

Translation

Local Vessels Advisory Committee
Joint Sub-committee on Class I and Class IV Vessels
Minutes of the 5th Meeting

Date : 11 April 2013 (Thursday)
Time : 10:10 a.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. WEN Tsz-kit	Hong Kong & Kowloon Motor Boats & Tug Boats Association Ltd. (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. P.M. LEE, Alfred	New World First Ferry Services Ltd. (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.
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. LEE Shing-hing	Sai Kung Kaito Association
Mr. Roger EASTHAM	Royal Hong Kong Yacht Club (RHKYC)
Mr. WONG Yiu-wah	Marine Excursion Association (MEA)
Mr. KEUNG Siu-fai	Hong Kong & Kowloon Floating Fishermen Welfare Promotion Association (Floating Fishermen)
Mr. K.P. CHEUNG, Donald	Park Island Transport Company Ltd. (PITCL)
Mr. Keith MOWSER	Hong Kong Sailing Federation

Mr. Donald LEE	Hong Kong Water Ski Association (HKWSA)
Mr. SHEK Wah-yau	Hong Kong Pleasure Craft Club (HKPCC)
Mr. MA Kwok-keung	HKPCC
Mr. LIN Wing-ho, Vico	Hong Kong Police Force
Mr. YUEN Wing-cheong	Transport Department (TD)
Ms. Anna CHEUNG	Hong Kong Tourism Board
Ms. YAU Lai-sze, Lizzy	Leisure and Cultural Services Department
Mr. LI Kin-pong, Warren	MD
Mr. SHUEN Chi-keung, Ivan	MD
Mr. LAW Lap-keung	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. KWOK Tak-kee	MBTA
Mr. Ng Siu-yuen, Nelson	HKKF
Mr. CHEUNG Kwok-wai	First Ferry
Mr. M.S. ON	HTWGU
Mr. LO Ngok-yang	Cheoy Lee Shipyards Limited
Mr. MA Chi-wai	The Hong Kong Shipyard Limited
Mr. Paul CHEUNG	Hong Kong Jet Sports Boating Association
Mr. CHEUNG Sun-ming	Hebe Haven Yacht Club
Mr. Albert WU	Gold Coast Yacht and Country Club
Mr. KWOK Chi-hong	MEA
Mr. CHEUNG Yat-leung, Jacky	Sai Kung Yacht Association
Ms. Monita LEUNG	Tsui Wah Ferry Service Co. Ltd.
Mr. CHEUNG Chi-chuen	Hong Kong & Kowloon Fishermen Association
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 that after the previous meeting, MD received a number of views on marine safety measures and prepared a new paper (**Paper No. 3/2013, hereafter referred to as “Paper No. 3”**) which was supplementary to the relevant paper tabled at the previous meeting (**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)** briefed members on **Paper No. 3**, which provided a framework for legislating the proposed marine safety measures. He advised members to refer to paragraphs 5 to 8 for the details, which covered the requirements, definitions and application of the proposed legislation and liabilities.

5. **Mr. CHAN Cheuk-sang (MD)** added that MD would consult with the Department of Justice again on the details of the proposed legislation.

6. **Mr. Roger EASTHAM (RHKYC)** enquired whether a template of the passenger list would be made available on the website of MD for shipping companies and travel agencies to download.

7. **Mr. CHAN Cheuk-sang (MD)** responded that a template of the passenger list would be provided to shipping companies and travel agencies. He pointed out that MD had already made available the relevant template for use during the New Year countdown celebration and the fireworks display held previously.

8. **Mr. P.M. LEE, Alfred (First Ferry)** asked, since it was mentioned in the paper that a child had to don a lifejacket at all times while on board a spectator vessel, whether a coxswain would be held liable if a passenger took off his/her lifejacket during a trip.

9. **Mr. CHAN Cheuk-sang (MD)** responded that when drafting the legislation, MD would examine the details carefully in consultation with the Department of Justice. Law enforcement officers would also exercise their judgment when enforcing the law, taking into account the circumstantial evidence.

10. **Mr. SHEK Wah-yau (HKPCC)** said it would be inconvenient to hold events at sea if children were required to don a lifejacket at all times while on board. **Mr. SHEK** also doubted if the introduction of such a requirement was based on the assumption that accidents would happen to vessels.

