

Translation

**Local Vessels Advisory Committee**  
**Joint Sub-committee on Class I and Class IV Vessels**  
**Minutes of the 14th Meeting**

Date : 27 November 2014 (Thursday)

Time : 10:00 a.m.

Venue: Conference Room A, 24/F, Harbour Building, Central

**Present**

Mr. LI Yiu-kwong, Stephen (Chairman)	Marine Department
Mr. NG Siu-yuen, Nelson	Hong Kong & Kowloon Ferry Ltd.
Mr. C. M. WONG, Ken	Hong Kong & Kowloon Ferry Ltd.
Mr. CHOR Yee-on, Steve	The Hongkong and Yaumati Ferry Co. Ltd.
Mr. Samson LEUNG	The "Star" Ferry Company, Limited
Mr. Johnny LEUNG	The "Star" Ferry Company, Limited
Mr. CHEUNG Kwok-wai, Demen	New World First Ferry Services Ltd.
Mr. P. M. LEE, Alfred	New World First Ferry Services Ltd.
Mr. LI Kin-wah	New World First Ferry Services Ltd.
Mr. Chris WONG	Discovery Bay Transportation Services Ltd.
Mr. Bill CHAN	Discovery Bay Transportation Services Ltd.
Mr. K. P. CHEUNG, Donald	Park Island Transport Company Ltd.
Mr. MA Chi-wai	The Hong Kong Shipyard Limited
Mr. C. M. CHAN	The Hong Kong Shipyard Limited
Mr. WU Ka-shun	South China Towing Co. Ltd.
Mr. Donald LEE	Hong Kong Water Ski Association
Mr. KEUNG Siu-fai	Hong Kong & Kowloon Floating Fishermen Welfare Promotion Association
Mr. William LI	Marine Excursion Association
Mr. WONG Yiu-wah	Marine Excursion Association
Mr. KWOK Chi-hong	Marine Excursion Association

Mr. Andrew KAY	Marine Excursion Association
Mr. FAN Keung	Harbour Transportation Workers General Union
Mr. KWOK Tak-kee	Hong Kong & Kowloon Motor Boats & Tug Boats Association Ltd.
Mr. WEN Tsz-kit	Hong Kong & Kowloon Motor Boats & Tug Boats Association Ltd.
Mr. PUI Chi-keung, Emil	Hong Kong & Kowloon Motor Boats & Tug Boats Association Ltd.
Mr. H. K. WONG	Hong Kong & Kowloon Motor Boats & Tug Boats Association Ltd.
Mr. LEE Shing-hing	Sai Kung Kaito Association
Mr. Warwick DOWNES	Hong Kong Sailing Federation
Mr. W. H. LIN	Hong Kong Police Force
Mr. W. C. LEUNG	Transport Department
Mr. W. H. WONG	Marine Department
Mr. H. K. TANG, Jerry	Marine Department
Mr. N. W. NG, Jammy	Marine Department
Miss Angel LEUNG (Secretary)	Marine Department

**Absent with Apologies**

Mr. LO Ngok-yang	Cheoy Lee Shipyards Limited
Mr. Paul CHEUNG	Hong Kong Jet Sports Boating Association
Dr. LAU Kwok-lam, Alan	Pleasure Boating Operations
Mr. CHEUNG Yat-leung, Jacky	Sai Kung Yacht Association
Mr. Ale SHEK	Yachting & Boating Club
Mr. Robert BLYTHE	Gold Coast Yacht and Country Club
Mr. Roger EASTHAM	Royal Hong Kong Yacht Club
Ms. YAU Lai-sze, Lizzy	Leisure and Cultural Services Department

**I. Opening Remarks**

**The Chairman** welcomed all representatives from the industry to the meeting.

## II. Confirmation of Minutes of Previous Meeting

2. There being no amendment proposals from members at the meeting, the minutes of the previous meeting were confirmed.

## III. Discussion Items

### (i) Regular Medical Examination for Coxswains (Paper No. 5/2014)

3. **The Chairman** briefed members on Paper No. 5/2014 and invited members to give their views.
4. **Mr. CHEUNG Kwok-wai, Demen** was concerned about the passing standards for the various items under the medical examination. He objected to the requirement that the cost of the examination should be borne by employers since it would increase the operating cost and in turn reflected in fares. He also enquired who should keep the original copy of the examination report, and opined that the arrangement for coxswains to undergo a medical examination every five years should be introduced to the industry as an advice only.
5. **Mr. NG Siu-yuen, Nelson** considered that the examination report contained the personal data of employees, and enquired about the reasons for requiring employers to keep the examination report for six months after cessation of employment.
6. **Mr. Johnny LEUNG** opined that for an employee who met all employment requirements except some medical examination standards, his employer had to on advice from the medical profession, make reasonable allowance for that employee (e.g. allowing the employee to take medicine during duty hours or to wear corrective glasses) for his continued employment, so as to avoid disability discrimination. However, if meeting the standards for the eyesight test under the medical examination was a statutory requirement, an employer would have no choice but to dismiss any coxswains who failed to meet such requirement. **Mr. Johnny LEUNG** proposed deleting paragraph three of the paper as he considered that if the Marine Department (MD) had no intention to set standards for the various examination items, there should neither be any statutory standards for the eyesight test under the medical examination. Moreover, he also deemed it unnecessary for a coxswain who had met the

statutory eyesight requirement when he had obtained his licence to be further required to meet the same eyesight standards under the medical examination.

