

Translation

Local Vessels Advisory Committee
Joint Sub-committee on Class I and Class IV Vessels
Minutes of the 9th Meeting

Date : 17 October 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. WONG Hon-kuen	MBTA
Mr. Eddie CHENG	Hong Kong & Kowloon Ferry Ltd. (HKKF)
Mr. Kent LIU	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. (HYF)
Mr. Bill CHAN	Discovery Bay Transportation Services Ltd. (DBTPL)
Mr. Ben LO	DBTPL
Mr. WONG Yiu-wah	Marine Excursion Association (MEA)
Mr. FAN Keung	Harbour Transportation Workers General Union (HTWGU)
Mr. SIU Ping-wing	HTWGU
Mr. WU Ka-shun	South China Towing Co. Ltd.
Mr. MA Chi-wai	The Hong Kong Shipyard Limited (HK Shipyard)

Mr. LO Ngok-yang	Cheoy Lee Shipyards Limited
Mr. LEE Shing-hing	Sai Kung Kaito Association
Mr. K.P. CHEUNG, Donald	Park Island Transport Company Ltd. (PITCL)
Mr. LI Joseph	Hong Kong Police Force
Mr. WONG Pak-kin, Ken	Transport Department (TD)
Ms. YAU Lai-sze, Lizzy	Leisure and Cultural Services Department
Mr. KWAN Kam-wing	Fire Services Department
Mr. NG Lap-hay, Andrew	MD
Mr. CHAN Hon-bun	MD
Mr. TANG Kwong-fai	MD
Mr. Clement HAU (Secretary)	MD

Absent with Apologies

Mr. Roger EASTHAM	Royal Hong Kong Yacht Club
Mr. KWOK Chi-hong	MEA
Mr. Keith MOWSER	Hong Kong Sailing Federation
Mr. CHAN Chi-ming	HK Shipyard
Mr. CHEUNG Sun-ming	Hebe Haven Yacht Club
Ms. CHING Ngon-lai	HTWGU/Small Craft Workers Union
Mr. KEUNG Siu-fai	Hong Kong & Kowloon Floating Fishermen Welfare Promotion Association (Floating Fishermen)
Mr. Donald LEE	Hong Kong Water Ski Association
Mr. Paul CHEUNG	Hong Kong Jet Sports Boating Association
Mr. SHEK Wah-yau	Hong Kong Pleasure Craft Club
Mr. CHEUNG Chi-chuen	Hong Kong & Kowloon Fishermen Association
Mr. CHEUNG Yau-kwong	Fat Tat Hong
Ms. Monita LEUNG	Tsui Wah Ferry Service Co. Ltd.
Dr. LAU Kwok-lam, Alan	Pleasure Boating Operations
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

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 consulted the Department of Justice (DoJ) about the proposed legislation on marine traffic control and safety measures, and had conveyed to DoJ the views expressed by members at the previous meeting. As at the date of the meeting, DoJ had already given MD an interim reply. However, since it took time for MD to study DoJ's reply, MD would brief members later. Regarding the liability arising from the donning of an inappropriate lifejacket, **Mr. CHAN** hoped an update could be given to members at the next meeting. **Mr. CHAN** invited **Mr. TANG Kwong-fai (MD)**, Senior Surveyor of Ships of MD, to attend the meeting and provide members with more information on the standards for child lifejackets.

4. **Mr. TANG Kwong-fai (MD)** said since the Lamma IV incident, MD had expressed its approval for two types of lifejackets: The first type was lifejackets which had gained the approval of MD and were imprinted with the Coat of Arms of the British Hong Kong Government. They were suitable for use by both adults and children. Another type was lifejackets which met the standards stated in resolution MSC.48 (66) adopted by the Maritime Safety Committee of the International Maritime Organisation in 1996.

5. **Mr. CHEUNG Kwok-wai (First Ferry)** said the Government should explain the definition of child lifejacket to the public, so that members of the public would know well the suitability of a child lifejacket for an intended user of a given height, as well as the buoyancy and limitations of the child lifejacket. The public would also need to know which party would be held liable if a child donned a lifejacket that was not appropriate for his/her height or weight.

6. **Mr. TANG Kwong-fai (MD)** responded that the standards stated in resolution MSC.48 (66) were not based on the age of a person. Since a "child" was defined as "a person under the age of 12" in the proposed legislation, MD still needed to see how appropriate standards could be set. Nevertheless, for the

time being, lifejackets imprinted with a coat of arms were acceptable to MD.

