

LOCAL VESSELS ADVISORY COMMITTEE

Minutes of the 12th Meeting

Date : 26 October 2012 (Friday)
Time : 10:00 a.m.
Place : Conference Room A, 24/F, Harbour Building

Present

Chairman:	Mr. H. M. TUNG	Deputy Director, Marine Department (MD)
Members:	Mr. LO Ngok-yang, Ken	Representing Ship Building and Repairing Industry
	Mr. CHEUNG Dor-ma	Representing Naval Architects
	Mr. QIAN Hua-chun	Representing Ship Survey Work
	(On behalf of Mr. HUANG Li-fan)	
	Mr. LUK Pak-hung	Representing Seafarers' Training
	Mr. LAI Hoi-ping	Representing Seafarers' Associations
	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. Ambrose LO	Representing Pleasure Boating Operations
	Mr. Kevin FAN	Representing River Trade Cargo Operations
	(On behalf of Mr. ZENG Ji-wei)	
	Mr. WONG Yung-kan, S.B.S, J.P.	Representing Fishing Industry
	Mr. Joseph LI	Representing Hong Kong Police Force
	Mr. W. F. LEUNG	GM/LVS, MD
	Mr. C. S. CHAN	GM/Ops, MD
Secretary:	Ms. Alison WONG	EO(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 Ltd.
Dr. HO Chi-shing, David	Hong Kong Ferry (Holdings) Co Ltd.
Mr. PANG Wah-kan	Hong Kong Fishermen's Association
Mr. KWOK Chi-hong	Marine Excursion Association Ltd.
Mr. LEE Shing-hing	Sai Kung Ferry Traders Association
Ms. CHING Ngon-lai	Small Craft Workers Union

Capt. WU Ka-shun	Hong Kong Shipping Staff Association
Mr. CHAN Wo-pak	Hong Kong Apleichau Machinery Traders Association
Dr. Peter CHENG	Peter Cheng Naval Architect & Marine Consultant Limited
Mr. TAN Yong-zhu	Chu Kong Transshipment and Logistic Co Ltd.
Ms. Yvette CHAN	Hong Kong Pilot Association
Mr. S. F. WONG	GM/SRSB, MD
Mr. H. B. CHAN	SMO/LPF, MD
Mr. W. H. WONG	SMO/VTC, MD
Mr. Warren LI	SMO/HPS(1), MD

Absent with Apologies

Ms. Vivian HO	Representing Marine Insurance Industry
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I. Opening Remarks

1. The Chairman led members and attendees to observe a minute's silence before the meeting to mourn the deceased in the vessel collision off Lamma Island on 1.10.2012 and offer condolences to families of the victims.
2. The Chairman then welcomed all to the meeting, and extended welcome particularly to the following attendees:
 - (a) Mr. Kevin FAN, who was attending the meeting on behalf of Mr. ZENG Ji-wei representing the river trade cargo operators;
 - (b) Mr. QIAN Hua-chun, who was attending the meeting on behalf of Mr. HUANG Li-fan representing the ship survey work; and
 - (c) Dr. Peter CHENG of Peter Cheng Naval Architect & Marine Consultant Limited.

II. Confirmation of Minutes of Previous Meeting

3. The minutes of the 11th meeting held on 22.2.2012 had been circulated to members for endorsement in June and July 2012 respectively. The minutes were confirmed without further amendments.

III. Matters Arising from Previous Minutes

LVAC Paper No. 2/2012 – Upgrading the Standard for Marine Light Diesel Supplied in Hong Kong

4. The Chairman reported that on upgrading the quality of marine diesel sold locally, a working group with the local marine trade had been formed and members of the working group agreed the protocol of engine tests confirming technical feasibility of using the low sulphur diesel under the controlled laboratory setting. Subject to the findings of the engine tests which should be completed by Q1 2013, EPD would then devise the implementation plan on the control. In addition, in response to a request raised by the working group, EPD had organized a low sulphur diesel technical seminar for local and river vessels operators on 21.9.2012.

LVAC Paper No. 2/2011 – Proposal to Set up an Enhanced Management Mechanism for the Carriage of Dangerous Goods by Locally Licensed Vessels

5. The Chairman reported that the voluntary phase before the implementation of the “Enhanced Management Mechanism for the Carriage of Dangerous Goods by Locally Licensed Vessels” had been conducted from 1.4.2012 to 30.6.2012. Having closely monitored the submission of the “DG Notification” and coordinated with the DG operators concerned, a satisfactory trial had been achieved on this issue. Mr. C. S. CHAN further supplemented that a total of 2,023 successful submission of the “DG Notification” had been received from July to September 2012, which was believed to have covered the majority trips of local vessels’ movement in this respect in the first three months of the mandatory phase. In this regard, it was believed that the mechanism had served its anticipated purposes and he expressed gratitude to the cooperation of all DG operators concerned. Members agreed that this item could be deleted.

