

LOCAL VESSELS ADVISORY COMMITTEE

Minutes of the 6th Meeting

Date : 16 June 2009 (Tuesday)
Time : 10:30 a.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
Mr. ZHU Qi	Representing Ship Survey Work
Miss HO Pui-ling, Vivian	Representing Marine Insurance Industry
Mr. LUK Pak-hung	Representing Seafarers' Training
Mr. WONG Miu-sang	Representing Cargo Vessels' Operations
Mr. KWOK Tak-kee	Representing Launch & Excursion Vessels' Operations
Mr. CHAK Kwok-leung	Representing Ferry Vessels' Operations
Mr. Danny WU	Representing River Trade Cargo Operations
Mr. LO Hoi-yin, Ambrose	Representing Pleasure Boating Operations
Mr. YUEN Chung-biu	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. KWOK Chi-wan	Hong Kong & Kowloon Motor Boats & Tug Boats Association
Mr. WONG Yiu-kan	Hong Kong Cargo-vessel Traders' Association
Mr. Bosco CHAU	Hongkong & Yaumati Ferry Co. Ltd.
Mr. WU Ka-shun	Hong Kong Shipping Staff Association
Mr. CHEUNG Yau-kwong	Marine Excursion Association
Ms. CHING Ngon-lai	Small Craft Workers Union
Mr. LAI Yu-wah, Adam	GM/PD&PS, MD
Mr. LEUNG Siu-chee	SMO/PSA, MD

Absent with apologies

Hon. WONG Yung-kan, JP	Representing Fishing Industry
Mr. LAI Hoi-ping	Representing Seafarers' Associations

Presentation of Papers

Paper No. 9/2009	Mr. Richard COLWILL	Managing Director, BMT Asia Pacific
	Mr. Eric WONG	Principal Engineer, BMT Asia Pacific
	Mr. Joseph LAW	Project Manager, CLP Power HK Ltd.
	Mr. Alex TANCOCK	General Manager, Wind Prospect (HK) Ltd.
Paper No. 10/2009	Mr. LEUNG Man-chiu	SS/CRT, MD
Paper No. 11/2009	Mr. LEE Yuen-ho	Sr Stat, MD

I. Opening Remarks

1. The Chairman welcomed all to the meeting. He extended, in particular, welcome to Mr. KWOK Chi-wan who was attending the LVAC meeting for the first time.
2. He also welcomed the following guests and MD staff who would present LVAC Papers at the meeting: -

Mr. Richard COLWILL
Mr. Eric WONG
Mr. Joseph LAW
Mr. Alex TANCOCK
Mr. LEUNG Man-chiu
Mr. LEE Yuen-ho

3. The Chairman informed members that a copy of The Port of Hong Kong Handbook & Directory 2009, MD's latest departmental DVD and another DVD titled "Safety during Embarking and Disembarking Vessels" had been distributed to members for reference before the meeting. Members could contact the Secretary for additional copies of these materials.

II. Confirmation of Minutes of Last Meeting

4. The minutes of the 5th meeting held on 6 January 2009 and those for the special

meeting held on 20 January 2009 had been circulated to members for endorsement on 17 March 2009. Mr. KWOK Tak-kee had raised his reservation on the proposed removal of the requirement of “calls at an interval of at least 24 hours between each visit’ in para. 10 of the minutes of the special meeting. Having noted Mr. KWOK’s reservation, the meeting confirmed that the minutes of the two meetings without amendment.

III. Matters Arising from Previous Minutes

LVAC Paper No. 1/2009 – “Consultation Paper on Implementation of the International Convention on Civil Liability for Bunker Oil Pollution Damages, 2001 in the HKSAR”

5. The Chairman informed members that further to the discussion of LVAC Paper No. 1/2009 at the 5th meeting, MD had sent out a questionnaire to members on the topic to gather more information and comments. MD was compiling the information and comments received and would update members on the progress when available.

LVAC Paper No. 5/2009 – “Reduction in Port Fees”

6. The Chairman informed members that the proposed reduction in port fees was gazetted on 15 May 2009, and would become effective on 10 July 2009.

Hong Kong-Zhuhai-Macao Bridge Project

7. Mr. Adam LAI reported that the Highways Department had held a joint consultation forum on the Hong Kong-Zhuhai-Macao Bridge (HZMB) - Hong Kong Link Road (HKLR) & Hong Kong Boundary Crossing Facilities (HKBCF), and Tuen Mun-Chek Lap Kok Link (TM-CLKL) on 3.6.2009. LVAC Paper No. 8/2009 on the subject was sent to members before the forum. Five LVAC members had participated at the forum. The Highways Department was preparing a record of the forum, which would be forwarded to members when available. He further said that the proposed reclamation works for the HZMB-HKBCF had been gazetted on 12.6.2009 (Gazette No. 3620). Mr. Danny WU said that the Highways Department was not able to provide some detailed information on the arrangements of the waterways during the work period. Mr. LAI said that MD would forward the information to members when available.

