

Translation

**Local Vessels Advisory Committee**  
**Joint Sub-committee on Class I and Class IV Vessels**  
**Minutes of the 7th Meeting**

Date : 12 July 2013 (Friday)  
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. 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. Ng Siu-yuen, Nelson	Hong Kong & Kowloon Ferry Ltd. (HKKF)
Mr. WONG Ho-yum	HKKF
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
Mr. WU Wing-sun	The Hongkong and Yaumati Ferry Co. Ltd. (HYF)
Mr. Bill CHAN	Discovery Bay Transportation Services Ltd. (DBTPL)
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. KEUNG Siu-fai	Hong Kong & Kowloon Floating Fishermen Welfare Promotion Association (Floating Fishermen)
Mr. CHEUNG Chi-chuen	Hong Kong & Kowloon Fishermen Association
Mr. WU Ka-shun	South China Towing Co. Ltd.
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)
Mr. CHEUNG Yau-kwong	Fat Tat Hong
Mr. LEE Shing-hing	Sai Kung Kaito Association
Mr. K.P. CHEUNG, Donald	Park Island Transport Company Ltd.
Mr. Paul CHEUNG	Hong Kong Jet Sports Boating Association
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. KWAN Kam-wing	Fire Services Department (FSD)
Mr. LEUNG Chi-wang	FSD
Mr. CHAN Hon-bun	MD
Mr. SHUEN Chi-keung, Ivan	MD
Mr. Clement HAU (Secretary)	MD

**Absent with Apologies**

Mr. CHOR Yee-on	HYF
Mr. Ben LO	DBTPL
Mr. CHEUNG Yat-leung, Jacky	Sai Kung Yacht Association
Ms. CHING Ngon-lai	HTWGU/Small Craft Workers Union
Mr. SIU Ping-wing	HTWGU
Ms. Monita LEUNG	Tsui Wah Ferry Service Co. 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
Dr. LAU Kwok-lam, Alan	Pleasure Boating Operations

## **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. **Mr. Roger EASTHAM (RHKYC)** proposed an amendment to paragraph 27 of the minutes of the previous meeting. The revised minutes will be distributed to all members in due course.

3. No other amendments were proposed by members at the meeting.

## **III. Discussion Items**

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

4. **Mr. CHAN Cheuk-sang (MD)** said MD had previously distributed Paper No. 4/2013, which was the revised edition of Paper No. 3/2013, to all members. When drafting the new paper, MD had consulted the Department of Justice (DoJ). Representatives from the Marine Police and the Fire Services Department were also invited to the meeting to join in the discussion and give their views. **Mr. CHAN** then asked **Mr. SHUEN Chi-keung, Ivan (MD)** to brief members on the paper.

5. **Mr. SHUEN Chi-keung, Ivan (MD)** briefly explained paragraphs 3 to 5 of Paper No. 4/2013 to members. He added that all revised wording had been highlighted in italics.

6. **Mr. CHEUNG Kwok-wai (First Ferry)** cited a motion put forward by the Environment, Transport and Works Bureau in the Legislative Council in 2004 in recognition of the fact that drivers of public light buses had to be aware of road conditions, and would have practical difficulties monitoring if the seat belts of passengers were fastened at all times during the journey. He said that, likewise, coxswains could not leave the wheelhouse for inspection during

navigation, and would have practical difficulties monitoring if child passengers donned a lifejacket at all times during the journey.

7. **Mr. CHAN Cheuk-sang (MD)** responded that MD would not comment on the case of road travel, but pointed out that besides the coxswain, there were other crew members who could offer assistance on board a vessel. A coxswain should be capable of making sound judgments about matters in order of priority and dealing with them together with crew members. In addition, MD stressed that coxswains could avail themselves of the defence of reasonable excuse under the proposed legislation.

8. **Mr. SHUEN Chi-keung, Ivan (MD)** emphasised that a coxswain had ultimate responsibility for the safety of his vessel and its passengers. Since a coxswain needed to attend to various duties on board simultaneously, crew members were on board to provide him with assistance. The duty of monitoring if child passengers had donned a lifejacket could be assigned to crew members. The coxswain should discuss with the owner of the vessel to ensure sufficient manning on board, taking into account the needs of the actual situation.

