

Translation

Local Vessels Advisory Committee
Joint Sub-committee on Class I and Class IV Vessels
Minutes of the 12th Meeting

Date : 15 May 2014 (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. LI Yiu-kwong (Chairman)	MD
Mr. NG Siu-yuen, Nelson	Hong Kong & Kowloon Ferry Ltd. (HKKF)
Mr. Ken WONG	HKKF
Mr. WU Ka-shun	South China Towing Co. Ltd.
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
Mr. CHOR Yee-on	The Hongkong and Yaumati Ferry Co. Ltd.
Mr. Chris WONG	Discovery Bay Transportation Services Ltd. (DBTPL)
Mr. Bill CHAN	DBTPL
Mr. Ben LO	DBTPL
Mr. LO Ngok-yang	Cheoy Lee Shipyards Limited
Mr. WONG Yiu-wah	Marine Excursion Association (MEA)
Mr. William LI	MEA
Mr. Donald LEE	Hong Kong Water Ski Association
Mr. Roger EASTHAM	Royal Hong Kong Yacht Club (RHKTC)
Mr. SHEK Ale	Yachting & Boating Club

Mr. MA Chi-wai	The Hong Kong Shipyard Limited (HK Shipyard)
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. Johnny T. H. LEUNG	The “Star” Ferry Company, Limited
Mr. FAN Keung	HTWGU
Mr. CHAN Chi-ming	HK Shipyard
Mr. KEUNG Siu-fai	Hong Kong & Kowloon Floating Fishermen Welfare Promotion Association (Floating Fishermen)
Ms. Monita LEUNG	Tsui Wah Ferry Service (H.K.) Ltd.
Mr. Donald K. P. CHEUNG	Park Island Transport Company Ltd.
Mr. MA Kwok-keung	Hong Kong Pleasure Craft Club (HKPCC)
Mr. YUEN Wing-cheong	Transport Department
Ms. YAU Lai-sze, Lizzy	Leisure and Cultural Services Department
Mr. CHEUNG Mei-hon, Barry	Hong Kong Police Force
Mr. WONG Wing-hang	MD
Mr. TANG Kwong-fai	MD
Mr. LI Kin-pong	MD
Mr. Ng Lap-hay, Andrew	MD
Mr. WU Kou-qing	MD
Miss Jackie CHAN (Secretary)	MD

Absent with Apologies

Mr. KWOK Tak-kee	MBTA
Mr. LEE Shing-hing	Sai Kung Kaito Association
Mr. Warwick DOWNES	Hong Kong Sailing Federation
Mr. Paul CHEUNG	Hong Kong Jet Sports Boating Association
Mr. CHEUNG Yat-leung, Jacky	Sai Kung Yacht Association
Dr. LAU Kwok-lam, Alan	Pleasure Boating Operations
Mr. Robert BLYTHE	Gold Coast Yacht and Country Club

I. Opening Remarks

Mr. CHAN Hon-bun (MD) and **Mr. LI Yiu-kwong (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 Hon-bun (MD)** invited members to give their views on Paper No. 2/2014, which would be submitted to LVAC for endorsement after members' approval.

4. **Mr. Ng Lap-hay, Andrew (MD)** added that the paper had been amended according to members' views on Paper Nos. 3/2013 and 4/2013. The clauses regarding coxswains' liabilities were removed. To protect coxswains from unnecessary liabilities, the clauses to refuse the boarding of passengers and the precautions to be taken had been added in paragraphs 6 and 10 respectively. Moreover, the new requirements would be applicable to Class II transportation boats. The "Crew and Passenger List" was attached in the Annex for reference.

5. **Mr. LI Kin-pong (MD)** said it was found in inspections during previous major events at sea that crew and passenger lists similar to the one in the Annex had been prepared by industry operators.

6. **Mr. Chris WONG (DBTPL)** remarked that further adjustment to the list was needed as operators might define the term "trip" as stated in paragraph 4 differently. He further enquired whether children disobeying their parents would be considered a "reason beyond control" as stated in paragraph 9(b).

7. **Mr. Ng Lap-hay, Andrew (MD)** said that parents should inform the coxswain of such circumstances and the coxswain could then decide whether or not to refuse their boarding.

8. **Mr. LI Kin-pong (MD)** said that the list in the Annex, which contained the basic information required, was for reference only. He acknowledged that different operators had their own operation modes. To meet individual operational needs, they could design their own lists and add other items.

9. **Mr. Thomas WONG (MBTA)** remarked that coxswains' refusal to the boarding of disabled persons who were unable to don lifejackets might be regarded as discriminatory.

10. **Mr. CHAN Hon-bun (MD)** said that refusal to the boarding of passengers might not be the only option if there were reasonable cause. Only a negligent coxswain would be held liable. Coxswains or crew members should keep record of the circumstances and fulfil their responsibilities.