IV. Presentation of Papers

LVAC Paper No. 9/2009 – “Hong Kong Offshore Wind Farm”

8. Mr. Eric WONG briefed members on the details of the Hong Kong Offshore Wind Farm project that was proposed for development in the south-eastern waters of the HKSAR. Members were invited to give their views and comments on the proposed development.
9. Mr. Ambrose LO asked if the proposed wind farm would affect the route of the sailing competitions, and if the wind generated by the windmills would have any effects on the yachts during the races. Mr. Joseph LAW replied that the wind turbulence should not have any adverse effect on the yachts, as there would be sufficient space between the windmills, and experience in the United Kingdom did not find such problems. Mr. Alex TANCOCK supplemented that there were sailing competitions in Europe where the yachts were going through a wind farm. Mr. LO asked if there were any data or information available for reference. Mr. LAW undertook to provide additional information after the meeting.
10. Mr. BUTT Lee-yuen asked how the proposed marine restricted area would be implemented. Mr. Adam LAI remarked that the consultant’s concept of establishing a restricted area had been developed on the basis that the wind farm operator would be responsible for monitoring and controlling the restricted area at the front-line, with relevant Government departments backing up only in case of need. Mr. YUEN Chung-biu said that the wind farm area might become a tourist attraction and therefore increase traffic in the area. Mr. Joseph LAW replied that they were open about how the restricted area would be operated, and were still studying and consulting parties concerned regarding the types of vessels to be allowed to enter the restricted area. For the moment, trawlers were not encouraged to enter the restricted area as their fishing nets might cause damage to underwater cables.
11. Mr. Adam LAI said that notwithstanding the marine impact assessment had been completed, for the wind farm project to progress further there were many other issues that CLP Power had to sort out in liaison with other government departments such as the Lands Department, the Environmental Protection

Department. Mr. Joseph LAW said that the project was at an early stage and more data about the wind had to be collected before deciding whether the project was feasible.

12. Mr. KEUNG Siu-fai said that the proposed wind farm would cause a reduction in the fishing area, and he had strong reservation on the methods used to collect data on the fishing activities in the area. Mr. KEUNG opined that it was unrealistic to conclude that the proposed site was not a specific focus of fishing based simply on the information provided by the Agriculture, Fisheries and Conservation Department (AFCD), visual surveys and radar records. Mr. KEUNG pointed out that the AFCD had not carried out any in-depth study on the fishing activities in Hong Kong. Mr. Adam LAI said that Mr. KEUNG's concern was under the purview of the AFCD, and suggested that the meeting minutes of this item be forwarded to the AFCD for their consideration. Mr. KEUNG raised that highlighting the ban of trawling activities in the restricted area was discriminating trawlers when other types of vessels might also be prohibited from entering the restricted area. Mr. Eric WONG confirmed that the proposal was not discriminating against any types of vessels, and said that they would look into the wording accordingly.

LVAC Paper No. 10/2009 – “Amendments to Rules associated with Local Certificate of Competency”

13. Mr. LEUNG Man-chiu presented the paper and described the proposed amendments to members in detail. Mr. LEUNG said that the proposed amendments had been endorsed by members of LVAC Sub-committees on Class I, II, III and IV Vessels, and he invited members for comments.
14. Mr. KEUNG Siu-fai asked if it would be possible to remove the endorsement based on one of the various types of Guangdong Fishery Vessel Officers Certificates on the local Coxswain Certificate upon request by the certificate holder to avoid possible identification by employers. Mr. LEUNG Man-chiu replied that if the holder did not require such endorsement, there should not be any reason why it had to be retained on the certificate provided that there was no provision in the relevant rules and regulations to restrict such removal. Mr. KEUNG also asked if the restriction of 28 days for a candidate to apply re-examination for the same grade of certificate could be removed. Mr. LEUNG explained that the purpose of imposing the restriction of 28 days

was to allow sufficient time for the candidates to study.