9. **Mr. CHEUNG Kwok-wai (First Ferry)** said he hoped to see MD's legislative proposal amended following discussion at the meeting. **Mr. CHEUNG** said the burden of responsibility borne by coxswains in marine transport was heavier than that borne by drivers in land transport. **Mr. CHEUNG** hoped that when making laws on marine traffic, MD would take into account laws on land traffic for striking a balance.

10. **Mr. Roger EASTHAM (RHKYC)** said he was concerned about the liability of coxswains, but agreed that it was good to facilitate rescue work and improve the safety of children on board. **Mr. EASTHAM** expressed concern over four areas: First, if the proposed legislation applied to all Class IV vessels, coxswains might not be able to submit the passenger list to MD in advance. Since private pleasure vessels were generally used exclusively for pleasure purpose, passengers went on board as they liked and there would be difficulty in complying with the requirement that a passenger list be submitted in advance. Such a requirement should only be imposed on Class I vessels and pleasure vessels for hire. Second, **Mr. EASTHAM** had reservations about the wording in paragraph 2(i) of Paper No. 4/2013 (English version). In his view, "A child... must be donned with a lifejacket..." should be rephrased to read: "A child... must don / be wearing a lifejacket...". Third, **Mr. EASTHAM** said

there might be loopholes in the legislative proposal, considering that it would be difficult for MD to handle vessels which were not proceeding directly to the venue of a major event at sea. Fourth, **Mr. EASTHAM** hoped that after the legislation became effective, MD could clearly define what activities were considered as major events at sea. He suggested that MD could consider announcing the definition of “major event at sea” through Marine Department Notices.

11. **Mr. CHAN Cheuk-sang (MD)** responded to the four points made by **Mr. EASTHAM**. First, MD did not agree that private pleasure vessels should be exempted because the legislation should apply to all vessels within the same class. Second, **Mr. CHAN** was grateful for the comments made on the choice of words. MD would continue to discuss the details of the proposed legislation with DoJ. Third, the relevant legislation would only apply to vessels which were proceeding directly to the venue of a major event at sea. Fourth, **Mr. CHAN** said **Mr. EASTHAM**’s suggestion of announcing the definition of “major event at sea” through Marine Department Notices or other means would be considered. He stressed that according to Paper No. 4/2013, major events at sea had to include events which required the closure of an area at sea within Hong Kong waters.

12. **Mr. CHEUNG Yau-kwong (Fat Tat Hong)** expressed concern about the requirement on donning of lifejackets by children at all times. As a marine excursion for viewing fireworks display might include other activities on its programme (such as buffets), **Mr. CHEUNG** was concerned that the requirement would cause inconvenience to passengers. Besides, even if MD was submitted with a passenger list from the coxswain or the travel agency in advance, the passengers who actually went aboard might not be exactly the same as those on the submitted list, making it difficult for the coxswain or the travel agency to meet MD’s requirement. As such, **Mr. CHEUNG** considered that there were practical difficulties in implementing the current legislative proposal and MD should not roll it out rigidly. **Mr. CHEUNG** suggested that pleasure vessels should only be required to keep a passenger list on board.

13. In response, **Mr. CHAN Cheuk-sang (MD)** stated he understood that the industry was under stress due to various new measures and thanked it for co-operating well with MD in its work. **Mr. CHAN** shared the view that the accuracy of the passenger list and the means of submission were worthy of discussion. MD was ready to take heed of members’ views and hoped that the

proposed legislation would enhance protection for the safety of passengers.

14. **Mr. KWOK Chi-hong (MEA)** said the requirement on advance submission of a passenger list might not be met in the case of vessels for hire. **Mr. KWOK** proposed to consider requiring coxswains to provide the total number of passengers only.