LVAC Paper No. 3/2012 – Connecting Kowloon East – Environmentally Friendly Linkage System

6. The Chairman reported that on 11.5.2012, CEDD had a consultation meeting with 10 representatives from the trade, namely Hong Kong Cargo Vessel Traders’ Association Limited, Hong Kong & Kowloon Motor Boats & Tug Boats Association, Hong Kong Fishery Alliance, Marine Excursion Association Limited, New Territories Cargo Transport Association Limited, Hong Kong Mid-Stream Operators

Association Limited and Stonecutters Island public cargo working area, to seek their initial views on CEDD's further survey/study, which was being planned to investigate the usage of typhoon shelters as well as to explore the feasible alternative measures for accommodating the affected vessels at the Kwun Tong Typhoon Shelter. When the initial study findings were available later this year, CEDD would consult the trade again with a view to working out a solution which was not only technically feasible but also agreeable to the industry. On the other hand, some members of the trade attended the public engagement workshop on 26.5.2012 at which Mr. WONG Yiu-kan was invited guest speaker to share with the participants the maritime industry's concerns on the Kwun Tong Transportation Link.

IV. New Discussion Item

LVAC Paper No. 5/2012 – Improvement Measures to Enhance Safety of Local Vessels and Navigational Safety

7. The Chairman said that the whole community was deeply concerned about the vessel collision off Lamma Island which claimed 39 lives and injured the other 87. While he expected that the maritime industry would support and co-operate with the investigations conducted in accordance with the relevant statutory procedures and administrative guidelines by different parties, including the police, the Marine Department (MD) and the independent Commission of Inquiry, he pointed out that this Committee should lose no time to explore and formulate feasible measures to enhance vessel and navigational safety, particularly targeting ferries/launches carrying large numbers of passengers.
8. The Chairman then summarized and reported the immediate measures taken by the MD to enhance maritime safety since the tragedy, which included, inter alia, spot check of ferries, launches, kaitos and pleasure vessels for hire, issuance of letters and reminders to ferry operators, trade associations and coxswains of ferry vessels on marine safety requirements and their obligation on maritime safety, setting up of a working group on vessel safety standards with ferry and launch companies, strengthening promotion and public education on safety awareness on board vessels, and conducting seminars for vessels operators, coxswains and crews to promote safety alertness and emergency response, etc.
9. Apart from the above imminent measures, the Chairman pointed out that 10 issues / suggested long-term measures which might help further improve maritime safety in navigation and operation of vessels had been identified and listed out in the paper,

and should be further deliberated by the concerned sub-committees and working group with conclusions to be drawn for reporting to this Committee in the ensuing months. Members were invited to give comments on the issues or propose any new measures that could improve maritime safety.

10. Mr. KEUNG Siu-fai echoed Dr. Peter CHENG on the concern of the effectiveness and comprehensiveness of the review on maritime safety as it was unable to make reference to the causes leading to the accident at the moment. Mr. KEUNG further opined that the existing maritime guidelines and regulations, as well as the prevailing systems on vessel and navigational safety, which were established and refined by the operational experiences accumulated through the years by the government and the industry, functioned well and provided enough protection to parties concerned. He was worried that the government and the industry would be overwhelmed by the censure of the media and the expectations of the society and that the review would lapse from professional judgment and deviate from the right direction.
11. The Chairman replied that while it was imperative for relevant parties to thoroughly investigate the causes leading to the collision, this Committee should, before the investigation reports finally came out, waste no time to come up with concrete suggestions pointing to different areas the government and the industry needed to improve in order to plug the loopholes in maritime safety and to prevent a recurrence.
12. Subsequent to a lengthy and active discussion, the following salient points were drawn for the 10 improvement measures:

(i) Certificate of Competency

- (a) Mr. S. F. WONG gave a brief account on the purpose of the review on the existing syllabus and examination system for the certification of coxswains, which mainly aimed at strengthening their professional standard and enhancing their knowledge of navigation. Whether there would be a need to pursue refreshment courses or go through practical examinations for obtaining their certificates was expected to be one of the agenda items of the review. The concerned sub-committee would be comprised of representatives from ferry, launch, kaito and operators for pleasure vessels for hire.
- (b) Mr. KEUNG Siu-fai believed that most of the coxswains were very experienced in navigating vessels in the harbour, despite the narrow watercourse and rising number of vessels plying the waters in recent years. He denounced poor

navigational attitude and manner of some coxswains as the major cause of most accidents. He wondered whether upgrading or tightening the examination system could be effective in eliminating human factors in maritime incidents.

