

LOCAL VESSELS ADVISORY COMMITTEE

Minutes of the 3rd Meeting

Date : 24 April 2008 (Thursday)
Time : 3:00 p.m.
Place : Conference Room A, 24/F, Harbour Building

Present

Chairman: Mr. H P LIU	Deputy Director, Marine Department (MD)
Member: Mr. LO Ngok-yang, Ken	Representing Ship Building and Repairing Industry
Mr. TAM Mo-pun	Representing Naval Architects
Miss HO Pui-ling, Vivian	Representing Marine Insurance Industry
Mr. WONG Miu-sang	Representing Cargo Vessels' Operations
Mr. KWOK Tak-kee	Representing Launch & Excursion Vessels' Operations
Mr. HUI Chiu-yin, John	Representing Ferry Vessels' Operations
Mr. Danny WU	Representing River Trade Cargo Operations
Dr. LAU Kwok-lam, Alan	Representing Pleasure Boating Operations
Hon. WONG Yung-kan, JP	Representing Fishing Industry
Mr. FUNG Wai-kin	Hong Kong Police Force
Mr. SO Ping-chi	GM/LVS, MD
Mr. BUTT Lee-yuen	GM/Ops, MD
Secretary: Mr. John LEUNG	ADS/C&G, MD

In Attendance

Mr. KEUNG Siu-fai	Hong Kong & Kowloon Floating Fisherman Welfare Promotion Association
Mr. WONG Yiu-kan	Hong Kong Cargo Vessel Traders' Association
Dr. HO Chi-shing, David	Hong Kong Ferry (Holdings) Co. Ltd.
Mr. PANG Wah-kan	Hong Kong Fishermen's Association
Mr. WU Ka-shun	Hong Kong Shipping Staff Association
Mr. CHEUNG Yau-kwong	Marine Excursion Association
Mr. LEE Shing-hing	Sai Kung Ferry Traders Association
Mr. LEUNG Kwong-yung	New Territories Fishermen Fraternity Association
Mr. Sunny S K WONG	Yacht Surveyor, J & H Surveying Co. Ltd.
Mr. TSANG Cheuk-yin	SMO/P&D(1), MD

Absent with apologies

Mr. Martin CHU	Representing Ship Survey Work
Mr. Tony YEUNG	Representing Seafarers' Training

Presentation of Papers

Paper No. 5/2008	Mr. CHAN Kwong-chun	SMO/LP, MD
Paper No. 6/2008	Mr. TAM Yun-sing	SSI/LVS, MD
Paper No. 7/2008	Mr. WAN Man-leung	Deputy Project Manager/Major Works (2), Highways Department (HyD)
	Mr. LAW Shun-lee, Peter	Senior Engineer, HyD

I. Opening Remarks

1. The Chairman welcomed all to the meeting. He extended particular welcome to Miss HO Pui-ling, Vivian who was attending the meeting for the first time.
2. He also welcomed Mr. LEUNG Kwong-yung and Mr. Sunny WONG who were attending the LVAC meeting as observers for the first time, and the following guests who would present the discussion papers at the meeting: -

Mr. CHAN Kwong-chun
Mr. TAM Yun-sing
Mr. WAN Man-leung
Mr. LAW Shun-lee, Peter

II. Confirmation of Minutes of Last Meeting

3. The minutes of last meeting held on 24 September 2007 were confirmed without any amendment.

III. Matters Arising from Previous Minutes

Marine Department's Electronic Business System (eBS)

4. The eBS Phase 2 (eBS2) promotion leaflets and CDs were tabled for members' information. The Secretary reported that the eBS2 would be launched on 28 April 2008. Registration had started on 25 March 2008. A total of 5 briefing sessions on the eBS2 were conducted for the shipping community in March and April 2008. In addition, MD had been invited by the Hong Kong Logistics Management Staff Association to convene a briefing session for its members on 30 April 2008. For more details of the eBS2, members were welcome to browse the eBS2's website.

Supply of Tax-free Petrol

5. Mr. SO Ping-chi reported that as discussed at the last meeting of the LVAC Sub-committee on Class III Vessels, users agreed to liaise with the relevant departments directly.