15. **Mr. CHEUNG Kwok-wai (First Ferry)** stated that there was no facsimile machine or MD office at public piers at the moment to facilitate submission of the passenger list by coxswains. He was also concerned that the list might not be submitted successfully during peak hours.

16. **Mr. KWOK Tak-kee (MBTA)** found it necessary to explore ways in which the passenger list could be submitted to MD. He suggested that each pier be manned by officer(s) from MD for collection of the passenger list.

17. **Mr. KEUNG Siu-fai (Floating Fishermen)** suggested that coxswains could send the relevant information to MD in the form of text message or via walkie-talkie after confirming the passenger number and gender as well as the number of children on board. **Mr. KEUNG** pointed out there would be practical difficulties in implementing the requirement for large ferries with a passenger capacity of over 1 000, since confirmation of passenger information would be very time-consuming.

18. **Mr. KWAN Kam-wing (FSD)** responded that in case an accident involving collision of several vessels occurred, a list containing accurate passenger information would allow rescuers to verify the identity of passengers, thus contributing immensely to search and rescue operations.

19. **Mr. CHEUNG Kwok-wai (First Ferry)** noted that there had been co-ordination problems between Fire Services officers and the Marine Police in past search and rescue operations in that the passenger figures which the two sides had in hand were inconsistent with each other.

20. **Mr. KWAN Kam-wing (FSD)** responded that inconsistency in the number of passengers could easily result if passenger number was the only information available to relevant parties. Making both the number and names of passengers available would at least make possible the deduction of the relevant information by comparing names. Verification would not be possible

without the above information. It would be very much helpful for search and rescue if basic information on those to be rescued could be made available as far as possible.

21. **Mr. CHEUNG Kwok-wai (First Ferry)** held that organisers of events at sea also had an obligation to provide MD with a passenger list. Besides, **Mr. CHEUNG** asked if consideration could be given to requiring that photos be taken of passengers upon embarkation for record purpose.

22. **Mr. CHAN Cheuk-sang (MD)** responded that MD could take care of the technological matters if the industry was worried about the means by which passenger lists were to be submitted. Privacy issues might arise if photos were taken without passengers' consent. **Mr. CHAN** stressed that a passenger would be criminally liable if he/she intentionally furnished the coxswain with false information.

23. **Mr. WEN Tsz-kit (MBTA)** said he understood that passenger information was to be collected for the sake of facilitating rescue. When a marine accident occurred, family members of passengers would be very anxious to get as much information as possible about their relatives in the earliest possible time.

24. **Mr. CHAN Cheuk-sang (MD)** responded that he understood the anxiety of the family members. He reiterated that the availability of an accurate passenger list would facilitate the smooth conduct of search and rescue.

25. **Mr. Roger EASTHAM (RHKYC)** indicated that several members had expressed reservations about the possibility of providing a fully accurate list. He held that making a simple and direct request of coxswains for passenger number was a more preferable approach than setting up a complicated and error-prone system.

26. **Dr. Andrew KAY (MEA)** stated that MD could consider requiring coxswains to report the passenger number only and keep the passenger list on board in a water-proof container.

27. **Mr. KWAN Kam-wing (FSD)** said he realised that the passenger list might not be fully accurate, but held that getting hold of certain information would still be beneficial to search and rescue operations. With more

information in hand, Fire Services officers would be able to plan rescue operations properly and put resources to use in meaningful areas. **Mr. KWAN** believed it was technologically feasible nowadays to submit a duplicate copy of the passenger list to MD.

28. **Mr. CHAN Cheuk-sang (MD)** hoped members would first agree that it was necessary to submit the list to MD and carry on with the discussion on means of submission after that.

29. **Mr. CHEUNG Kwok-wai (First Ferry)** enquired whether the choice of appropriate lifejackets for children should be based on the lifejacket sizing criteria stated in the International Convention for the Safety of Life at Sea made by the International Maritime Organisation (i.e. based on the upper limit of the size of a lifejacket for children in terms of height and weight), or the age of children.

