

**Local Vessels Advisory Committee**  
**Joint Sub-committee on Class I and Class IV Vessels**  
**Minutes of the 10th Meeting**

Date : 5 December 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. Kent LIU	Hong Kong & Kowloon Ferry Ltd. (HKKF)
Mr. Ng Siu-yuen, Nelson	HKKF
Mr. WEN Tsz-kit	Hong Kong & Kowloon Motor Boats & Tug Boats Association Ltd. (MBTA)
Mr. Thomas WONG	MBTA
Mr. PUI Chi-keung, Emil	MBTA
Mr. CHEUNG Kwok-wai	New World First Ferry Services Ltd. (First Ferry)
Mr. P.M. LEE, Alfred	First Ferry
Mr. WU Wing-sun	The Hongkong and Yaumati Ferry Co. Ltd.
Mr. Bill CHAN	Discovery Bay Transportation Services Ltd. (DBTPL)
Mr. Ben LO	DBTPL
Mr. Johnny T. H. LEUNG	The "Star" Ferry Company, Limited (Star Ferry)
Mr. WONG Yiu-wah	Marine Excursion Association (MEA)
Dr. Andrew KAY	MEA
Ms. CHING Ngon-lai	Harbour Transportation Workers General Union (HTWGU)/Small Craft Workers Union
Mr. FAN Keung	HTWGU
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. 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. LEE Shing-hing	Sai Kung Kaito Association
Mr. K.P. CHEUNG, Donald	Park Island Transport Company Ltd.
Mr. YUEN Wing-cheong	Transport Department (TD)
Ms. YAU Lai-sze, Lizzy	Leisure and Cultural Services Department
Mr. CHAN Wai-yin	Fire Services Department
Mr. Ng Lap-hay, Andrew	MD
Mr. CHAN Hon-bun	MD
Mr. TANG Kwong-fai	MD
Miss Jackie CHAN (Secretary)	MD

### **Absent with Apologies**

Mr. LO Ngok-yang	Cheoy Lee Shipyards Limited
Mr. Joseph LI	Hong Kong Police Force
Mr. Roger EASTHAM	Royal Hong Kong Yacht Club
Mr. Keith MOWSER	Hong Kong Sailing Federation
Mr. CHEUNG Sun-ming	Hebe Haven Yacht Club
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 that the legislative proposal on marine traffic control and safety measures had not yet been finalised and asked **Mr. NG Lap-hay, Andrew (MD)** to explain to members the latest development and the advice from the Department of Justice (DoJ).

4. **Mr. NG (MD)** noted that the industry was concerned about coxswains' liability in connection with a child's failure to don a lifejacket. Coxswains would be considered to have exercised due diligence to prevent the commission of the offence if, for example, sufficient amount of lifejackets had been provided on board, clear indications of the location and donning method of lifejackets had been given, announcement had been made before the voyage began, or passengers had been reminded by crew members to help their children don a lifejacket. Under such circumstances, the accompanying adults who had the responsibility to take care of the children would be held liable. Coxswains might be liable only if there was sufficient evidence to establish that the above measures had not been taken.

5. **Mr. CHAN (MD)** said that the accompanying adult(s) would be the primary subject of prosecution. If the coxswain had taken all necessary measures and the circumstances were beyond the coxswain's control, it was very unlikely that he would be held liable, and he would be allowed to defend himself. Moreover, MD would discuss with DoJ the relevant statutory provisions.

6. In response to **Mr. Johnny T. H. LEUNG (Star Ferry)**'s enquiry, **Mr. CHAN (MD)** remarked that the above requirement would only be applicable to major events at sea, but not to routine sea transport services.

7. **Mr. NG (MD)** added that in general MD would issue notices before those events to remind people of marine safety measures, which included the donning of lifejackets by children.

8. In answering **Mr. NG Siu-yuen (HKKF)**'s enquiry, **Mr. CHAN (MD)** said that the Information Services Department would usually launch an extensive publicity campaign around 10 days before such events to disseminate safety messages.

9. **Mr. WONG Yiu-wah (MEA)** asked whether a copy of the passenger and crew list had to be kept on board during the events.

10. **Mr. CHAN (MD)** replied that a copy of the list, as required in the previous two events, had to be kept on board for inspection.

11. **Mr. LEUNG (Star Ferry)** enquired whether the announcement of public interest (API) to be broadcast would include the message that accompanying adults should ensure the donning of lifejackets by their children so as to make clear who should be held liable.

12. As the purpose of legislation was to define liability, **Mr. CHAN (MD)** agreed that corresponding changes should be made in the API after the implementation of the law but there was no way to incorporate the new message as the API had been prepared.