15. Mr. Ambrose LO asked if there would be any charges to candidates applying for cancellation of an examination. Mr. LEUNG Man-chiu clarified that charges would only be imposed on those who had lost their original receipts to recover the administrative costs for searching the payment records.
16. In reply to Mr. KWOK Chi-wan, Mr. LEUNG Man-chiu confirmed that a person holding both local Engine Operator without restriction and Coxswain certificates (without restriction on areas of operation or particular type of vessel) was not required to apply for a pleasure vessel operator certificate to operate a pleasure vessel. According to Sections 19 & 20 of the Merchant Shipping (Local Vessels) (Local Certificates of Competency) Rules, a person holding a local Coxswain Grade 1 or 2 and an Engine Operator Certificate without restriction can operate pleasure vessels of unlimited length while a person holding the local Coxswain Grade 3 Certificate (without restriction on areas of operation or particular type of vessel) and an Engine Operator Certificate without restriction can only operate pleasure vessels of not more than 15m in length.
17. Ms. CHING Ngon-lai said that in the Chinese version of section 5.2.4 (Appendix B to LVAC Paper No. 10/2009), the use of the masculine pronoun “he” (他) might imply that the provisions did not apply to females. Mr. LEUNG Man-chiu undertook to check this point after the meeting. Ms. CHING asked who would be responsible for training of the Coxswain in section 2.8.2. Mr. LEUNG replied that it should be the shipowners.

[Post-meeting note: Mr. LEUNG has checked that in accordance with s7 of the Interpretation and General Clauses Ordinance (Cap.1), words and expressions importing masculine gender include the feminine and neuter genders.]

LVAC Paper No. 11/2009 – “Assessment of Typhoon Shelter Space Requirements (Submission of Draft Report)”

18. Mr. LEE Yuen-ho presented the draft report on the study to update the assessment on typhoon shelter space requirements for the period from 2009 to 2025 in detail. Mr. Adam LAI supplemented the following points regarding the report: -

- a. The sheltered space requirements for pleasure vessels were separately assessed in Appendix 7 of the report;
- b. The explanatory power shown in Appendix 3 measured how accurate the model was in forecasting the space requirement. The closer to one the figure was, the more accurate the model was;
- c. Because of its site conditions and design, the Hei Ling Chau Typhoon Shelter might accommodate larger vessels. The report therefore recommended that the length limit of the Hei Ling Chau Typhoon Shelter be increased to 75m so that vessels with length up to 75m might use it.

The Chairman invited members to provide comments on the draft report.

19. Mr. CHEUNG Yau-kwong opined that the number of pleasure vessels was quite large, and asked whether not including them in the main report would distort the overall picture. Mr. CHEUNG also asked if the study had taken into account the more local demand in the Sai Kung area. Mr. LEE Yuen-ho replied that although pleasure vessels' requirements were separately assessed, the report as a whole covered all the local vessels. For the latter question, since the data used for analysis and forecast were for the overall economy, for example GDP, it was not possible to further break down the assessment into local regions.
20. Mr. WONG Miu-sang opined that the usage of the Hei Ling Chau Typhoon Shelter was low, while the sea area near Stonecutters Island had been very popular and used as a shelter for many years. Mr. WONG asked if other places like the sea area near Stonecutters Island could be included in the coverage of sheltered anchorages in the report so that the insurance costs could be reduced. Mr. Adam LAI said that the objective of the Government was to ensure there was sufficient sheltered space for the vessel operators. However, it would be up to the individual vessel operators to decide if they would use the typhoon shelters or not and which one to use.
21. Mr. Danny WU opined that the actual usable sheltered space might be less than that on paper as vessels would require more space to avoid knocking each other during a typhoon. Mr. WU also pointed out that there would be a large number of vessels operating in the area of the Airport, Tuen Mun, and West of Hong Kong during the major work projects in the near future and these vessels might also seek shelters during typhoons. In addition, river trade vessels'

demand for sheltered space would be high during 2011-2017 when traffic for transporting building materials for the work projects was high. Mr. LEE Yuen-ho replied that the number of vessels operating for the projects was not available at the moment. However, according to the forecast, there should be sufficient sheltered space to cope with the increased demand. Mr. Adam LAI said that there were regular updates and reviews between studies, and the effect of work projects could be more accurately reflected in future reports.

22. Mr. Ambrose LO asked why the pleasure vessels with license expired within one year were included while the other types of vessels were within three years. Mr. LEE Yuen-ho said that it would be unusual for a pleasure vessel not to have a valid licences for more than one year if it was still mooring in Hong Kong. Mr. LEE undertook to provide figures if the number of pleasure vessels with license expired within three years was adopted instead of one year was used in the forecast for reference, and to consider adopting a “three-year” period for pleasure vessels. Mr. LO said that different ways of mooring adopted these days would affect the space required, and the yachts might not be able to use some of the typhoon shelters because of their draft.

[Post-meeting note: An additional 11 hectares of sheltered space would be required should the coverage be extended to cover pleasure vessels the license of which have expired for less than 3 years. To take members’ comment into consideration, this extended coverage for pleasure vessels would be adopted in the final report.]