30. **Mr. CHAN Cheuk-sang (MD)** responded that the legislative proposal merely required the donning of lifejackets by children. The definition of lifejacket would be up to the Local Vessels Safety Section of MD to decide.

31. **Mr. CHEUNG Kwok-wai (First Ferry)** remarked that it would be difficult to determine responsibility if, in the absence of clear criteria for child lifejackets, a child donned a lifejacket that did not fit or suit him/her and then was injured or died as a result of an accident.

32. Several members expressed unanimously reservations about the possibility of submitting a fully accurate passenger list. It would be a more direct approach for MD to require coxswains to provide the passenger number only. Members agreed after repeated discussions that an accurate copy of passenger list should be kept on board a vessel. MD officers could ask to examine the list and obtain a duplicate copy when they boarded the vessel for inspection. It was then not necessary for MD to be submitted with a passenger list in advance.

33. **Mr. CHAN Cheuk-sang (MD)** responded that the issues on child lifejackets would be conveyed to the Sub-committee on Survey Work of Local Vessels. **Mr. CHAN** concluded that details of the legislative proposal would be revisited carefully after taking into account the views of members.



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

34. **Mr. KEUNG Siu-fai (Floating Fishermen)** said under the current examination system, there were no arrangements for review of examination papers and candidates who failed in an examination would not be able to know in which parts they had not performed well.

35. **Mr. CHEUNG Kwok-wai (First Ferry)** suggested breaking examinations down into different parts to enable candidates to know in which parts they had not performed well.

36. **Mr. WONG Sai-fat (MD)** would study the feasibility of the views of members with officers responsible for examinations.

## **3. Practical Operation Assessment**

37. **Mr. WONG Sai-fat (MD)** said a visit to the Marine Department Training Centre (MDTC) was arranged in early June for members to take a look at the ship simulator there. He then asked members for their views on introducing a practical operation assessment to the examinations for coxswains and operators of local vessels.

38. **Mr. KWOK Chi-hong (MEA)** said the visit was a good experience but he worried that the passing rate would be affected if the requirements for passing the operation assessment were set too high.

39. **Mr. P.M. LEE, Alfred (First Ferry)** noted that MDTC was mainly used for training civil servants and suggested that it should be open to use by industry bodies.

40. **Mr. WONG Sai-fat (MD)** said at the moment it was expected that only coxswains who were going to upgrade their qualification to a Coxswain Grade 1 Certificate and were engaged in the operation of local passenger carrying vessels, as well as operators holding a Pleasure Vessel Operator Grade 1 Certificate who were engaged in the operation of pleasure vessels for hire would need to take the practical operation assessment. Both the coxswains and operators would attend a course which would last for two to four days to familiarize themselves with simulator operation before taking the assessment. MD was currently discussing with the Vocational Training Council (VTC)

details of the simulation system.

41. **Mr. CHEUNG Kwok-wai (First Ferry)** opined that it was unfair to require only coxswains holding a Coxswain Grade 1 Certificate who were engaged in the operation of local passenger carrying vessels but not those engaged in the operation of cargo carrying vessels to take the practical operation assessment.

42. **Mr. WONG Sai-fat (MD)**, in response, said the focus of previous discussions about the practical operation assessment had been on the coxswains of passenger carrying vessels and reckoned that discussion should be pursued in the same direction.

43. **Mr. CHEUNG Kwok-wai (First Ferry)** remarked that since franchised bus companies on land trained their own drivers, proper deployment of staff could be ensured. Coxswains, however, were required to sit the examination and might fail, and there was no way for them to know why they failed. The coxswain examination also made it impossible for shipping companies to be sure whether there would be sufficient coxswains to meet service needs. Moreover, **Mr. CHEUNG** enquired why a simulator was used for the assessment because airline companies would only use it for case analysis. Hence he held that the simulator should likewise be used for case analysis rather than for examination.

44. **Mr. WONG Sai-fat (MD)** responded that since MD currently did not have sufficient manpower to conduct the practical operation assessment, the use of the simulator was a feasible way out. **Mr. WONG** stressed that the simulator was not to be used to test whether coxswains knew how to operate a vessel, but rather to assess their emergency preparedness.