- (c) Ms. CHING Ngon-lai agreed that it was a correct approach to discuss issues relating to the license and certificate of coxswains, but was of the view that the existing examination system for the coxswains was comprehensive enough to test their ship handling skills. She was worried that further strengthening the examination syllabus would discourage people from joining the profession, while the industry was already seriously undermanned. On the other hand, she agreed with Mr. KEUNG that most of the coxswains were conversant with ship handling, but they needed to enhance their preparedness on emergency situation and polish their skills of crisis management.
- (d) Mr. CHAK Kwok-leung suggested that refreshment training courses should be provided to the licensed coxswains, say at regular intervals of 5 years, to enhance their professional knowledge in navigational safety, emergency response and crisis management. Mr. WONG Yung-kan supplemented that refreshment or proficiency training on ship handling skills and safety alertness should be provided to coxswains of all vessel types. He also proposed that representatives of fishing industry be invited to join the sub-committee to discuss the issue.
- (e) The Chairman concluded that it was sensible to probe into measures that could enhance coxswains' safety alertness and navigational attitude, and remarked that consideration could be given to incorporate this aspect into the examination syllabus. Members agreed that details of the certificate of competency should be further studied at the sub-committee concerned.

(ii) Crew working conditions

- (a) Mr. S. F. WONG said that at present crews of passenger carrying vessels were normally deployed to work on "24-hour-on" and "24-hour-off" system. A study would be carried out to examine the work patterns of the coxswains and crew with respect to their duty roster.
- (b) Ms. CHING Ngon-lai expressed grave concern on the prevailing working conditions of crew for local vessels, and agreed that their working hours, time-outs between voyages, meal breaks and salary levels should be reviewed in detail. She pointed out that currently it was not uncommon for most of the

vessel crew to work for a consecutive of 15 to 16 hours without a break, which would easily lead to fatigue. Mr. LAI Hoi-ping seconded Ms. CHING and commented that given the increasingly heavy traffic in Hong Kong waters in recent years, such working pattern had brought about huge pressure on coxswains, both physically and mentally. He further proposed that vessel operating companies should provide training on emergency response and crisis management to their shipping crew, and to issue notices regularly on navigational safety as reminders.

- (c) Mr. KEUNG Siu-fai remarked that crew working conditions should be reviewed in accordance with the genuine operational situation of different vessel industries, and should not be identical for all vessel types. The Chairman concluded and members agreed that details of the review should be further studied at the sub-committee concerned.

(iii) Advisory guidance regarding traffic control and safety measures in firework display and other major events

- (a) Mr. C. S. CHAN highlighted that it was an established mechanism for the government to form working groups with stakeholders, including representatives from the marine excursion industry, to discuss and work out marine traffic control measures prior to each fireworks display or major event in the harbour. At present the control measures, which were announced by way of Marine Department Notices (MDN), were in the form of advisory guidance to operators, owners and coxswains of local vessels and had no statutory liability. It was proposed that a review should be carried out on how the control measures could be tightened to ensure that all parties involved would comply with the safety requirements.
- (b) Mr. WONG Yung-kan agreed that control measures, in particular on the number of excursion ferries and spectators vessels permitted to enter/stay in the viewing area and speeding of vessels to compete for landing facilities for disembarkation after the events, should be further strengthened, noting that small vessels were prone to be endangered by the wash of high-speed vessels. In respond to Mr. KEUNG Siu-fai's proposal to explore the feasibility of pre-arrangement/allocation of berthing facilities to vessels by registration prior to the major events to prevent speeding, Mr. C. S. CHAN responded that this measure might affect business operation. He stressed that the prevailing marine traffic control measures were formulated since early 90s and kept on refining

through the past decades, and should be well-known by all marine operators. He took the opportunity to plead for the industry's co-operation in observing the safety guidelines. In view of the upcoming festivities at the end of the year, he pointed out that a conclusion on the improvement measures had to be drawn as soon as practicable so that timely publicity could be arranged. He expected that there would be intense publicity on the tightened measures around Christmas time.

