

Translation

Local Vessels Advisory Committee
Joint Sub-committee on Class I and Class IV Vessels
Minutes of the 8th Meeting

Date : 22 August 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. 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 (HKSU)
Mr. CHOR Yee-on	The Hongkong and Yaumati Ferry Co. Ltd.
Mr. Bill CHAN	Discovery Bay Transportation Services Ltd. (DBTPL)
Mr. Ben LO	DBTPL
Mr. Roger EASTHAM	Royal Hong Kong Yacht Club (RHKYC)
Mr. KWOK Chi-hong	Marine Excursion Association (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. WU Ka-shun	South China Towing Co. Ltd.
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
Mr. LEE Shing-hing	Sai Kung Kaito Association
Mr. K.P. CHEUNG, Donald	Park Island Transport Company Ltd. (PITCL)
Mr. SHEK Wah-yau	Hong Kong Pleasure Craft Club
Mr. LI Joseph	Hong Kong Police Force
Mr. YUEN Wing-cheong	Transport Department (TD)
Mr. MAK On-ki, Andrew	Leisure and Cultural Services Department
Mr. KWAN Kam-wing	Fire Services Department (FSD)
Mr. Ng Lap-hay, Andrew	MD
Mr. LAW Lap-keung	MD
Mr. Clement HAU (Secretary)	MD

Absent with Apologies

Mr. Keith MOWSER	Hong Kong Sailing Federation
Mr. CHEUNG Sun-ming	Hebe Haven Yacht Club
Mr. WONG Yiu-wah	MEA
Ms. CHING Ngon-lai	HTWGU/Small Craft Workers Union
Mr. CHEUNG Chi-chuen	Hong Kong & Kowloon Fishermen Association
Mr. LO Ngok-yang	Cheoy Lee Shipyards Limited
Mr. CHEUNG Yau-kwong	Fat Tat Hong
Ms. Monita LEUNG	Tsui Wah Ferry Service Co. Ltd.
Mr. Paul CHEUNG	Hong Kong Jet Sports Boating Association
Mr. Robert BLYTHE	Gold Coast Yacht and Country Club
Mr. CHEUNG Yat-leung, Jacky	Sai Kung Yacht Association
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. CHEUNG Kwok-wai (First Ferry)** proposed amendments to paragraphs 29 and 31 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 a discussion on the views expressed by members at the previous meeting. Some members were worried that the coxswain had to bear all the responsibility if a child did not don a lifejacket at all times during a journey. Regarding the liability of the coxswain, MD had already stated in Paper No. 4/2013 that the coxswain would be allowed to defend himself or herself if he or she had already exercised due diligence to advise passengers to don a lifejacket. At the previous meeting, a member pointed out that drivers of public light buses were not responsible for monitoring if the seat belts of passengers were fastened at all times during a journey. However, MD believed the case of navigation at sea was different, since normally there were crew members assisting coxswains in the execution of their duties. MD would consult the Department of Justice (DoJ) about the legislative proposal again, and would brief members after receiving its advice.
5. **Mr. CHEUNG Kwok-wai (First Ferry)** said the Government had yet to define child lifejackets clearly. He questioned if the Government should be held responsible if a child donned a lifejacket that did not suit him/her.
6. **Mr. CHAN Cheuk-sang (MD)** said he had already told members at the previous meeting that the issues on child lifejackets would be conveyed to the Sub-Committee on Survey Work of Local Vessels.
7. **Mr. CHEUNG Kwok-wai (First Ferry)** said it was necessary for the Harbour Patrol Section (HPS) of MD to have a clear definition of child lifejacket so that the law could be enforced effectively. Moreover, the issue of insurance was also related to the definition of child lifejacket. If the Government could not come up with a clear definition in this sub-committee, the Government would

later find itself in a disadvantageous position.

8. **Mr. CHAN Cheuk-sang (MD)** responded that he would try to invite colleagues from the Local Vessels Safety Section to attend the meetings of the sub-committee for discussion of matters concerning the definition of lifejacket.