7. **Mr. CHEUNG Kwok-wai (First Ferry)** said the Government needed to clarify the issue of liability as soon as possible and inform the public about it so that the public would know what lifejackets were considered appropriate for children. Children aged 10 to 12 were in puberty and varied in build. Therefore, it was necessary for the lifejackets to cater for users of different builds.

8. **Mr. TANG Kwong-fai (MD)** responded that some lifejackets stated the appropriate height of the intended user as well as their buoyancy.

9. **Mr. CHAN Cheuk-sang (MD)** responded that the primary concern was the safety of children rather than the issue of liability.

10. **Mr. WONG Hon-kuen (MBTA)** suggested resuming the practice in the 1980s of adopting one single type of lifejacket for adults and children.

11. **Mr. TANG Kwong-fai (MD)** responded that although MD currently accepted two types of lifejackets, it would be difficult to adopt one single type of lifejacket for adults and children again.

12. **Mr. P.M. LEE, Alfred (First Ferry)** said there was no clear definition of child lifejackets so far. Although adult lifejackets could accommodate the weight of a child, it might not fit the child. Therefore, **Mr. LEE** considered it necessary for the Government to draw up clear guidelines so that children would be able to choose an appropriate lifejacket having regard to their age.

13. **Mr. CHEUNG Kwok-wai (First Ferry)** said the Government should let the public know that a child should don an adult lifejacket when his/her height or weight was above a specified limit.

14. **Mr. CHAN Cheuk-sang (MD)** agreed that both children and adults needed to don lifejackets that were appropriate for their height and weight. Lifejackets should provide sufficient buoyancy and should be a reasonable fit for their users. Although the issue of age could be further discussed, it was unlikely that any amendment would be made to the definition of child in the proposed legislation. Children of a larger build should don an adult lifejacket. MD would continue its discussions with DoJ.

2. Local Examination Syllabuses and System for Certification

15. **Mr. WONG Sai-fat (MD)** distributed and explained Paper No. 5/2013 and its four annexes to members. **Mr. WONG** suggested that members endorse the Syllabus of Preparatory Maritime Course first (Annex 1) so that it could be submitted to the Local Vessels Advisory Committee for reporting.

16. **Mr. CHEUNG Kwok-wai (First Ferry)** indicated that more time was needed to study the paper. **Mr. CHEUNG** suggested that MD issue a handbook similar in nature to the handbook on road safety, listing in detail the various training opportunities and courses for coxswains.

17. **Mr. WONG Sai-fat (MD)** stated that, at a previous meeting, members had agreed on a preparatory maritime course to be organised exclusively for those preparing to sit the Coxswain Grade 3 Certificate examination. As agreed by members at a previous meeting, the course would last for 50 hours. Regarding the suggestion of **Mr. CHEUNG Kwok-wai (First Ferry)**, MD considered that the Maritime Services Training Institute (MSTI) and the HKSU would provide participants with course information when the course was underway.

18. **Mr. CHEUNG Kwok-wai (First Ferry)** said that MD had not provided for the industry's reference the light signals plan, scenario information and reference materials necessary for the examination.

19. **Mr. WONG Sai-fat (MD)** stated that the MSTI and the HKSU had to provide MD with course details, and believed that they would furnish participants with the course materials. MD would monitor the teaching quality.

20. **Mr. WONG Hon-kuen (MBTA)** asked if a crew member who had attended the 30-day course of the MSTI would be exempt from the preparatory maritime course. **Mr. WONG** hoped there would not be any overlap in content between the two courses.

21. **Mr. WONG Sai-fat (MD)** responded that MD did not place every course offered by local course providers under its supervision. Crew members could enrol in different courses to suit their own needs. **Mr. WONG** understood that the industry wished to see more new recruits join the maritime

profession, but he stated that it was necessary to ensure that crew members possessed the basic knowledge.

22. **Mr. WONG Hon-kuen (MBTA)** noted that the 30-day course of the MSTI was recognized by MD and the course content covered all the items listed in Annex 1 to Paper No. 5/2013. He enquired whether or not it was necessary for crew members who had attended the MSTI's course to take the 50-hour preparatory maritime course.

23. **Mr. WEN Tsz-kit (MBTA)** asked if the 50 course hours of the preparatory maritime course could count towards the one-year service period required of candidates for the issue of the Coxswain Grade 3 Certificate.