23. Mr. WONG Yiu-kan asked that if Cheung Sha Wan could be included as a sheltered anchorage in the report as it had been used as shelter for many years. Mr. Adam LAI replied that the term “sheltered anchorage” was only used in this report, and the proposal would increase the total sheltered space available and this could be misleading. Mr. CHEUNG Yau-kwong asked if MD had any contingency plan to avoid over-crowding of a typhoon shelter. Mr. KEUNG Siu-fai said that he had reservation on the basis used for estimating the number of fishing vessels, and MD should observe the actual usage of shelters by different types of vessels to avoid mismatching. Mr. Adam LAI said that to avoid over-crowding in the more popular typhoon shelters, MD would carry out site patrol and make radio and television announcements to advise operators to use less congested typhoon shelters during a typhoon.

24. Mr. Adam LAI said that the Chinese translation for “sheltered anchorage” in the report was “遮蔽碇泊處”. To better reflect the purpose of these anchorages, Mr. LAI proposed that it be changed to “避風碇泊處”. After some discussion, the meeting agreed that the term “避風碇泊處” would be more appropriate.
25. In reply to Mr. WONG Yiu-kan, Mr. Adam LAI said that the report would be published every 2 to 3 years depending on the growth rate of the number of vessels, and it was reviewed internally every year.
26. Mr. WONG Yiu-kan opined that MD was conservative in preparing the report without taking into account more recent developments. Mr. KEUNG Siu-fai and Mr. Danny WU asked if publication of the report could be withheld pending addressing members’ concerns. Mr. Adam LAI said that the study had been conducted following the modelling method used for previous similar exercises. Many of the members’ concerns were mainly related to the methodology and bases adopted in the study, which would require a lengthy period of time to address. Mr. LAI suggested that to avoid delaying the report, MD would consider members’ comments and suggestions when preparing the next report. Mr. LEE Yuen-ho re-iterated that the report was an assessment on the overall sheltered space requirements, but not a detailed study on the usage of individual shelters.
27. Mr. CHEUNG Yau-kwong worried that the report might appear to suggest that there was scope for reducing sheltered space. Mr. KWOK Tak-kee said that one of the reasons why the usage of the Hei Ling Chau Typhoon Shelter remained low was because the location was rather exposed and not suitable for a typhoon shelter. Mr. Adam LAI said that Hei Ling Chau site had been chosen as a typhoon shelter after careful consideration and extensive consultation at that time.
28. After a lengthy discussion, the Chairman concluded that members generally agreed with the draft report and the comments on methodology and bases adopted for the study were noted for consideration when preparing the next report.

V. Any Other Business

Membership of LVAC Sub-committees

29. The Secretary said that the membership of all six LVAC Sub-committees were endorsed by LVAC members. The current membership of the Sub-committees was endorsed in July 2007. It was proposed that the members be re-appointed for another two years until July 2011. The Secretary undertook to circulate the lists of current Sub-committee members to members for consideration after the meeting.

LVAC Paper No. 7/2009 – “Proposal to Enhance Enforcement against Smuggling Activities at Sea”

30. The Chairman said that under the existing Import and Export Ordinance (IEO) (Cap. 60), if relevant enforcement officers reasonably suspected that a vessel of less than 250 gross ton had been used or was intended to be used for smuggling and the vessel had a facility to mount one or more outboard engine where the total power could exceed 600 horsepowers, the vessel could be presumed to have been constructed for smuggling. To cope with the current situation, the Government proposed to lower the limit of 600 horsepower to 225 horsepower. LVAC Paper No. 7/2009 “Proposal to Enhance Enforcement against Smuggling Activities at Sea” was circulated to members on 30.4.2009 for comments on the proposed amendments to the legislation. The proposal had been endorsed unanimously. The Security Bureau would submit the relevant discussion paper to the Panel on Security of the Legislative Council in late June 2009.

Matters arising from Sub-committee meetings

31. Mr. SO Ping-chi reported that the Sub-committees on Class III, Survey Works of Local Vessels, and Safety for Works on Vessels had each held its meeting in February and March this year. Progress had been made and discussion items had been resolved satisfactory. Mr. SO reminded members that the Guangdong Maritime Safety Administration had issued a notice lately requiring Hong-kong-licensed vessels intending to return to Hong Kong after undergoing repairs in the Mainland to hold original copies of the valid documents for completing the clearance formalities. The requirement would take effect from 1 July 2009. Members might refer to the Marine Department Notice No. 76 of 2009 for details.

Marine Department's Electronic Business System (eBS)

32. Mr. BUTT Lee-yuen said that a member had requested that MD's eBS be expanded to handle applications and renewals of local vessel licenses. Mr. BUTT asked members to solicit views from members of their associations, and proposed to discuss this issue at the next meeting.

VI. Date of Next Meeting

33. There being no other business, the meeting ended at 1:15 p.m. The date of next meeting would be announced in due course.