IV. Presentation of Papers

LVAC Paper No. 5/2008 – “Control of Smoke Emission from Vessels in the Waters of Hong Kong”

6. Mr. CHAN Kwong-chun presented the details of the paper and invited members to comment on the proposal to introduce new provisions to control dark smoke emission from vessels. A “Ringelmann Chart” was passed around to members for reference.
7. Hon. WONG Yung-kan asked and Mr. BUTT Lee-yuen replied that MD would be responsible for enforcing the law. Mr. BUTT added that MD would follow up on any reports from the public regarding suspicion of smoke emission. Hon. WONG Yung-kan said that some fishing vessels might have to stay at sea for a long time and therefore would not be able to take immediate action to rectify problem of dark smoke emission. He asked if there would be any defences in the cases of emergency. Mr. BUTT replied that it would be a defence that the dark smoke was emitted for safety of life or

of the vessel. Hon. WONG Yung-kan also asked if the “Ringelmann Chart” had been shown to members when discussion took place back in 2000. Mr. BUTT replied that the “Ringelmann Chart” was shown to the members of the then Provisional Local Vessels Advisory Committee in 2000, and that using Shade 2 of the chart was endorsed. There had been only 4 cases of prosecution in 2007, and none of the cases involved locally licensed vessel.

8. Mr. WONG Yiu-kan asked if the standard might be kept at Shade 2 instead of changing to Shade 1 used for land-based emissions. The Chairman explained that the proposed change was to meet the increasing demand from the public on environmental protection.
9. Hon. WONG Yung-kan said that financial assistance and initiatives were often given to vehicle owners to improve the engine emission of their vehicles, but no such assistance had been given to vessel owners. The Chairman replied that the legislation on land-based dark smoke emission applied to land-based facilities, such as factory chimneys.
10. Mr. Danny WU said that vessels were normally replaced less frequently than vehicles and their replacement costs were usually much higher than that of vehicles. Mr. WU opined that different standards should therefore be applied to vessels and vehicles. The Chairman replied that properly maintained engines of vessels should have no problem meeting the proposed standard.
11. Mr. John HUI opined that if a vessel accelerated too fast, a big cloud of dark smoke might still be emitted even if the engine had been properly maintained. Mr. BUTT Lee-yuen replied that the prosecution would only be initiated if the emission of dark smoke continued for more than 3 minutes, and dark smoke emitted from acceleration should not last for such a long time.
12. Mr. Danny WU asked and Mr. SO Ping-chi confirmed that no allowances would be given for older engines under the proposed legislation.
13. The Chairman concluded that members’ concerns were mainly on the proposed change of the standard from Shade 2 to Shade 1. He said that MD would carefully consider members’ opposing comments and seek further advice and comments from other relevant departments.

LVAC Paper No. 6/2008 – “Proposal of Expanding the Pool for Appointment as Authorized Surveyors”

14. Mr. TAM Yun-sing presented the details of the paper and invited members to comment on the proposal to expand the pool for appointment as Authorized Surveyors (ASs).
15. A letter dated 23 April 2008 from the Chairman of the Engineers Registration Board (ERB) to the Secretary for Transport and Housing was tabled for members' reference. Some reservations on the proposal to expand the pool were raised in the letter.
16. The Secretary reported to the meeting that some comments had been received from Ms CHING Ngan-lai (Chairperson of the Small Craft Workers Union), Mr. Tony YEUNG (LVAC member representing the Seafarers' Training), and Mr. Mike WALL of Kiwi Marine Consultants Ltd. They in general supported the proposal to expand the pool which would provide a bigger choice for the shipping industry and might reduce the fee. They also requested that MD should closely monitor the surveyors' qualifications and ensure the quality of survey works carried out were up to standard.
17. Mr. John HUI asked what qualifications were acceptable to the Director of Marine. Mr. TAM Yun-sing replied that it would be in line with the qualification requirements for recruiting ship surveyors by MD.
18. Mr. LEUNG Kwong-yung opined that the number of active ASs was too low and this would delay the survey works to be carried out leading to possible prosecutions.
19. Mr. Sunny WONG opined that some large companies might not be willing to carry out the survey works for local vessels as their costs were too high.

(Hon. WONG Yung-kan and Mr. FUNG Wai-kin, Terence left the meeting at this juncture.)

20. Mr. Ken LO said that as an AS himself, he thought that the existing ASs were able to carry out all the survey works required by the shipping industry. He opined that one of the reasons why the number of survey works carried out was so small was because the fees charged by MD were lower than those by

the ASs as a result of government subsidy. The Chairman clarified that MD was charging at cost and there was no subsidy to the survey works.

