

LOCAL VESSELS ADVISORY COMMITTEE

Minutes of the 18th Meeting

Date : 18 August 2015 (Tuesday)
Time : 2:30 p.m.
Place : Conference Room A, 24/F, Harbour Building

Present

Chairman:	Mr. H. M. TUNG	Deputy Director, Marine Department ('MD')
Members:	Mr. NG Kwok-wing, Eric	Representing Naval Architecture
	Mr. MAK Chiu-ki	Representing Seafarer's Training
	Mr. WONG Miu-sang	Representing Cargo Vessels' Operations
	(On behalf of Mr. WAN Guo-qing)	
	Mr. WEN Tsz-kit, Bondy	Representing Launch & Excursion Vessels' Operations
	Mr. CHEUNG Kwok-wai	Representing Ferry Vessels' Operations
	Mr. Leon CHAN	Representing Pleasure Boating Operations
	Mr. K. L. LAU	Representing Hong Kong Police Force ('HKPF')
	Mr. K. F. TANG	GM/LVS(Ag), MD
	(Presentation of paper no. 10/2015)	
	Mr. H. B. CHAN	GM/Ops, MD
Secretary:	Mr. Anson MC SINN	EO(C&G), MD

In Attendance

Mr. KEUNG Siu-fai	Hong Kong & Kowloon Floating Fisherman Welfare Promotion Association
Mr. FONG Chi-fai	Hong Kong Cargo-Vessel Traders' Association Ltd.
Mr. CHOR Yee-on	The Hong Kong Ferry (Holdings) Co. Ltd.
Mr. PANG Wah-kan	Hong Kong Fishermen's Association
Mr. KWOK Chi-hong	Marine Excursion Association Ltd.
Mr. FAN Keung	Small Craft Workers Union
Mr. WONG Hon-kuen, Ken	Hong Kong & Kowloon Motor Boats & Tug Boats Association Limited

Mr. KWOK Tak-kee	Hong Kong & Kowloon Motor Boats & Tug Boats Association Limited
Mr. PUI Chi-keung	Hong Kong & Kowloon Motor Boats & Tug Boats Association Limited
Mr. WU Ka-shun	South China Towing Company Ltd.
Mr. LAM Yan-chit	Hong Kong Pilots Association Ltd.
Mr. S. F. WONG	AD(SD), MD
Mr. Y. K. LI	GM/SRSB, MD
<i>(Presentation of paper nos. 11 and 12/2015)</i>	
Mr. W. H. WONG	SAO(SD) , MD
Mr. Y. K. LAI	C/MP, MD
Mr. Y. W. YU	C/TP, MD
Mr. L. T. CHENG	GM/S(Ag), MD
Mr. Q SHI	SS/TP1, MD
<i>(Presentation of paper no. 8/2015)</i>	
Mr. Ivan SHUEN	SMO(SD), MD
Mr. L. H. NG	SMO/DG&P, MD
<i>(Presentation of paper no. 13/2015)</i>	
Mr. F. C. CHAN	SMO/P&D(1), MD
Mr. F. O. MAK	SSSO/MISS, MD
<i>(Presentation of paper no. 9/2015)</i>	

Absent with Apologies

Mr. SZETO Feut	Representing Ship Building and Repairing Industry
Mr. HUANG Li-fan	Representing Ship Survey Work
Mr. WONG Leung-wai	Representing Marine Insurance Industry
Mr. SIU Ping-wing	Representing Seafarer's Associations
Mr. Kevin FAN	Representing River Trade Cargo Operations
Hon. Steven HO Chun-yin	Representing Fishing Industry

Action

I. Opening Remarks

The Chairman welcomed all to the meeting, and extended welcome particularly to the following attendees:

New member

- Mr Leon Chan, representing Pleasure Boating

Operations

New Secretary

- Mr Anson MC Sinn

Attending on behalf of other members

- Mr. Wong Miu-sang (on behalf of Mr. Wan Guo-qing), representing Cargo Vessels' Operations

II. Confirmation of Minutes of Last Meeting

Secretary

The minutes (bilingual version) of the 17th meeting held on 5.5.2015 were circulated to members for comment on 5.8.2015. The minutes were confirmed without amendment.

