat (MD)** responded that the arrangements had yet to be finalised. MD wished that more views could be collected and the industry could be given adequate room for flexibility when the arrangements were formulated.

65. **Mr. KWOK Chi-hong (MEA)** enquired if the session when a vessel was not in service was regarded as rest time and stated that it was necessary to set the standard for the duration of the break in a clear manner.

66. **Mr. KWOK Tak-kee (MBTA)** said the industry would be affected if it became necessary for ferries to adhere to the working/rest time arrangements for crew.

67. **Mr. WONG Sai-fat (MD)** said the item would be discussed further at the next meeting.

**IV. Details of the next meeting**

68 The next meeting would be held on Thursday, 11 April 2013 at 10:00 a.m., in Conference Room A, 24/F, Harbour Building.

**V. End of meeting**

69. There being no other business, the meeting was adjourned at 4:58 p.m.