9. **Mr. CHAN Cheuk-sang (MD)** said that at the previous meeting, there was discussion on the requirement for advance submission of a copy of the passenger list to MD in respect of a spectator vessel. However, members unanimously disagreed with the arrangement. Therefore, it was agreed at the meeting that an accurate list need only be kept on board for examination by MD officers when they went aboard a vessel for inspection. Since FSD held different views on that consensus, the Chairman invited a representative from FSD to explain the arrangement to members again.

10. **Mr. KWAN Kam-wing (FSD)** said that at the previous meeting, members were concerned about the feasibility of submitting a copy of the passenger list to MD in advance. However, FSD hoped that members could reconsider the significance of the arrangement. First of all, including only the number but not the names of passengers on the list would incur difficulties for rescue efforts, considering that names of passengers could provide rescue units with a convenient basis for cross-checking. **Mr. KWAN** cited the earlier incident of a sunken passenger ferry in the Philippines as an example. Initially it was reported in the news that there were 700 passengers on board, but later the number was corrected as 870. Apparently the number of passengers only served as a rough reference during rescue work. **Mr. KWAN** stressed that even if the particulars on the list might not be absolutely accurate, names of passengers would still be a great help during rescue work. Furthermore, if the passenger list was kept only on board after the relevant legislation became effective, it would probably be impossible to secure the particulars of passengers immediately after a vessel sank. Therefore, the law concerned would become less practical if a spectator vessel was required to have a copy of the passenger list on board only. Moreover, at the previous meeting, members raised concerns that coxswains might not be able to submit a copy of the passenger list to MD in advance. **Mr. KWAN** said the use of communication software (e.g. WhatsApp) could be considered to transmit a photograph of the passenger list to MD. Since technology had been developing rapidly, **Mr. KWAN** believed that after the enactment of the relevant legislation, the Government would be able to find a convenient channel for coxswains to submit the passenger list.

11. **Mr. KWOK Tak-kee (MBTA)** said while appreciating the benefits of new technology, he had reservations about whether elder crew members knew how to send photographs of passenger lists to MD using smartphones, and whether MD would be able to acknowledge receipt of the lists. **Mr. KWOK** suggested that HPS be tasked to survey crew members to find out if they could submit passenger lists using communication software.

12. **Mr. CHEUNG Kwok-wai (First Ferry)** said the application of communication software might give rise to two issues. First, it was not sure if the Government would accept communication software available on the market as a means of communication for submitting passenger lists after the enactment of the proposed legislation. **Mr. CHEUNG** held that MD might need to seek advice from DoJ. Second, transmitting personal particulars or confidential information (such as that on the presence of VIPs on board a vessel) through communication software would also raise security concerns as crew members might send the lists to the wrong telephone numbers.

13. **Mr. KEUNG Siu-fai (Floating Fishermen)** said he understood that FSD wanted to acquire more information to facilitate search and rescue operations. **Mr. KEUNG** trusted that FSD would continue with a search and rescue operation even when its officers had saved all 50 passengers out of the 50 people stated in a passenger list, since a search would be conducted properly on the vessel in question in accordance with established procedures during the operation. **Mr. KEUNG** supported the advance submission of a duplicate copy of passenger list to MD. He proposed that members should consider carefully the particulars to be included in the passenger list and see if such detailed passenger information as nationality, health conditions, etc. was necessary.

14. **Mr. CHAN Cheuk-sang (MD)** responded that if a duplicate copy of a passenger list required to be sent to MD was inadvertently sent by crew members to the wrong telephone number, it would only be reasonable that MD should not be held responsible for such a human error that was beyond its control. According to Paper No. 4/2013, the required particulars were “name” and “gender” for an adult; and “name”, “gender” and “age” for a child. It was agreed at the last meeting that vessels should only be required to keep an accurate copy of the passenger list on board for examination by MD officers boarding the vessel for inspection. During major events at sea, MD officers would endeavour to board every participating vessel for collection of passenger lists. Members should focus the discussion on whether it was necessary for

coxswains to submit in advance a duplicate copy of the passenger list to MD. **Mr. CHAN** stressed that the Government would facilitate the use of technology by the industry as far as possible and the passenger particulars collected by the Government would be dealt with according to the Personal Data (Privacy) Ordinance.

