

Translation

Local Vessels Advisory Committee
Joint Sub-committee on Class I and Class IV Vessels
Minutes of the 6th Meeting

Date : 31 May 2013 (Thursday)
Time : 10:10 a.m.
Place : Conference Room A, 24/F, Harbour Building, Central

Present

Mr. CHAN Hon-bun (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. LI Kin-wah	New World First Ferry Services Ltd. (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
Mr. CHEUNG Yat-leung, Jacky	Sai Kung Yacht Association
Mr. Roger EASTHAM	Royal Hong Kong Yacht Club (RHKYC)
Mr. Keith MOWSER	Hong Kong Sailing Federation
Mr. CHEUNG Sun-ming	Hebe Haven Yacht Club
Mr. KWOK Chi-hong	Marine Excursion Association (MEA)
Mr. WONG Yiu-wah	MEA
Dr. Andrew KAY	MEA
Mr. FAN Keung	Harbour Transportation Workers General Union (HTWGU)
Mr. SIU Ping-wing	HTWGU

Mr. KEUNG Siu-fai	Hong Kong & Kowloon Floating Fishermen Welfare Promotion Association (Floating Fishermen)
Mr. LO Ngok-yang	Cheoy Lee Shipyards Limited
Mr. MA Chi-wai	The Hong Kong Shipyard Limited (HK Shipyard)
Mr. CHAN Chi-ming	HK Shipyard
Mr. Donald LEE	Hong Kong Water Ski Association (HKWSA)
Ms. MAK Yuk-yee	Tsui Wah Ferry Service Co. Ltd.
Mr. CHEUNG Yau-kwong	Fat Tat Hong
Mr. LI Joseph	Hong Kong Police Force
Ms. CHAN Suk-yin, Kitty	Transport Department
Ms. YAU Lai-sze, Lizzy	Leisure and Cultural Services Department
Mr. SHUEN Chi-keung, Ivan	MD
Mr. Clement HAU (Secretary)	MD

In Attendance

Mr. YUEN Shing	MEA
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Absent with Apologies

Mr. WU Ka-shun	South China Towing Co. Ltd.
Mr. CHEUNG Kwok-wai	First Ferry
Mr. P.M. LEE, Alfred	First Ferry
Mr. Ng Siu-yuen, Nelson	HKKF
Ms. CHING Ngon-lai	HTWGU/Small Craft Workers Union
Mr. LEE Shing-hing	Sai Kung Kaito Association
Mr. K.P. CHEUNG, Donald	Park Island Transport Company Ltd.
Mr. Albert WU	Gold Coast Yacht and Country Club
Mr. SHEK Wah-yau	Hong Kong Pleasure Craft Club (HKPCC)
Mr. MA Kwok-keung	HKPCC
Ms. Anna CHEUNG	Hong Kong Tourism Board

Mr. Paul CHEUNG	Hong Kong Jet Sports Boating Association
Mr. CHEUNG Chi-chuen	Hong Kong & Kowloon Fishermen Association
Dr. LAU Kwok-lam, Alan	Pleasure Boating Operations

I. Opening Remarks

Mr. CHAN Hon-bun (MD) and Mr. WONG Sai-fat (MD) welcomed all industry representatives to the meeting. Since Mr. CHAN Cheuk-sang (MD) was on leave on the meeting day, Mr. CHAN Hon-bun (MD) stood in as chairman of 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 Hon-bun (MD) said MD had received from the industry a number of views about the proposed legislation on marine safety measures. MD was working out the details with the Department of Justice to ensure clarity of the provisions of the proposed legislation, and would submit the draft legislation to members for discussion in due course.

4. Mr. KWOK Chi-hong (MEA) asked if the proposed legislation was mainly aimed at regulating fireworks displays. He would like to know the scope of application of the proposed legislation.

5. Mr. CHAN Hon-bun (MD) responded that the proposed legislation would apply to spectator vessels proceeding to the venue of major events at sea like fireworks displays.

6. **Mr. SHUEN Chi-keung, Ivan (MD)** added that, in the case of a marine excursion which included seafood dinner and fireworks display among the activities on its programme, children would not be required to don lifejackets when they were on the way to the restaurant but would have to do so before the vessel set sail for the fireworks display in Victoria Harbour.

2. Local Examination Syllabuses and System for Certification

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

Area 2: Exploring the direction of continuing studies for coxswains

7. **Mr. WONG Sai-fat (MD)** said that regarding the examination system, members had agreed that adjustment should be made to the proportion of questions on sailing attitude, awareness of navigation safety and emergency preparedness in the examinations for Coxswain Grade 2 and Grade 3 Certificates. The relevant proposal was endorsed at the Local Vessels Advisory Committee (LVAC) meeting on 16 April, and was scheduled to be implemented on 2 July. **Mr. WONG** asked members for their views on the arrangement.