- (c) Mr. KWOK Chi-hong pointed out that the vessel collision on the National Day was a marine traffic accident happened outside the viewing area of the fireworks display and had nothing to do with any shortcoming of the existing marine traffic control measures during festive occasions. He questioned whether it was worthwhile to go beyond what was necessary. Having said that, the Chairman requested the industry to reflect on this tragic incident and review all possible aspects to mitigate possible dangers under whatever situation. He also welcomed any measures that could be beneficial to the long term marine traffic control in Hong Kong waters.
- (d) In response to Dr. David HO's enquiry on the exclusive broadcasting channel in the harbour in case of emergency as not all vessels had marine band radio, Mr. C. S. CHAN responded that coxswains could call the Vessel Traffic Centre of MD on channel 14 for assistance, or call the Marine Police Force at dedicated telephone numbers. All these information had been published in the MDN which was widely publicized before any major event.
- (e) Mr. KEUNG Siu-fai remarked that the authority should consider setting up mechanism to conduct safety assessment for each major maritime activity or event. Mr. C. S. CHAN replied that as far as he understood organizers would normally engage safety officers to conduct safety assessment prior to each major event. The Chairman concluded that this issue would be further discussed by the sub-committee concerned. Members were invited to raise other vessel traffic control measures to further enhance the navigational safety.

(iv) Minimum safe manning

- (a) Mr. W. F. LEUNG narrated the present minimum safe manning requirement of Class I vessels including ferries and launches, which was determined according to their operational needs and other factors such as vessel size, horsepower, maximum service speed and voyages, etc. He said that a review on the

manning requirement, in particular the adequacy of crew to handle emergency situations would be conducted. Reference of overseas systems such as Singapore on the determination of manning scale for their domestic passenger carrying vessels would also be taken into account in the review.

- (b) Ms. CHING Ngon-lai considered that the existing manning of passenger ferries (3 to 5 crew members) was not adequate and urged the authority to expedite the review. Mr. LAI Hoi-ping echoes her view by suggesting that an assistant coxswain should be arranged on board to assist the coxswain, in particular during emergency situations. They also stressed that manning inadequacy would easily lead to fatigue of crew members and lower their vigilance to the traffic condition, which in turn jeopardize the safety of passengers on board and other ocean-goers. The Chairman concluded and members agreed that the minimum safe manning of different types of passenger carrying vessels should be thoroughly reviewed at the sub-committee concerned.

(v) Promotion and education on maritime safety

- (a) Members unanimously agreed that a long-term promotion and education programme should be drawn up on maritime safety, emergency response, and particularly the application of life-saving appliances. Apart from organizing periodical seminars and workshops for the ferry companies' coxswains and crew, conducting regional safety talks to promote maritime safety for the public was valuable.
- (b) Mr. LUK Pak-hung opined that apart from the government, ferry companies should also take up the responsibilities to promote safety alertness by way of video or demonstration at the terminals and public piers. As for pleasure vessels for hire, safety announcement should be broadcasted before setting sail. Mr. WONG Yiu-kan suggested MD should produce and provide VCD of the seminars to the coxswains and crew of river trade vessels, so that they could be more vigilant when calling at Hong Kong waters. Ms. CHING Ngon-lai requested the powerpoint of these seminars be provided to the workers unions so that they could upload to their homepage for promulgation. Mr. Warren LI responded that MD would assist in seeking endorsement of speakers concerned for the disclosure of the content of the seminars.
- (c) The Chairman said that MD would re-run such seminars and workshops at least twice a year and he appealed for the support from the operating companies and

trade unions by arranging similar seminars for their staff. Detailed arrangements would be further discussed by the sub-committee concerned.

(vi) Communication and collaboration with the industry

- (a) Mr. W. F. LEUNG proposed to invite more stakeholders of the maritime industry to join the six Sub-committees under LVAC as observers or expert advisors to canvass more views of the trade. On the other hand, MD would propose to actively participate in the working meetings of local vessel industry to enhance bilateral communication. Members agreed the proposals in principle. Detailed arrangements would be further discussed at the sub-committees concerned.