13. **Mr. NG (MD)** added that the existing minutes of meetings could safeguard the industry's interests.

14. **Mr. LEUNG (Star Ferry)** said that while consensus had been reached between the industry and MD, and that safety measures had been adopted, the general public was still not clear about the related liability issues. He stressed the importance of public education.

15. **Mr. CHAN (MD)** commented that it was difficult to launch a publicity campaign before the implementation of the law.

16. **Mr. CHAN (MD)** remarked that MD had made reference to the statutory provisions of other regions in the preparation of the legislative proposal, which would be circulated among members after its implementation. MD had also been working on the definition of lifejacket standards.

17. **Mr. LEUNG (Star Ferry)** was worried about the possible confusion stemmed from the difference in the definition of children between the statutory provisions and people's general understanding. He hoped that the law would cover liability issues that might arise if a child aged 11 or 12 failed to don a lifejacket on board in a major event at sea in the absence of his/her parent(s) or an accompanying adult.

18. **Mr. CHAN (MD)** said MD had considered the above scenario and would take follow-up actions with DoJ.

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

19. **Mr. WONG Sai-fat (MD)** said the meeting would focus on discussing the implementation arrangements for the preparatory maritime course and shipboard in-service training which had been endorsed by the Local Vessels Advisory Committee. Starting from 1 January the following year, newly recruited crew would be required to complete the said course and training before they were eligible for taking the examination for the Coxswain Grade 3 Certificate. **Mr. WONG (MD)** stated that the responsible unit planned to have the revised examination rules published by gazette on 13 December for application to candidates sitting the examination in 2015.

20. **Mr. WONG (MD)** anticipated that the examination rules would be further revised in the first half of the following year. Considering that new entrants to the industry in future would have to complete the said course and training, and thus would possess basic maritime knowledge, the existing requirement of having one year of service at sea before taking the examination would be relaxed.

21. In response to the industry's opinions about the two to three months waiting time for taking the examination, **Mr. WONG (MD)** said arrangement for accepting early application for the examination would be considered so that applicants could take the examination once they had met the required sea service time.

22. In response to the enquiry of **Mr. CHEUNG Kwok-wai (First Ferry)**, **Mr. WONG (MD)** said the same arrangement would also be applied to the Engine Operator Certificate examination.

23. Regarding the requirement of passing the written examination and practical chart work examination in the first part of the examination for Coxswain Grade 2 Certificate, **Mr. WONG (MD)** said it was being considered that the pass results of the two examinations should remain valid for two years, and candidates would be allowed to retake the examination they failed within a two-year period for passing the first part of the Coxswain Grade 2 Certificate examination.

24. In response to the industry's opinion that it took years for new entrants to attain the Coxswain Grade 1 Certificate, **Mr. WONG (MD)** said the feasibility of shortening the required sea service time would be explored.

25. As for the industry's suggestion that the Pleasure Vessel Operator Certificate be converted to Coxswain Certificate, the preliminary view of **Mr. WONG (MD)** was that it was not unfeasible. Discussion would be held with the Maritime Services Training Institute (MSTI) and views collected.

26. Regarding the issues discussed in paragraphs 20 to 25 above, **Mr. WONG (MD)** said papers would be tabled at the next meeting for consulting members' views.

27. **Mr. KEUNG Siu-fai (Floating Fishermen)** said the above measures could not address the two big issues of attracting new blood to the industry and examinations being too challenging, thus failing to provide immediate relief to the prevailing problem of manpower shortage. Moreover, changes in the local examination system would also affect the crew of Class III vessels. The Sub-committee on Class III Vessels should be consulted on the revision as well. **Mr. KEUNG (Floating Fishermen)** reiterated that the examination system had to be improved to attract new blood.

28. **Mr. WONG (MD)**, in response, said the examination system was being revised to cater for the needs of the industry under the principle of upholding the quality of crew. Reducing the number of examination questions while keeping the answering time unchanged was being considered, in the hope of allowing candidates ample time to answer the questions. **Mr. WONG (MD)** further said MD had liaised with the Agriculture, Fisheries and Conservation Department on the provision of the preparatory maritime course for the crew of Class III vessels, and the issue would be discussed at the meeting of the Sub-committee on Class III Vessels to be held at the end of the month.

29. **Ms. CHING Ngon-lai (HTWGU)**, commenting on the manpower shortage situation, said it would be difficult to attract new blood to the industry if the working time and duty roster arrangements for crew of local vessels were not improved.