(Post-meeting note: The minutes of the 17th meeting was uploaded to the website on 23.9.2015).

The Secretary informed Members that since the paper number 7/2015 entitled “Amendment of Requirement for Production of Valid Certificate of Eyesight Test in Chapters 4.3 of Existing Examination Rules” duplicated with another paper number entitled “Legislative Exercise to Regulate the Uses of the Kai Tak Cruise Terminal” issued by the former Secretary to Members dated 29.5.2015, the latter paper would be re-numbered as Paper No. 7a/2015. Other paper numbers and sequences would remain the status quo.

III. New Discussion Items

- (i) *Reporting the outcome of Legislative Council ('LegCo') Panel on Economic Development held on 27.5.2015 concerning update on follow-up actions arising from the Report of the Commission of Inquiry into the Collision of Vessels near Lamma Island on 1.10.2012 ('CoI Report')*
 - (a) Marine Traffic Accident Victims Assistance ('M-TAVA') Scheme

The Chairman informed Members that LegCo Panel on

Economic Development on 27.5.2015 did not object to the recommendation against introducing an M-TAVA Scheme.

SMO/
DG&P

- (b) Compulsory Third Party Risks Insurance Coverage

The Chairman stated that the MD's proposals of adjusting the existing amounts of minimum liability cover from \$1 million and \$5 million to \$5 million and \$10 million respectively for local vessels was supported in general by LegCo Panel on Economic Development on 27.5.2015. It was envisaged that the legislative amendment would be introduced into the LegCo in the legislative year 2015/16.

GM/LVS

- (c) Installation of Automatic Identification System ('AIS'), radar, and Very High Frequency ('VHF') radiotelephone on local vessels

The Chairman said that LegCo Panel on Economic Development on 27.5.2015 in general supported the recommendation that all ferries and launches permitted to carry more than 12 passengers should be required to carry a VHF radiotelephone, and those permitted to carry more than 100 passengers should be equipped with AIS and radar. It was envisaged that the legislation would be introduced into the LegCo in the legislative year 2015/16.

SMO/
DG&P

- (d) Proposed legislation to require children to don lifejackets at all time on board and a passenger and crew list be kept on board during fireworks displays and other major events at sea

The Chairman informed Members that LegCo Panel on Economic Development on 27.5.2015 did not object to the legislative proposal of requiring children to don lifejackets at all time on board and a passenger and crew list be kept on board during major events at sea. The legislative amendment proposals were being prepared.

SS/TP1

- (ii) *LVAC Paper No. 8/2015 – Amending Schedule 2 of the*

Merchant Shipping (Limitation of Shipowners Liability) Ordinance (Cap. 434) for Implementing the 2012 Amendments to the Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims, 1976 (hereafter '1996 LLMC Protocol')

Mr Q Shi, SS/TP1 presented the paper and informed Members that the Merchant Shipping (Limitation of Shipowners Liability) (Amendment) Ordinance 2005 (hereafter 'the Amendment Ordinance') came into operation on 3.5.2015 to implement the revised limits of liability in the 1996 LLMC Protocol.

Mr Shi added that the International Maritime Organisation ('IMO') had further amended the 1996 LLMC Protocol by solely increasing the limits of shipowners liability relating to the claims of loss of life, personal injury and other claims by 51% arising from ship incidents. These amendments entered into force internationally on 8.6.2015.

It was noted that Mr Wen Tsz-kit, Bondy suggested in writing on 20.7.2015 that this subject be discussed in the meeting.

It was also noted that Mr Wong Leung-wai (representing Marine Insurance Industry) indicated in writing on 7.8.2015 that the protection and indemnity insurance premiums of local vessels might adjust upwards in conjunction with the increased limits of liability relating to the claims of loss of life, personal injury and other claims arising from ship incidents.

Mr Shi explained that the amount of increase was calculated solely based on the monetary figures of Consumer Price Index ('CPI'), inflation rate and the Gross Domestic Product ('GDP') of the States Parties to the LLMC 1996 during the period between 1996 and 2010. The 51% represented an increase of around 2% per year from 1996 to 2015, and there was no additional increase due to other factors.