8. **Mr. KWOK Chi-hong (MEA)** said he had no view to offer for the time being because the industry would not be able to comment until it had seen the level of difficulty of the questions set under the adjusted system.

9. **Mr. WONG Sai-fat (MD)** responded that in adjusting the system, MD had not introduced any new questions but had only changed the proportion of certain types of questions. In fact, candidates might not notice the change in the examinations.

10. **Mr. Donald LEE (HKWSA)** suggested that consideration should be given to extending the arrangement to include the examination for the pleasure vessel operator certificate.

11. **Mr. WONG Sai-fat (MD)** responded that the suggestion of **Mr. LEE (HKWSA)** could be submitted to LVAC for discussion and possible implementation in the future.

12. **Mr. KWOK Tak-kee (MBTA)** said the industry might be put under pressure if the arrangement was to be implemented in July. He hoped that implementation could be deferred to August.

13. **Mr. WONG Sai-fat (MD)** responded that the suggestion of **Mr. KWOK Tak-kee (MBTA)** would be acceptable.

14. **Mr. Roger EASTHAM (RHKYC)** asked if the examination for the pleasure vessel operator certificate would be adjusted accordingly.

15. **Mr. WONG Sai-fat (MD)** responded that any proposed adjustment to the examination for the pleasure vessel operator certificate had to be submitted to LVAC for endorsement before implementation. If LVAC confirmed that the examination had to be adjusted, there would only be a change in the proportion of examination questions on sailing attitude, awareness of navigation safety and emergency preparedness, instead of a change in the number of questions.

16. Moreover, **Mr. WONG Sai-fat (MD)** reported that the short-term maritime course for individuals intending to sit the examination for the Coxswain Grade 3 Certificate (“candidates”) and the one-day refresher course for coxswains of local vessels had been endorsed by LVAC. The two courses would be organised by the Maritime Services Training Institute (MSTI) and the Hong Kong Seamen’s Union (HKSU). MD would contact the institutions concerned and provide them with course syllabuses. The minimum duration of the short-term maritime course would be five days. Candidates would need to attend the course for the required number of hours in order to be eligible to sit the examination for the Grade 3 Certificate. Considering that the arrangement regarding the refresher course would involve legislative amendment, coxswains’ attendance on the refresher course would be voluntary starting from January 2014, pending the amendment of the relevant legislation. The validity of the course would be three years. For coxswains who had attended the course before the relevant legislation was amended, their course completion records would also be recognised.

17. **Mr. KWOK Tak-kee (MBTA)** expressed concern about the fee for the refresher course.

18. **Mr. WONG Sai-fat (MD)** said the Government could not interfere with the amount of fee charged by course organisers.

19. **Mr. KWOK Tak-kee (MBTA)** hoped that the Government could provide more subsidies to the industry. He said the course fee was too high and suggested reducing it by half.

20. **Mr. WONG Sai-fat (MD)** reiterated that the Government could not interfere with the amount of fee charged by course organisers, but he would convey the views of **Mr. KWOK Tak-kee (MBTA)** to MSTI and HKSU.

Area 3: Exploring the requirement of taking practical operation assessment

21. **Mr. WONG Sai-fat (MD)** started off by inviting **Mr. Clement HAU (MD)**, the Secretary, to brief members on the arrangements for visiting the Marine Department Training Centre on 6 June to take a look at the ship simulator there. **Mr. WONG** then remarked that MD would continue to discuss with the Vocational Training Council how the simulation system was to be developed, and he hoped further information could be provided to members at the next meeting.

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

22. **Mr. WONG Sai-fat (MD)** reported that MD had received an expression of interest from an international classification society. Since the Government had to follow established tender procedures, it was estimated that more time would be needed for the study on the definition of fast speed vessels to be completed. **Mr. WONG** hoped further information could be provided to members at the next meeting.

23. **Mr. KWOK Chi-hong (MEA)** enquired how the study on the definition of fast speed vessels was to be conducted by the consultant.

24. **Mr. WONG Sai-fat (MD)** responded that the consultant would carry out a risk assessment of the traffic condition in Hong Kong waters and organise workshop(s) with the participation of relevant operators. A report would be submitted to MD upon completion of the study.

25. **Mr. KWOK Chi-hong (MEA)** asked whether MD would prescribe the definition of fast speed vessels in the light of the report to be submitted by the consultant, or whether further meetings would be held to discuss the contents of the report with members. **Mr. KWOK** said since the specifications of vessels in foreign countries were different from those in Hong Kong, the findings of a study conducted by a foreign classification society might not be able to reflect the actual situation in Hong Kong.

26. **Mr. WONG Sai-fat (MD)** replied that the consultant would also approach the industry direct for its views. He believed the findings of the study could reflect the situation in Hong Kong.