30. Regarding the provision of the preparatory maritime course, **Mr. WONG (MD)** said it had been stated in Paper No. 5/2013 that two courses,

namely a 90-hour course and a 50-hour course organised by MSTI and the Hong Kong Seamen's Union (HKSU) respectively, would be accredited by MD.

31. **Mr. CHEUNG (First Ferry)** said a course schedule would be needed so that the industry could have sufficient time to make arrangements for their crew to take the course.

32. **Mr. WONG (MD)**, in response, said discussion about the feasibility of having course commencement dates scheduled in advance would be conducted with the course providers.

33. **Ms. CHING (HTWGU)** said HKSU was going to handle course dates with flexibility to facilitate the taking of the course by crew who were on duty at different times. Moreover, applications would be made for grants under the training fund to subsidise the training of crew. The only concern at the moment was that no one would enrol on the course.

34. **Mr. LEE Shing-hing (Sai Kung Kaito Association)** hoped MD would consider reverting the Hong Kong Sea School in Stanley, currently a grammar school, to its former status as a maritime training school with the mission of training students as seafarers.

35. **Mr. WONG (MD)** responded that the issue was not for MD to decide. The positioning and aiding of the school were decided by the school itself and the Education Bureau.

36. **Mr. PUI Chi-keung, Emil (MBTA)** expressed his opinions on fee subsidies for preparatory maritime course. He remarked that a course fee of \$15,000 or so was charged by MSTI. Although applications for subsidies of 70% of the fee might be made, new entrants to the industry were not eligible for application as they could not meet the requirement of being candidates for the Coxswain Grade 3 Certificate Examination since they had yet to have one year of service at sea. **Mr. PUI (MBTA)** further enquired whether the level of subsidy could be raised from 70% to 80%, considering that it had a direct impact on the new entrants as the fee might become a burden to them.

37. **Mr. WONG (MD)** responded that the amount of subsidies was under the purview of the Vocational Training Council instead of the MD. He reiterated that new entrant seafarers could submit their application for examination earlier

in future and would thereafter be eligible for subsidy application when they enrolled on the preparatory maritime course of the MSTI. **Mr. PUI (MBTA)** agreed that would be conducive to subsidy application.

38. **Mr. LEUNG (Star Ferry)** claimed the current low passing rate stemmed from the difference between the pre-examination preparation and the actual examination. The questions solely set by MD were too difficult and had gone far beyond the practical scope of local vessels by, for example, requiring candidates to recite the names of two chemical substances of and their proportion in a foam fire extinguisher, and the gaseous functions of certain chemical reactions. As the examiners were not coxswains of local vessels, they tended to include the knowledge requirement on ocean-going vessels in the examination. The setting of examination questions lacked transparency and check-and-balance, making it difficult for training institutions (including MSTI) to follow. To enhance impartiality and to balance the expectations of examiners and candidates, he suggested that an independent appeal mechanism be established. As for the human resource training and the pressing shortfall of crew members of the local vessel trade, he held that an ad hoc division was required for handling the issue.

39. **Mr. WONG (MD)** responded that the examination was no intellectual assessment and he would follow up on the complexity of examination questions with those concerned. He added that an appeal mechanism was in place under the existing examination system.

40. **Mr. Ng Siu-yuen, Nelson (HKKF)** hoped that the examination syllabuses could be reviewed, its transparency be enhanced, candidates be provided with questions and answers for reference, and the vagueness of questions and mode of teaching be addressed.

41. **Mr. WONG (MD)** replied that simulated questions were available in MD web site to which questions in the data base would be uploaded from time to time in different combination for practice.

42. **Mr. LEUNG (Star Ferry)** suggested that MD prepare charts and videos to promote the regulations on prevention of collisions and identification of signals and buoys for candidates of examination on vessel operation, taking reference to the Road Users' Code prepared by the Transport Department for candidates of examination for driving licence. At present, the industry mainly



used the teaching materials on signals and buoys provided by the Hong Kong Seamen's Union. MD should provide the industry with a set of more comprehensive materials. 43. **Mr. WONG (MD)** understood the need of the industry and stated that the development and upload to web site of a similar code could be explored but was mindful of the potential implications on copyright.

44. **Mr. WONG (MD)** stated a seminar to promote navigational safety inside the harbour would be held on the 10 and 11 of December at the Mariners' Club, Tsim Sha Tsui, and called for active participation from the industry. Lastly, he reminded members to give their views on the record of on-the-job training in the following two weeks.

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

45. The next meeting would be held on Thursday, 20 February 2014 at 10:00 a.m., in Conference Room A, 24/F, Harbour Building.

#### **V. End of meeting**

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