21. Mr. CHEUNG Yau-kwong said that from past experience, some of the ASs were not very active. Mr. KWOK Tak-kee also said that it was sometimes hard to find suitable ASs to carry out the survey works required especially at short notice.
22. The Chairman concluded that members in general agreed that the existing number of ASs was too small and had shown overall support to the proposal. Mr. Ken LO and the ERB's comments were noted.

(Ms Vivian HO, Mr. CHEUNG Yau-kwong, and Mr. Sunny S K WONG left the meeting at this juncture.)

LVAC Paper No. 7/2008 – “Temporary Arrangements during Construction of the Proposed Central – Wan Chai Bypass and Island Eastern Corridor Link”

23. Mr. WAN Man-leung presented the details of the paper and invited members to comment on the Society for Protection of the Harbour (SPH)'s proposed alternative options for re-provisioning the temporary typhoon shelter.
24. Mr. TSANG Cheuk-yin informed members that there were about 400 vessels regularly moored at the Causeway Bay Typhoon Shelter. There would be more during typhoons.
25. The Chairman asked if it would be possible to propose permanent shelter within Victoria Harbour. Mr. WAN Man-leung replied that reclamation would only be considered if there was an overriding public interest to do so and there was no other reasonable alternative; and when doing it, the reclamation area would have to be as small as possible.
26. Dr. Alan LAU opined that as an owner of a yacht moored at the Causeway Bay Typhoon Shelter himself, if all vessels had to be removed from the shelter, it would affect the livelihood of many. In addition, if the yachts were relocated to the 'working' shelters within Victoria Harbour, such as Yau Ma Tei, To Kwa Wan, Shau Kei Wan, etc., they would be susceptible to damage by contact with other types of vessels.

27. Dr. David HO asked if the Government would lodge an appeal against the court's ruling. Mr. WAN Man-leung replied that the court only ruled that the Protection of the Harbour Ordinance (PHO) and the presumption against reclamation applied to the proposed temporary reclamation works. As their original understanding was that the PHO did not apply to the proposed temporary reclamation works, public consultation had been carried out but was not as comprehensive as required under the PHO.
28. Mr. Danny WU said that the mooring sites in the other typhoon shelters were not enough, so it would not be possible to relocate the vessels from the Causeway Bay Typhoon Shelter to the other shelters.
29. Mr. WU Ka-shun suggested that an additional breakwater might be added to the Yau Ma Tei Typhoon Shelter, and when the work was completed in 7 years' time, the inner breakwater might be demolished and there would be more mooring sites. The Chairman said that the suggestion was in fact a proposal of reclamation so strong justifications and comprehensive public consultation would be required. Mr. WU said that the option of provision of a new permanent typhoon shelter at paragraph 8 of the paper was supported.
30. Mr. WAN Man-leung concluded that they were collecting more information and would make some more suggestions for public consultation.

V. Any Other Business

Matters arising from Sub-committee meetings

31. Mr. SO Ping-chi reported that at the meeting of the Sub-committee on Survey Works on Local Vessels held on 27.2.2008, the proposal of arranging pre-payment for survey works was discussed. The proposal appeared to be feasible and MD would follow up on this issue.
32. The 2nd meeting of the Sub-committee on Class III Vessels was held on 26.3.2008. Mr. SO Ping-chi reported that the progress on conversion of P4 to fishing sampans was encouraging and supported by the shipping industry in general. Mr. SO also reported that the progress on the replacement of environmentally-friendly engines was satisfactory.

33. The 1st meeting of the Sub-committee on Class IV Vessels was held on 9.11.2007. Mr. BUTT Lee-yuen reported that the survey arrangements for pleasure vessels used for rental purposes had been explained to and agreed with the users. As for pleasure vessels not used for rental purposes, the technical requirements had also been explained to the users.

Reclamation Work at the Chek Lap Kok Airport

34. Mr. Danny WU asked if there was any information on the reclamation work at the Airport area. The Chairman replied should there be an update falling with the terms of reference of the Committee, appropriate discussion would be arranged.

VI. Date of Next Meeting

35. There being no other business, the meeting ended at 5:40 p.m. The date of next meeting would be announced in due course.