11. **Mr. CHAN Cheuk-sang (MD)** responded that the proposed legislation would apply only to major events at sea, of which the definition was set out in paragraph 6 of **Paper No. 3**. The legislation aimed at ensuring the donning of lifejackets by children on board a spectator vessel on the way to a major event at sea. **Mr. CHAN** stressed that the legislation could ensure protection for the safety of children even though the donning of lifejackets might cause inconvenience.

12. **Mr. LI Kin-pong, Warren (MD)** added that MD would encourage the industry to arrange for children or even adults in need to don lifejackets while taking part in other marine activities for ensuring passenger safety. **Mr. LI** hoped that the industry could do its best to co-operate in the matter and explain to passengers the reasons for donning lifejackets.

13. **Mr. Donald LEE (HKWSA)** considered that the Government should enhance publicity to inform the public of the need for children to don lifejackets at all times while on board.

14. **Mr. PUI Chi-keung, Emil (MBTA)** said, in the case of a spectator vessel that did not take its passengers to view the fireworks display until after a trip to Lamma Island for seafood, he wondered whether the children passengers should don lifejackets when they first boarded the vessel or when they were on the way to the fireworks display.

15. **Mr. CHAN Cheuk-sang (MD)** responded that he could not provide answers to all the different scenarios, but stated that the theme of **Paper No. 3** was to require that children don lifejackets as soon as they were on the way to the fireworks display. For charter excursions on major events at sea, participants might join or leave the group midway. It would thus be necessary for the tourist guide to keep a list of the participants who were actually on board when the event took place.

16. **Mr. LI Kin-pong, Warren (MD)** added that a trip was deemed to begin when the first passenger got on board the vessel and end when the last passenger disembarked from the vessel. As regards the case suggested by **Mr. PUI**, children should be made to don lifejackets before the vessel set sail from Lamma Island for the fireworks display. However, if passengers would not go ashore after getting on board (for example, the vessel would just sail past the Tsing Ma Bridge en route to the fireworks display), the children would be required to don lifejackets when they boarded the vessel.

17. **Mr. CHAN Cheuk-sang (MD)** concluded the item by saying that he hoped members would not be unduly worried about issues of liability as MD would study the proposed legislation with the Department of Justice to ensure that its provisions would be clear. As donning of lifejackets was also required of participants of numerous events at sea over the world, MD hoped that the safety awareness and alertness of the public could be raised through enhanced publicity. MD would brief members at the next meeting of the development, if any, on the legislation issue.

2. Local Examination Syllabuses and System for Certification

Area 1: Local maritime course and proof of in-service training

Area 2: “One-day refresher course for coxswains of local vessels” in respect of continuing learning for coxswains

18. **Mr. WONG Sai-fat (MD)** said MD had modified the examination system, following the consensus reached by members on adjusting the examination syllabuses for the Coxswain Grade 2 and Grade 3 Certificates, namely putting greater weight on the subjects of sailing attitude, awareness of navigation safety and emergency preparedness. The new system would be implemented after the endorsement of the Local Vessels Advisory Committee

(LVAC), but the industry would be informed before its implementation. The arrangements for local maritime course and proof of in-service training agreed by members (see **Paper No. 5/2012** for details) would also be submitted to LVAC for endorsement in due course.

19. Moreover, **Mr. WONG Sai-fat (MD)** said the proposals on the “one-day refresher course for coxswains of local vessels” supported by members would be submitted to LVAC for endorsement.

20. **Mr. KEUNG Siu-fai (Floating Fishermen)** enquired whether shipboard service experience would be required for enrolling in a local maritime course. Moreover, he would like to know what would be done with the proof of in-service training of candidates sitting for the Coxswain Grade 3 Certificate examination if there was a change of employer before the one-year service period was up.

21. **Mr. WONG Sai-fat (MD)** replied that the local maritime course could be completed by candidates any time during the relevant service period. As for proof of in-service training, candidates should keep their own service records as confirmation of in-service training completed in case of a change of employer before the expiry of the relevant service period.