15. **Mr. P.M. LEE, Alfred (First Ferry)** asked if passenger photographs were required to be included in the list. He would like to know whether, in addition to meeting MD's requirements, the proposed legislation being developed would be subject to further amendment to meet the requirements of FSD or the Marine Police.

16. **Mr. CHAN Cheuk-sang (MD)** replied that discussions had been held with FSD and it was confirmed that neither photographs nor other additional particulars were required for the list. In preparing Paper No. 4/2013, MD had consulted FSD, the Marine Police and the Privacy Commissioner for Personal Data.

17. **Mr. NG Siu-yuen, Nelson (HKKF)** said FSD's request for advance submission of a duplicate copy of the passenger list to MD by coxswains was reasonable and beneficial to search and rescue operations, but members could continue to explore the feasibility of the arrangement.

18. **Mr. KWAN Kam-wing (FSD)** said although MD officers would seek to board every participating vessel for collection of passenger lists during major events at sea, rescuers would not have immediate access to passenger information if the vessel had sunk in a marine incident before MD officers could board it. **Mr. KWAN** therefore still held that it was necessary to have a passenger list collected in advance. Given that crews had to operate all sorts of complicated devices on board, **Mr. KWAN** believed that they were also capable of submitting passenger lists to MD.

19. **Mr. P.M. LEE, Alfred (First Ferry)** agreed with the proposal to submit in advance a duplicate copy of the passenger list to MD but stated that there were technical problems to be resolved. If MD could collect passenger lists at piers, it could ensure that the lists were submitted before the vessel set sail.

20. **Mr. CHEUNG Kwok-wai (First Ferry)** said since some vessels were not equipped with fax devices, MD had to address the problem of information transmission. **Mr. CHEUNG** suggested that HPS should pilot the use of communication software in collecting passenger lists so as to study the suitability of such software as a communication platform.

21. **Mr. CHAN Cheuk-sang (MD)** responded that the particulars required on a passenger list would be as specified in Paper No. 4/2013. Despite the lack of consensus among members about the means by which passenger lists were to be submitted, **Mr. CHAN** still hoped that the legislation could be enacted first. During the implementation stage following enactment, MD would seek to resolve the technical problems on submission of passenger lists by exploring solutions agreeable to the industry. After the meeting, MD would also explore with FSD means to send passenger lists to the latter.

22. **Mr. Roger EASTHAM (RHKYC)** said arranging for MD officers to board all participating vessels for collection of passenger lists during a major event at sea could not enhance marine safety as the number of vessels on the sea was bound to increase. At the moment, the proposed legislation only sought to regulate vessels that were on their way to the venue of a major event at sea. **Mr. EASTHAM** was concerned that, should there unfortunately be further occurrence of major marine accidents in future, the legislation would be extended to cover even more vessels.

23. **Mr. CHEUNG Kwok-wai (First Ferry)** suggested that the Government should publicise the requirements to the public, in particular Mainland tourists taking part in major events at sea, during Chinese New Year.

24. **Mr. CHAN Cheuk-sang (MD)** responded that MD could not pledge to have all the vessels taking part in a major event at sea inspected. The case for other vessels would not be discussed at the current meeting. **Mr. CHAN** stressed that the arrangements proposed in Paper No. 4/2013 could greatly enhance safety during major events at sea. Apart from regulating spectator vessels in major events at sea by legislation, the Government would also explore ways to enhance safety during other events at sea in due course. The legislative proposal under discussion did not cover other events at sea.

2. Local Examination Syllabuses and System for Certification

25. **Mr. WONG Sai-fat (MD)** said detailed discussion would be held with members at the next meeting when more information was available.

26. **Mr. KWOK Chi-hong (MEA)** said the passing rate of examinations for coxswains had been relatively low recently. He wondered if the level of difficulty of the examinations had been adjusted as a result of the vessel collision incident.

27. **Mr. CHEUNG Kwok-wai (First Ferry)** remarked that the industry did not notice any change in the weighting of examination questions, in particular any disparity between the content of the oral examination and that of the course for coxswains.