7. **Mr. KWOK Tak-kee** opined that the Government should set standards for the various items for compliance by employers, otherwise labour disputes would easily arise. **Mr. KEUNG Siu-fai** also worried that employers might be held legally liable for accidents if they were to decide on their own whether to employ an employee taking into account the examination report.
8. **Mr. FAN Keung** suggested MD introducing the initiative as a recommendation since the liability issue had yet to be clarified. He also remarked that an employer who dismissed an employee on the grounds of his being unfit to discharge his duties might need to pay compensation to the employee according to the law. He hoped MD would consider the impact in this regard.
9. **Mr. WU Ka-shun** worried that if an employee who had been dismissed by one employer because of unsatisfactory medical examination results was employed by another employer who found the results acceptable, the employee might file a complaint against his former employer for unlawful dismissal, leading to labour disputes. Moreover, he held that neither the original nor a duplicate copy of the examination report should be given to the employee if the cost of the medical examination was borne by the employer.
10. In response, **the Chairman** said the initiative set out in the paper would first be implemented in high-risk vessels with high capacity, and gradually in other vessels to minimise its impact on the industry. He would take into account the industry's views on the standards for examination items, and consider revising the parts concerned in the paper. **The Chairman**, however, reiterated that the medical examination report only served as a reference for employers to consider whether the employment of certain employees should be continued. The initiative was not aimed at setting standards for the industry. Employers should keep the relevant information of their employees until six months after cessation of employment for tracking purpose.  
  
(ii) *Practical Operation Assessment (Paper No. 6/2014)*
11. **The Chairman** briefed members on Paper No. 6/2014 and invited members to give their views.

12. **Mr. NG Siu-yuen, Nelson** remarked that the day-to-day work of coxswains of Grade 1 or 2 already covered the contents of paragraph three in the paper. The practical operation assessment should be arranged for novices only to familiarise them with the International Regulations for Preventing Collisions at Sea (COLREGS). He also remarked that it would be difficult for in-service coxswains to attend the course which lasted for three and a half days. He suggested conducting a refresher course instead.
13. **Mr. Johnny LEUNG** believed that the practical operation assessment was introduced to address the issue of navigational safety. He remarked that the examination for the Coxswain Grade 1 Certificate already covered the curriculum listed in paragraph three of the paper. As the examination for the Coxswain Grade 3 Certificate only consisted of multiple choice questions, it was hard to ascertain if the candidates know the subject matters well. It was thus more appropriate for the course to target at candidates for the Coxswain Grade 3 Certificate. Furthermore, he suggested including the curriculum in the refresher course for holders of the Coxswain Grade 1 or 2 Certificate and providing video clips to expound on marine risks and proper responses. The contents of the course could also be uploaded to MD's website for downloading by coxswains for self-study.
14. **Mr. CHEUNG Kwok-wai, Demen** disagreed with the use of a navigation simulator because its mode of operation was different from that of local vessels and could not simulate the actual operating environment.
15. Both **Mr. KEUNG Siu-fai** and **Mr. NG Siu-yuen, Nelson** remarked that the Joint Sub-committee had earlier agreed that the course should be targeted at novices to provide them with knowledge of collision avoidance. They suggested including the curriculum in the refresher course for holders of the Coxswain Grade 1 Certificate.
16. **Mr. Downes** agreed that a practical operation assessment should be introduced in the Pleasure Vessel Operator Grade 1 Examination because the examination for Grade 2 was conducted in written form (multiple choice questions) without any practical operation assessment. He, however, had reservations about using a navigation simulator for assessment. **Mr. William LI** opined that pleasure vessels let for hire or reward other than those listed in paragraph 2(b) of the paper also had operational risk. He therefore agreed that the course should be targeted at novices.

17. **Mr. N. W. NG, Jammy**, in response, said the course aimed at enhancing coxswains' understanding of the COLREGS. As different vessels had different modes of operation, the course was not intended to teach coxswains how to operate a vessel, but to draw their attention to emergency response and points to note in different sea conditions. The instructor would advise on issues such as vessel manoeuvre, passenger control and external communication to enhance course participants' knowledge on these areas.
18. **The Chairman** noted the industry's view regarding providing a practical operation course for novices. However, for safety's sake, the course would mainly target at coxswains who operate high-risk vessels. He also explained that the practical operation assessment was not a full simulation of actual operating environment. Instead, the instructor would give advice on ways to steer away from nearby vessels and handle emergencies, etc. in critical conditions. **The Chairman** understood that in-service coxswains would have difficulty in finding time to attend the course and he would consider whether to include the curriculum in existing refresher courses.

#### **IV. Any Other Business and Details of the Next Meeting**

19. The next meeting would be held on Thursday, 12 March 2015 at 10:00 a.m., in Conference Room A, 24/F, Harbour Building.

#### **V. End of Meeting**

20. There being no other business, the meeting was adjourned at 11:35 a.m.