22. **Mr. WEN Tsz-kit (MBTA)** said he hoped MD could estimate the number of coxswains required to attend the one-day refresher course and the number of classes to be offered, to ensure that the demand of the industry could be satisfied.

23. **Mr. WONG Sai-fat (MD)** said the Maritime Services Training Institute and HKSU had indicated their interest in organising the one-day refresher course. According to information available, the two institutions would be able to offer sufficient classes to satisfy demand, given that coxswains would only be required to attend the one-day refresher course once every three years. Moreover, for coxswains who completed the course while the provisions of the relevant legislation were being amended, their course attendance records would also be recognised.

24. **Mr. KEUNG Siu-fai (Floating Fishermen)** enquired whether MD would consider organising the one-day refresher course.

25. **Mr. WONG Sai-fat (MD)** responded that as MD was not a training body, unlike MSTI, it did not have sufficient teaching staff, venues and equipment for organising the course.

26. **Mr. CHAN Mang-fu, Jack (THB)** said the Government, being the authority requiring candidates to attend the one-day refresher course, should not be a provider of the course since that might constitute a conflict of interest.

Area 3: Exploring the requirement of taking practical operation assessment

27. **Mr. WONG Sai-fat (MD)** briefed members on the latest development of the matter. MD officers visited the multimedia division of the Vocational Training Council on 22 March 2013 and discussed with its staff the design and application of the ship simulator to be used for the assessment. MD understood that candidates would attend a course which would last for a few days to familiarise themselves with simulator operation before taking the assessment. The course would be conducted in small classes with about 3 to 5 candidates in each class. Candidates could then take the operation assessment after completion of the course. MD would continue to explore with the division further details of the simulator and the cost involved. **Mr. WONG** asked members whether they had any comment.

28. **Mr. KEUNG Siu-fai (Floating Fishermen)** hoped that the simulator could really assess coxswains' competency, especially that of new entrants to the maritime industry. He also hoped that various bays and harbours in Hong Kong would be covered by the simulator. Moreover, **Mr. KEUNG** called upon the Government to provide more resources for the industry and to consult the industry more often.

29. **Mr. WONG Sai-fat (MD)** remarked that the simulator would cover Hong Kong waters much frequented by vessels and that MD was open to views from the industry. Once again, **Mr. WONG** stressed that the operation assessment was not introduced to challenge coxswains' competency in operating vessels, but rather to ensure that they were prepared to deal with various conditions at sea.

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

30. **Mr. WONG Sai-fat (MD)** reported that MD was in the process of engaging an international classification society to conduct an independent study on the definition of fast speed vessels. A progress update would be given to members at the next meeting.

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

31. **Mr. WONG Sai-fat (MD)** began the item by emphasising that it was not related to the public discussion on the enactment of legislation on standard working hours. In summing up the discussions in meetings over the past few months, he pointed out that members had generally agreed that guidelines on the arrangement of rest periods and meal time should be drawn up in respect of the “one-day-on and one-day-off” system for crew to enable the local maritime industry to allay public concern over possible crew fatigue at work with trade practices set out in black and white. According to information given by members, crew on average had 30 minutes of meal time and the cumulative on-duty time in each day normally did not exceed 13 hours and 30 minutes. As such figures were comparable to those suggested in the guidelines proposed by MD, it could be seen that the proposal would be practicable. To facilitate discussion, **Mr. WONG** went over the guidelines proposed by MD again, namely that (1) a 30-minute rest period should be given after 6 hours of continuous on-duty navigation; (2) cumulative total on-duty time in every 24 hours should be capped at 13 hours; and (3) crew should have a meal break of no less than 40 minutes, which could also be considered as a rest period. **Mr. WONG** pointed out that the above guidelines would only apply to licensed ferries at the initial stage and, subject to smooth implementation, might be extended to launches.