24. **Mr. WONG Sai-fat (MD)** responded that the course offered by the MSTI, though longer in duration, covered all items of the preparatory maritime course, and was therefore recognised by MD. In response to **Mr. WEN's** enquiry, **Mr. WONG** pointed out that it had already been confirmed at a previous meeting that the course hours of the preparatory maritime course would count towards the service period required of a seafarer.

25. **Mr. SIU Ping-wing (HTWGU)** commented that some cadets who had received training at the MSTI seemed to be quite unfamiliar with the setting of a vessel.

26. **Mr. WONG Sai-fat (MD)** responded that crew members who had attended the MSTI's course had acquired a certain level of maritime knowledge but would still need to receive in-service training to build up their experience.

27. **Mr. WEN Tsz-kit (MBTA)** enquired whether the one-year service period required for the issue of the Coxswain Grade 3 Certificate could be replaced by the 50 hours of the preparatory maritime course.

28. **Mr. WONG Sai-fat (MD)** responded that MD would have to consider carefully whether the course hours of the preparatory maritime course could completely replace the one-year service period. In the meantime, MD merely inclined to incorporate the 50 hours of the course into a crew member's service period so that the requisite service period might be reduced.

29. **Mr. WONG Hon-kuen (MBTA)** suggested that crew members be issued with a provisional Coxswain Grade 3 Certificate upon completion of the preparatory maritime course. After satisfying the one-year service period requirement, crew members could then apply for a permanent Coxswain Grade 3 Certificate from MD.

30. **Mr. WONG Sai-fat (MD)** hoped that when the arrangements on preparatory maritime course, in-service training and examination for Coxswain Grade 3 Certificate were implemented, crew members would be issued with the Certificate upon satisfaction of all three requirements. Flexibility could be allowed in terms of the order in which the requirements were met.

31. **Mr. WONG Hon-kuen (MBTA)** suggested that Coxswain Grade 2 Certificate holders be issued with a provisional Coxswain Grade 1 Certificate first to allow them to operate pleasure vessels. After meeting all the requirements for the issue of a Coxswain Grade 1 Certificate, such coxswains would become eligible for a licence for the operation of passenger-carrying commercial vessels.

32. **Mr. CHEUNG Kwok-wai (First Ferry)** remarked that, since the industry still faced the problem of acute manpower shortage, it was necessary that the manpower supply should be replenished as soon as possible.

33. **Mr. WONG Sai-fat (MD)** said he expected that more information would be made available at the next meeting. He hoped that members could first endorse Paper No. 5/2013.

34. **Mr. CHEUNG Kwok-wai (First Ferry)** said he needed time to study the paper and would only support its overall direction for the time being.

35. **Mr. WONG Sai-fat (MD)** reported on other matters. Regarding the implementation of the practical operation assessment, MD and the Vocational Training Council were still studying the matter and members would be updated on any new development. MD was preparing to engage an independent consultant to conduct a study on the definition of fast speed vessels, and the study would include organising workshops for companies with fast speed vessels.

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

36. **Mr. WONG Sai-fat (MD)** reiterated that the proposal on working hours would only apply to crew members who adopted the “one-day-on and one-day-off” system on local passenger-carrying vessels with ferry licences issued by TD. They included coxswains and crew of HKKF, First Ferry, DBTPL and PITCL, but not those of Star Ferry. **Mr. WONG** said he understood that operators needed to consider such issues as sailing arrangements and manpower deployment, and that it was impossible for vessels to stop in the middle of a sailing with passengers on board. Hence, if members could voice out their need for more flexible working/rest time arrangements, MD would consider their case carefully.

37. **Mr. Kent LIU (HKKF)** said the implementation of the working/rest time arrangements required the co-operation of staff on board vessels and at piers.

38. **Mr. K.P. CHEUNG, Donald (PITCL)** said even when a vessel was not carrying passengers, its crew still had to remain on duty as they were required to operate the vessel.

39. **Mr. WONG Hon-kuen (MBTA)** asked whether it was acceptable to MD if crew members took rest as proposed by the guidelines while the engines of their vessels kept running. He remarked that some passengers might be dissatisfied about not being allowed to board vessels in advance since there was no air conditioning at piers. If the working/rest time arrangements really had to be changed, he suggested MD consider changing the “one-day-on and one-day-off” system to a two-shift system with 12 hours per shift. A system with two shifts per day meant greater safety for passengers since accidents usually happened at night.

40. **Mr. WONG Sai-fat (MD)**, in response, said there was no intention to change the “one-day-on and one-day-off” system.

41. **Mr. CHEUNG Kwok-wai (First Ferry)** said operators would have manpower problems if the working/rest time arrangements proposed by MD were to be adopted.