27. **Mr. Roger EASTHAM (RHKYC)** said since it was difficult to define fast speed vessels, he suggested adopting a simpler way to regulate them. **Mr. EASTHAM** proposed that a vessel should be determined as to whether or not it was a fast speed vessel as soon as an application for licence in respect of it was made to MD, and that relevant training should be provided to the coxswain of a fast speed vessel. Moreover, any vessel applying for a permit proceeding at a speed exceeding a specific speed would have to comply with the rules set down by MD for fast speed vessels.

28. **Mr. WONG Sai-fat (MD)** responded that the definition of fast speed vessels had been discussed at earlier meetings but no consensus had been reached by operators, and MD could not apply the definition of high speed craft to local fast speed vessels.

29. **Mr. KEUNG Siu-fai (Floating Fishermen)** said since MD intended to engage an expert to look into the definition of local fast speed vessels, he suggested that experts should also be commissioned to study whether Victoria Harbour was safe and still suitable for navigation by vessels, and how the fairways in Victoria Harbour should be managed. **Mr. KEUNG** proposed that experts be engaged to review the traffic condition in Hong Kong waters and typhoon shelters, conduct studies on some recent projects which had impacts on Hong Kong waters (such as the third runway at Chek Lap Kok and windmill island), and study in particular the fairways for vessels plying to and from Cheung Chau and Mainland China.

30. **Mr. WONG Sai-fat (MD)** thanked **Mr. KEUNG Siu-fai (Floating Fishermen)** for his advice and remarked that a consultant had already been commissioned by MD in early 2013 to conduct a benchmark survey by comparing the port of Hong Kong with those in Southampton of the United Kingdom, Sydney of Australia and Singapore, and various items, including those mentioned by **Mr. KEUNG**, qualifications of coxswains and marine accidents would be looked into. The relevant report would soon be completed by the consultant.

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)** reported that MD was still in discussion with the Department of Justice (DoJ) on how the proposed working/rest time arrangements for crew could be adopted. To MD's understanding, operators were concerned that the terms prescribed in the new contracts between their respective companies and TD might fail to comply with the three guidelines proposed by MD in previous meetings. Meanwhile, TD had begun negotiations for new contracts with various operators to see whether there would be the need to recruit additional staff and adjust their sailing arrangements.

32. **Mr. KWOK Chi-hong (MEA)** asked whether the three guidelines proposed by MD would apply only to ferries but not to launches.

33. In response, **Mr. WONG Sai-fat (MD)** said that the three guidelines would only apply to ferries at the initial stage and, subject to smooth implementation in the industry, would be extended to launches.

34. **Mr. KWOK Tak-kee (MBTA)** remarked that working/rest time arrangements for crew was apparently not a subject that operators should discuss with TD. If requirements were to be set on the rest periods and meal time for crew, shipping companies should discuss the matter with their crew. Moreover, any guidelines that MD might draw up on standard working hours might conflict with the statutory requirements on minimum working hours in the future.

35. **Mr. WONG Sai-fat (MD)** responded that the aim of the current discussion on working/rest time arrangements was to enhance marine safety and hence should not involve the issue of minimum working hours. Laying down the guidelines would offer the advantages of allowing new entrants to the industry to understand the relevant standards better and demonstrating to the public that crew did not suffer from fatigue at work. MD hoped that such changes would not have a significant impact on the industry's modus operandi. According to the guidelines, operators could discuss with TD details on sailing arrangements and ferry licences. MD would continue to consult DoJ on how the guidelines could be adopted. However, operators should discuss issues related to licences with TD.

4. New Items

36. **Mr. Roger EASTHAM (RHKYC)** stated that as the Sub-committee on Class IV Vessels had not had any meetings for years, he proposed that a meeting be arranged as soon as possible to examine the impact the maritime disaster of October 2012 had on the industry and hold discussions on the "Provision of local services by the Marine Department" under Chapter 9 of Report No. 59 of the Director of Audit issued on 26 October 2012.

37. **Mr. CHEUNG Yat-leung, Jacky (Sai Kung Yacht Association)** said he noted earlier that MD had required that vessels in the industry have on board lifejackets of specific brands, and the department had also focused its inspections on lifejackets instead of vessel equipment during surveys. It was thus necessary for the Sub-committee on Class IV Vessels to convene a meeting to enhance marine safety and study how the industry should co-operate in the matter.

38. **Mr. CHEUNG Yau-kwong (Fat Tat Hong)** stated some members of the industry were of the view that MD had not thoroughly consulted the industry before implementing various measures.

39. **Mr. WONG Sai-fat (MD)** replied that views from the industry would be conveyed to the chairman of the Sub-committee on Class IV Vessels for follow-up actions.

IV. Details of the next meeting

40. The next meeting would be held on Friday, 12 July 2013 at 10:00 a.m., in Conference Room A, 24/F, Harbour Building.

V. End of meeting

41. There being no other business, the meeting was adjourned at 11:30 a.m.