28. **Mr. Roger EASTHAM (RHKYC)** said there was recently quite a number of people with experience of vessel operation who took the examination for Pleasure Vessel Operators in English but failed to pass it, attributing the phenomenon to the fact that the paper was a poor translation of the original one in Chinese. Furthermore, he pointed out that the official textbooks recommended by MD were obsolete. **Mr. EASTHAM** said he would have further discussions on the subject with **Mr. WONG Sai-fat (MD)** after the meeting.

29. **Mr. WONG Sai-fat (MD)** said MD did not recommend any official textbooks. The item on Type Rating Certificates for fast speed vessels would be discussed at the next meeting. Regarding the arrangement for the practical operation assessment, **Mr. WONG** said he was having discussions with the Vocational Training Council (VTC) and the industry would be consulted when there was any specific development.

30. **Mr. CHEUNG Kwok-wai (First Ferry)** said the fees for a Coxswain Grade 3 Certificate Examination preparatory course offered by VTC were \$4,000 or so and \$15,000 or so respectively for individuals with proof of application for the examination and those without such proof. **Mr. CHEUNG** said the high course fee would deter interested people from joining the maritime industry.

31. **Mr. WONG Sai-fat (MD)** responded that VTC's scale of course fees was not decided by MD. As for the preparatory maritime course for individuals intending to sit the examination for the Coxswain Grade 3 Certificate, MD was discussing course details with the Maritime Services Training Institute (MSTI) and HKSU. **Mr. WONG** would report to members after obtaining further information.

32. **Mr. KWOK Chi-hong (MEA)** said the market rate of a course for examination leading to the Coxswain Grade 3 Certificate was \$2,000 or so only, with fees for examination and supplementary examination included. He queried why high fees were charged by MSTI despite subsidies from the Government.

33. **Mr. WONG Sai-fat (MD)**, in response, said MSTI and HKSU could determine the fee levels themselves without having to consult MD. However, MD could convey relevant views to the parties concerned.

34. **Mr. FAN Keung (HTWGU)** said workers hoped HKSU could organise the preparatory maritime course, since the fee charged would be lower and would cover the cost of re-taking the course should a candidate fail the examination. However, HKSU would need to consider the class size before deciding whether or not to offer the course.

35. **Mr. WONG Sai-fat (MD)** said the duration of the course organised by MSTI before 2007 was 90 hours but the industry was generally of the view that 90 hours were too long. Given the amount of essential maritime knowledge required to be covered by the preparatory maritime course, both MD and course providers, in drawing up course syllabuses, considered that the duration of the course should at least be 50 hours.

36. **Mr. KEUNG Siu-fai (Floating Fishermen)** said in view of the shortage of manpower in the industry, the Government could consider adopting the mode of operation followed by the Hong Kong School of Motoring and entrusting the industry with the provision of training courses, so as to improve the examination system and to enable more people to obtain the licence more easily.

37. **Mr. WONG Sai-fat (MD)** said the views of **Mr. KEUNG Siu-fai (Floating Fishermen)** would be considered.

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

38. **Mr. WONG Sai-fat (MD)** thanked operators for providing information on the working/rest time arrangements for crew. After carefully reading the information, **Mr. WONG** considered that the arrangements currently employed by the industry were very similar to those outlined in the three guidelines proposed in previous meetings. Regarding the proposed guideline that a 30-minute rest period should be given after 6 hours of continuous on-duty navigation, **Mr. WONG** emphasised that it referred to continuous navigation time rather than on-duty time. At the previous meeting, members would like to know whether flexibility would be exercised in the implementation of the guidelines in view of circumstances. **Mr. WONG** asked members whether they had any suggestions about the arrangements for flexible implementation.

39. **Mr. CHEUNG Kwok-wai (First Ferry)** said many vessels of his company had to undergo repair and maintenance, and there was a shortage of manpower. If First Ferry was required to comply with the three guidelines proposed by MD, it had to recruit 143 additional staff as well as reduce the number of sailings to outlying islands. Hence, **Mr. CHEUNG** hoped TD would, in discussing the arrangements for the renewal of ferry services agreement, take into account the availability of crew in the labour market. If the labour problem could not be resolved, First Ferry might need to consider putting an end to its ferry service.