32. **Mr. P.M. LEE, Alfred (First Ferry)** remarked that crew’s meal breaks were arranged based on the ferry schedule. If MD required that crew should have a meal break of no less than 40 minutes, ferry companies might need to arrange for their ferries to berth at piers so as to ensure that crew would have sufficient time for meals. However, there was currently not enough berthing space for use by ferry companies. Moreover, **Mr. LEE** cited one of the routes operated by First Ferry as an example. Each of the hourly sailings took

about 35 minutes and so allowed crew to have a meal break of 25 minutes. Based on this example, if crew were required to be given a meal break of no less than 40 minutes, it would be impossible for the company to maintain the hourly service. However, if TD would adjust the terms prescribed in future operating licences for ferries to reduce the number of sailings, ferry companies could then meet the requirement on the provision of a meal break of no less than 40 minutes.

33. In response, **Mr. WONG Sai-fat (MD)** said that based on the input of **Mr. P.M. LEE, Alfred (First Ferry)**, ferry companies should now be able to meet the first two requirements proposed in MD's guidelines.

34. **Mr. K.P. CHEUNG (PITCL)** said PITCL should be able to follow the guidelines put forth by MD. However, since the crew still needed to keep watch on the sea for swells during their non-navigation time, he worried that the cumulative total on-duty time would exceed 13 hours.

35. **Mr. WONG Ho-yum (HKKF)** also expressed his concern that there would not be enough space for the berthing of vessels to facilitate the meal time arrangement for crew.

36. **Mr. WEN Tsz-kit (MBTA)** said the "24-hour-on and 24-hour-off" work arrangement in the industry was naturally evolved. It was very attractive to crew since they only needed to work 15 days a month under it. **Mr. WEN** stated that it was difficult to set the rest time for crew because of the needs of the industry, but crew members generally knew how to arrange rest time properly for themselves.

37. **Ms. CHING Ngon-lai (HTWGU)** said people chose to join the maritime industry because they lacked skills and thus the opportunity for other jobs, and there was currently very little new blood entering the industry. **Ms. CHING** remarked that while there was no need for MD to change the "24-hour-on and 24-hour-off" work arrangement for crew, she thought the guidelines it proposed were feasible. They would bring improvement to the working conditions of the industry and help attract more new blood to it.

38. **Mr. WONG Sai-fat (MD)** responded that shipping companies could flexibly handle the issue of meal time by staggering the meal breaks of their staff so as to relieve the high demand for berths at piers. The proposal that the cumulative total on-duty time should be capped at 13 hours was very similar to

the current practice of shipping companies, and should therefore be feasible. However, **Mr. WONG** agreed that shipping companies should be given the room to handle unforeseen circumstances with flexibility. **Mr. WONG** pointed out that the guidelines could help those interested in joining the industry to understand the work arrangements and standards for the industry, and to realise that basic protection was available for employees in the industry. The guidelines could also help allay public concern over coxswains suffering from fatigue while steering vessels. As for the sailing arrangement, **Mr. WONG** suggested shipping companies discuss with TD in the light of the requirements set out in the guidelines, and consider how additional sailings could be provided on busier days.

39. **Mr. YUEN Wing-cheong (TD)** said the licensing arrangements for ferries were beyond the scope of discussion of the present meeting, but TD would continue to keep close liaison with ferry operators to understand the specific impact that measures for the regulation of marine safety had on the operating costs of ferry services.

40. **Mr. WONG Sai-fat (MD)** said the guidelines would not have any implications for existing licences. However, subject to advice from the Department of Justice, they might become licensing conditions in future.

41. **Mr. P.M. LEE, Alfred (First Ferry)** enquired whether the definition of meal was any of the three main meals (breakfast, lunch and dinner) we had during a day. **Mr. LEE** worried that it would be difficult for shipping companies to handle the meal time arrangement for their staff flexibly after the guidelines were set.

42. **Mr. WONG Sai-fat (MD)** replied that shipping companies could discuss the definition with their staff.

43. **Ms. CHING Ngon-lai (HTWGU)** said she hoped shipping companies could give their staff the opportunity to take a break and would take good care of their valuable human capital.

IV. Details of the next meeting

44. The next meeting would be held on Thursday, 23 May 2013 at 10:00 a.m., in Conference Room A, 24/F, Harbour

Building.

(Post-meeting note: The meeting has been postponed to 31 May 2013, 10:00 a.m.)

V. End of meeting

45. There being no other business, the meeting was adjourned at 12:15 p.m.