(vii) Video camera

- (a) Mr. W. F. LEUNG informed members that a feasibility study on the installation of surveillance camera in the wheelhouse would be carried out. He said that such measure could capture the record on the performance of the navigational team in the wheelhouse and the record could serve as evidence to assist in marine accidents investigation or deal with complaints relating to any malpractice in the wheelhouse.
- (b) Members expressed different views on the issue. Mr. WONG Miu-sang and Mr. WONG Yiu-kan questioned whether installing of video camera in the wheelhouse would infringe upon the privacy of the crew and cause pressure on the performance of the crew. Ms. CHING Ngon-lai understood that some ferry companies had already installed video cameras several years ago after consulting the trade unions. She said that so far crew members concerned expressed no problem to work under the surveillance of the video cameras. Mr. CHAK Kwok-leung also remarked that installing such cameras could somehow provide supporting evidence in handling disputes in maritime incidents and could be beneficial to navigational crew. To balance different viewpoints, Mr. KEUNG Siu-fai suggested that the videos should only be used as evidence for marine incidents. After deliberation, members agreed that if the installation of video cameras was to be made mandatory, prior thorough consultation with the industry and staff unions should be required.

(viii) Automatic Identification System (AIS)

- (a) Mr. W. H. WONG briefly introduced the subject. He proposed and members

agreed to further explore the implementation of carriage requirement of AIS on board local vessels, including the applicability to any specific class and type of local vessels, class of AIS to be carried and the practicality of deployment to local vessels at the sub-committee concerned.

(ix) Third party risks insurance

- (a) Mr. H. B. CHAN brief members on the background of the issue. Subsequent to the Lamma incident, the society called on a review on the compulsory third party risk insurance (CTPRI) requirements for vessels, saying that the minimum statutory liability of \$5 million was far lower than that of \$100 million for vehicles. He said that a working group would be formed to review the liability coverage, taking into consideration the number of past marine accidents, experience in handling claims and the current situation. Apart from local vessels, the review would also cover non-Convention vessels, such as river trade vessels.
- (b) Mr. WONG Miu-sang said that while he agreed the CTPRI for vessels should be reviewed, he doubted whether it was appropriate to compare the requirement of liability coverage for motor vehicles on lands and for local vessels, as the number / frequency and type of road and marine accidents were apparently different. He said that it would be unfair to the maritime industry if similar liability level were to be applied for vessels, as it would substantially increase the operation costs and would be detrimental to the industry. Mr. KEUNG Siu-fai also pointed out that while it was not uncommon for some large ferry companies to have in place a policy insurance with higher coverage amount than the statutory requirement, other vessels owners like kaitos and fishing boats might not be able to afford a high insurance cost. Other members also agreed that this topic should be carefully considered and thoroughly discussed at the working group with all stakeholders.
- (c) Mr. H. B. CHAN said that the difference between road and marine accidents was well noted, and the working group would consider the actual situation of all aspects, including the number of marine accidents and the compensation levels, etc, and explore a feasible and acceptable proposal for both the marine and insurance industries. Apart from the proposed membership set out in the paper, he would also invite kaito operators and representatives of the Chu Kong Shipping Company to join the working group. Other interested parties of the industry would also be welcome.

(x) Introducing a Marine Accident Victims Assistance Fund

- (a) Mr. H. B. CHAN informed members that opportunity would be taken for the working group on CTPRI to explore the feasibility of introducing a Marine Accident Victims Assistance Fund similar to the Social Welfare Department's traffic accident victims assistance scheme which is applicable to road traffic accident victims only.
- (b) Mr. Ambrose LO had reservation on the setting up of such an assistance fund. He expressed concerns on the capability of the industry to sustain the fund and whether the proposal would increase the operation costs and pressure to the industry. Noting that the beneficiaries would have to refund the authority after they received their insurance money, he doubted whether the authority would have difficulties in managing the fund with its ever growing amount. Mr. KEUNG Siu-fai, on the contrary, opined that it was necessary to set up such an assistance fund and that contribution from stakeholders could be suspended when the fund had accumulated to a certain amount. Members agreed that the issue would be further discussed at the working group concerned.

13. To concluded, the Chairman proposed and members agreed that:

- (a) Item (i) to (iii) would be further discussed at a joint Sub-committee on Class I and Class IV vessels, the meeting of which would be held on 8.11.2012;
- (b) Item (iv) to (viii) would be further discussed at the Sub-committee on Survey Work of Local Vessels, the meeting of which be held on 15.11.2012; and
- (c) Item (ix) and (x) would be further discussed at the newly set up Working Group on Third Party Risk Insurance, which would firstly met on 22.11.2012.

V. Date of Next Meeting

14. There being no other business, the meeting ended at 12:50 p.m. The date of next meeting would be announced in due course.