40. **Mr. WEN Tsz-kit (MBTA)** said the industry suffered a setback as a result of increasing wages and persistent shortage of labour. The fees for the courses relevant to the industry were also too high.

41. **Mr. FAN Keung (HTWGU)** said he did not intend to comment on the course fees charged by various organisations. He, however, remarked that it was currently very difficult for HKSU to find suitable instructors for the course. With the examination system constantly evolving, potential instructors worried that they would not be able to provide candidates with the most updated information. The Union hoped to strike a balance between course quality and the fee to be charged. There was currently a shortage of new blood in the maritime industry. It was hoped that after the adjustment of wages more people would be attracted to join the industry.

42. **Mr. CHEUNG Kwok-wai (First Ferry)** said that with fare levels for inner harbour routes in Hong Kong lower than those in other countries, local shipping companies encountered difficulties in running their businesses. If the Government allowed them to raise their fares, the wages of workers in the industry could go up.

43. **Mr. KWOK Tak-kee (MBTA)** said he reflected the problem of manpower shortage faced by the industry to the Local Vessels Advisory Committee on many occasions when he attended the meetings of the Committee over the years. He wondered whether such views were received by the Government.

44. **Mr. WONG Sai-fat (MD)**, in response, said the Government had been listening carefully to the views of the industry. The Director of Marine would have a discussion with industry representatives on 3 September and a hearing would be held by the Legislative Council on 17 September. **Mr. WONG** then asked **Mr. NG Siu-yuen, Nelson (HKKF)** the views of his company on the proposed arrangements regarding working hours.

45. **Mr. NG Siu-yuen, Nelson (HKKF)** said crew members were generally pleased with the three guidelines proposed. Having said that, he remarked that operators would encounter quite a number of difficulties in implementing those guidelines.

46. **Mr. CHEUNG Kwok-wai (First Ferry)** said crew members were deeply concerned about the definition of rest. It might pose a challenge to operators.

47. **Mr. K.P. CHEUNG, Donald (PITCL)** said capping the cumulative total on-duty navigation time at 13 hours was acceptable but worried that crew members might request that they be released from duty upon reaching the limit or be given overtime payment by the company when the limit was exceeded.

48. **Mr. WONG Sai-fat (MD)**, in response, said he understood that the views of some crew members might differ from those of their companies on details of the working/rest time arrangements and disputes might arise. He, however, believed that any possible disputes could be satisfactorily resolved through candid exchanges between employers and employees.

49. **Mr. KWOK Tak-kee (MBTA)** said the working/rest time arrangements adopted by the maritime industry had all along been decided by consensus between companies and crew members. The two sides had been co-operating well. This might be different from the case of land transport.

50. **Mr. KWOK Chi-hong (MEA)** said it was not easy for companies and crew members to reach a consensus since the latter tended to hope that there could be less work and better pay.

51. **Mr. P.M. LEE, Alfred (First Ferry)** remarked that the maritime industry had had in place good working/rest time arrangements and implementation of the proposal would bring a number of challenges to the industry. For example, when the cumulated on-duty navigation time in respect of a crew member exceeded 13 hours, the question would be whether he should stop working, or continue working and be given overtime payment by the company. Since such challenges would have an impact on the quality of service, he suggested that the existing system be maintained.

52. **Mr. WEN Tsz-kit (MBTA)** said crew members working the same shift knew how to arrange rest time for themselves by co-ordinating with one another and it had become an established working practice.

53. **Mr. KEUNG Siu-fai (Floating Fishermen)** opined that the authorities should consider freezing the issue of licence for spectator vessels so as to improve the treatment received by crew.

54. In conclusion, **Mr. WONG Sai-fat (MD)** said members could voice their views at the two meetings to be held in September, and more in-depth discussion could be carried out at the next meeting

IV. Details of the next meeting

55. The next meeting would be held on Thursday, 17 October 2013 at 10:00 a.m., in Conference Room A, 24/F, Harbour Building.

V. End of meeting

56. There being no other business, the meeting was adjourned at 12:35 p.m.