11. In response to the enquiries of **Mr. Roger EASTHAM (RHKYC)**, **Mr. MA Kwok-keung (HKPCC)** and **Mr. William LI (MEA)**, **Mr. CHAN Hon-bun (MD)** said that the law only required a "passenger and crew list" be kept on board. The exact place where it was kept could be determined by operators according to their mode of operation. Meanwhile, coxswains might consider keeping a copy of the list to play safe. In case the list was lost during an emergency, coxswains could defend themselves with a reasonable excuse.

12. **Mr. KEUNG Siu-fai (Floating Fishermen)** said that given the child lifejackets on board were only available in one size, it was difficult to ensure that they fit all children.

13. **Mr. TANG Kwong-fai (MD)** said that sizes of child lifejackets were based on height and the lifejackets were flexible to fit infants. **Mr. Ng Lap-hay, Andrew (MD)** added that if a child was too tall for the child lifejackets on board, he/she could don an adult lifejacket. The law did not require that a child had to don a child lifejacket.

14. **Mr. CHAN Hon-bun (MD)** thanked members for their views and support. With the unanimous agreement of members, the paper would be submitted to LVAC for endorsement.

2. Review on the Duty Roster and Working/Rest Time Arrangements for Crew of Local Passenger Carrying Vessels

15. **Mr. LI Yiu-kwong (MD)** said crew fatigue had been the cause of some accidents in the past. To prevent coxswains and crew from overwhelming fatigue, some studies proposed that operators could adjust the working time and duty roster in three ways, namely, allowing coxswains and crew a 30-minute rest every six working hours, capping their continuous on-duty time at 13 hours, and giving them a 40-minute meal break (including a 30-minute rest every six working hours). Views from members were sought.

16. **Mr. CHEUNG Kwok-wai (First Ferry)** said the lack of new blood and shortage of manpower in the industry should be resolved first. **Mr. LI Yiu-kwong (MD)**, in response, said he understood that there was a shortage of manpower but opined that adjusting the working time was another issue. The problem before them was that fatigue of coxswains and crew could cause safety hazards. Moreover, the above proposed adjustments were to be implemented on a voluntary rather than mandatory basis.

17. **Mr. NG Siu-yuen, Nelson (HKKF)** said the duty roster arrangements for coxswains and crew in the ferry industry had been adjusted. The 24-hour-on and 24-hour-off system was in force. He considered it inappropriate to discuss adjusting the working time and duty roster arrangements when there was a shortage of manpower.

18. **Mr. Thomas WONG (MBTA)** said the proposed adjustments depended on a number of external factors.

19. **Mr. CHEUNG Kwok-wai (First Ferry)** said staffing resources and hardware such as berths, etc. could not allow for the adjustments.

20. **Mr. LI Yiu-kwong (MD)** understood the considerations of the industry but stressed that it was in the public interest that the adjustments be made because of the safety issues involved. He hoped further discussion would be made at the next meeting.

3. Medical Check at Interval of Not More Than 5 Years for Master of Local Vessel Carrying More Than 100 Passengers

21. **Mr. LI Yiu-kwong (MD)** said coxswains were not required to undergo regular medical checks under the existing system. It was proposed that all coxswains aged under 65 of **vessels carrying more than 100 passengers should be subject to a medical check at interval of not more than 5 years.** Views from members were sought.

22. **Mr. FAN Keung (HTWGU)** opined that it depended on whether the medical check items were reasonable and the standards should not be too high.

23. **Mr. KEUNG Siu-fai (Floating Fishermen)** said the results of the medical check might lead to various problems. He considered it necessary to have the purpose of the medical check clarified first.

24. **Mr. LI Yiu-kwong (MD)** said reference could be made to the standards of the International Labour Organization and the purpose was to assess the physical condition of coxswains to see whether they were fit to perform their duties and whether it was safe for them to do so.

25. In response to the opinion of **Mr. Thomas WONG (MBTA)** that it should be made mandatory for coxswains of all classes of vessels to undergo a medical check, **Mr. LI Yiu-kwong (MD)** said the proposal was only a starting point and it might be extended to other classes of vessels in future.

26. **Mr. Roger EASTHAM (RHKYC)** said he, being a Class IV vessel owner and coxswain, was against the Department's imposition of the medical check requirement on coxswains of Class IV vessels.

27. **Mr. CHEUNG Kwok-wai (First Ferry) and Mr. NG Siu-yuen, Nelson (HKKF)** said a consensus on physical condition standards had to be reached first and discussion on the setting of standards at the next meeting would be welcome. They opined that a consensus had to be arrived at before discussing whether the medical check should be required.

IV. Any Other Business and Details of the Next Meeting

28. **Mr. FAN Keung (HTWGU)** hoped more publicity would be launched to inform the industry that the eyesight requirements for look-outs were only for assessing the competence of crew as look-outs, instead of passing coxswains' liability on to look-outs.

29. The next meeting would be held on Thursday, 28 August 2014 at 10:00 a.m., in Conference Room A, 24/F, Harbour Building.

V. End of Meeting

30. There being no other business, the meeting was adjourned at 12:15 p.m.

Post-meeting note: Six ferry operators were preliminarily consulted on the proposed standards for the medical check via e-mail on 26 May.