45. **Mr. FAN Keung (HTWGU)** remarked that the ship simulator might not operate in the same way as the vessels operated by coxswains in real life as different shipping companies used different vessels which might have to be operated differently.

46. **Mr. WONG Sai-fat (MD)** reiterated that the focus of the assessment was on the emergency preparedness of coxswains instead of the type rating or operation mode of vessels.

47. **Dr. Andrew KAY (MEA)** said the fees for using MDTC seemed to be

quite high. He worried that the fee for the assessment would put coxswains under pressure.

48. **Mr. KWOK Chi-hong (MEA)** hoped MD could provide the industry with a blueprint for the implementation of the assessment to let it know the progress made so far.

49. **Mr. LI Kin-wah (First Ferry)** asked whether the application of COLREGS would be covered by the assessment.

50. **Mr. WONG Sai-fat (MD)**, in response, said MD had been discussing with VTC how the simulation system was to be developed and therefore at the moment could not provide members with such information as the blueprint for the plan or the fee for the assessment. However, the application of COLREGS would definitely be included in the simulation system and MD would inform the industry of the progress regarding the implementation of the system and the assessment in a timely manner.

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

51. **Mr. WONG Sai-fat (MD)** reported that the way of engaging consultants to carry out a project in establishing the definition of “fast speed” was currently under study. As such, he suggested that discussion of the issue be suspended until further progress was made.

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

52. **Mr. WONG Sai-fat (MD)** remarked that MD had proposed three guidelines on the working/rest time arrangements for crew in previous meetings. MD would first apply the guidelines to ferries and subsequently consider whether application would be extended to launches. It was understood that TD was in the process of negotiating new contracts with some ferry operators, during which sailing routes and schedules would be discussed. Operators were expected to have sufficient time to explore with TD how MD’s proposed guidelines on working/rest time arrangements for crew could be adopted.

53. **Mr. CHEUNG Kwok-wai (First Ferry)** asked whether any exemptions

would be given under the guidelines, such as relaxing the requirements during major festivities or the summer holiday.

54. **Mr. KWOK Tak-kee (MBTA)** enquired whether the guidelines would only apply to ferry crew. He suggested that MD first observe the operation of ferries following the adoption of the guidelines before deciding whether to apply them to launch crew.

55. **Mr. WONG Sai-fat (MD)** replied that the guidelines were proposed to apply only to ferry crew at the current stage. The working/rest time arrangements for launch crew would be discussed in the light of the guidelines' application to ferry crew.

56. **Mr. NG Siu-yuen, Nelson (HKKF)** said that given the current shortage of manpower in the industry, he suggested that MD lay down a reasonable range for working/rest time, rather than a rigid benchmark, to give operators flexibility.

57. **Mr. P.M. LEE, Alfred (First Ferry)** stated that the industry already had in place flexible and well-trying working/rest time arrangements.

58. In response, **Mr. WONG Sai-fat (MD)** stressed that the guidelines were not to be implemented with immediate effect. It was hoped that operators could examine with TD during negotiations for new contracts what could be done to ensure that their sailing arrangements complied with the guidelines. **Mr. WONG** also asked industry representatives to provide MD with details of the flexible working/rest time arrangements currently employed, if any, for reference. He said that members could discuss whether a time range or a uniform benchmark should be adopted for working/rest time arrangements.

59. **Mr. NG Siu-yuen, Nelson (HKKF)** said that operators hoped to discuss the guidelines with crew unions outside the meeting first as they were concerned that the guidelines, once implemented, might not be easily altered.

60. **Mr. WONG Sai-fat (MD)** encouraged operators to talk with their crew and welcomed other proposals from the industry. In addition, MD would provide industry representatives with the working/rest time benchmark for crew in Singapore for reference.

#### **IV. Details of the next meeting**

61. The next meeting would be held on Thursday, 22 August 2013 at 10:00 a.m., in Conference Room A, 24/F, Harbour Building.

**V. End of meeting**

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