42. **Mr. P.M. LEE, Alfred (First Ferry)** said, according to the terms prescribed in the operating licences issued to operators subsequent to their discussions with TD, only those periods of rest taken by crew on shore would be regarded as rest periods. He remarked that crew members could take their rest on shore if spaces were provided for vessels to berth at piers.

43. **Mr. WONG Hon-kuen (MBTA)** said if operators had to recruit additional staff, the extra cost would be passed on to consumers by way of fare increase.

44. **Mr. FAN Keung (HTWGU)** said crew members would have to work 16 to 17 hours (including travelling time between home and work) a day if the system of two shifts per day with 12 hours per shift was to be adopted.

45. **Mr. WONG Sai-fat (MD)** re-emphasised that MD had no intention to change the current “one-day-on and one-day-off” system.

46. **Mr. Kent LIU (HKKF)** said although MD stated that flexibility would be allowed in implementing the working/rest time arrangements, it did not clearly state what arrangements would be acceptable. Matters such as the number of meal breaks provided for crew each day, and whether a meal break should be arranged for crew before or after the peak hours of work from 4 to 8 p.m., were not detailed by MD.

47. **Mr. CHEUNG Kwok-wai (First Ferry)** believed that operators would be able to implement the working/rest time arrangements proposed by MD during periods of low patronage, though the services to and from major outlying islands might still be affected. However, it would be very difficult for operators to comply with the proposed working/rest time arrangements during holidays when the passenger demand for services was great.

48. **Mr. P.M. LEE, Alfred (First Ferry)** said services would be affected if crew members were allowed to have a meal break of 40 minutes during the daily peak hours from 4 to 8 p.m. If crew members were to take turns to have their meals, the meal time for the whole crew would be very long since it might take several hours to finish one cycle. It was impossible to suspend the services to allow all the crew to have their meals because of the demand for such services.

49. **Mr. LEE** went on to say that sailings of high speed craft plying between Hong Kong and Macao were reduced during lunch hours for crew to have lunch.

50. **Mr. CHEUNG Kwok-wai (First Ferry)** said that it would be very difficult for operators to comply with the proposed working/rest time arrangements for crew without additional manpower.

51. **Mr. K.P. CHEUNG, Donald (PITCL)** remarked that if work performed during non-navigation time was still counted under working time rather than rest time, it would be very difficult for operators to ensure compliance with the proposed rest time requirement. The more requirements MD imposed on the industry, the more difficulties operators had in complying with them.

52. **Mr. WONG Pak-kin, Ken (TD)** noted the views raised by MD. The two arrangements, namely that (1) a 30-minute rest period should be given after 6 hours of continuous on-duty navigation; and (2) cumulative total on-duty time in every 24 hours should be capped at 13 hours, might be considered to be made applicable only to the crew of ferries with a speed over 15 knots. TD would wait for MD's further comments on the relevant arrangements.

53. **Mr. WEN Tsz-kit (MBTA)** acknowledged that the working/rest time arrangements currently proposed would only apply to crew who followed the "one-day-on and one-day-off" system. He wondered what MD would do if operators were to adopt a different working system for crew to avoid compliance with the proposed working/rest time arrangements.

54. **Mr. WONG Sai-fat (MD)** said that MD could only put forward relevant proposals based on the current practices of the industry.

55. **Mr. WEN Tsz-kit (MBTA)** remarked that given the severe manpower shortage in the industry, adopting the proposed working/rest time arrangements would give rise to conflicts between employers and employees. Hence, he suggested that the current working/rest arrangements be retained.

56. **Mr. FAN Keung (HTWGU)** stated that newly recruited crew members currently received extra allowance as part of their basic entry salary. Crew members generally hoped that employers would be more considerate in allowing them to sit for examinations. Considering that crew members did not have high academic qualifications, employers were encouraged to consider giving them

cash reward for passing the examination and obtaining the certificate. He told the meeting that supplier(s) of ship simulator for radar training had been identified. Each simulator would cost about several million dollars, and it was expected that each class could accommodate up to 12 participants.

57. In conclusion, **Mr. WONG Sai-fat (MD)** encouraged members to provide more valuable input at the next meeting

IV. Details of the next meeting

58. The next meeting would be held on Thursday, 5 December 2013 at 10:00 a.m., in Conference Room A, 24/F, Harbour Building.

V. End of meeting

59. There being no other business, the meeting was adjourned at 11:55 a.m.