Mr Shi responded that the protection and indemnity and

other insurance premiums of local vessels would hinge upon such many factors as status of the vessels, the operating mode, the claim history, and so forth, and the premiums would not surge solely due to the increased limits of shipowners' liability.

Mr Shi supplemented that according to information provided by the International Group of P&I Clubs, there had only been ten claim cases worldwide – seven of which belonged to bunker oil – from 2000 to 2009 which incurred costs exceeded the limits of the 1996 LLMC Protocol. As for Hong Kong, Office of the Commissioner of Insurance took stock of claim cases in respect of local vessels for five years from 2007 to 2011 and found that the maximum amount of insurance claim paid to be HK\$5.8 million. Most of those amounts were below HK\$1 million.

Mr Shi subsequently stated that the HKSAR Government had an international obligation to implement the latest limits of liability adopted by the IMO through local legislative amendment exercise.

Mr Shi reassured Members that the 51% increase of the limits of liability in the 2012 Amendments would not bring substantive impact to the local shipping industries. The main purpose for the adjustment was to ensure that reasonable compensations could be provided to victims involved in case when big scale incidents, such as bunker oil pollution, took place.

Mr Wen Tsz-kit, Bondy responded that subsequent to the issue of this paper on 6.7.2015, he then liaised with marine insurance industry and noted the positive response from the marine insurance industry towards the proposed legislative amendment exercise for implementing the 2012 Amendments to the 1996 LLMC Protocol.

As Members raised no further comment, Paper No. 8/2015 was endorsed.

Mr L. H. Ng, SMO/DG&P presented the paper and informed Members that our existing law neither made drink or drug boating as an offence, nor empowered the law enforcement authorities to test the content of alcohol or drug in the breath, blood or urine of the persons involved in a marine traffic accident.

Mr Ng supplemented that many jurisdictions in the world such as the United States, Canada, Australia and New Zealand as well as the International Maritime Organisation had already imposed control on boating under the influence of alcohol and drug.

Mr Ng added that in a recent court case relating to a marine incident, the judge expressed that he had “no clue as to any valid and good reasons for not taking similar screening breath test against the coxswain [as against the driver in motor vehicle accident] when incidents or accidents happen at sea”.

In the light of the above, Mr Ng stated that MD proposed to introduce new legislation against drink and drug boating in the waters of Hong Kong. The new legislation would model on the relevant provisions on driving a motor vehicle under the influence of alcohol or drugs under the Road Traffic Ordinance (Cap 374) (‘the RTO’), including the prescribed alcohol limits specified in section 2 of the RTO and the specified illicit drugs given in Schedule 1A of the RTO.

Mr Cheung Kwok-wai agreed to the proposal in principle but wished to know the implementation details for Members’ consideration.

The Chairman noted Mr Cheung’s concern.

Mr Keung Siu-fai commented that the sentiment of coxswains and crew should be taken into account when drafting this proposed legislation. Mr Keung also enquired about the scope of “drugs” under the proposed legislation and was concerned about whether cold

medications such as panadol would be classified as illicit.

Mr L. H. Ng responded that six specified illicit drugs set out in Schedule 1A of the RTO would fall within the scope.

Mr Keung Siu-fai suggested that the Chinese translation should be “毒品” instead of “藥物” to better convey the essence semantically.

The Chairman noted Mr Keung’s concern.

On implementation details, Mr Cheung Kwok-wai expressed concern about at which juncture under the proposed legislation that coxswains should be requested to take the breath test and suggested that the breath test under the proposed legislation be modelled on air traffic instead of road traffic regime.

Mr L. H. Ng responded that Mr Cheung’s view would be taken into account in the new Government inter-departmental working group which would shortly be formed.

Mr Keung Siu-fai then enquired whether engine operators would also be covered under the proposed legislation.

The Chairman responded that the concerned government working group would discuss formulation of the legislative proposal in detail.

As Members raised no further comment, Paper No. 13/2015 was endorsed.

SSSO/
MISS

(iv) *LVAC Paper No. 9/2015 – Amendments to the Code of Practice on Using Protective Clothing and Equipment for Works on Local Vessels*

Mr F. O. Mak, SSSO/MISS presented the paper and informed Members that the Code of Practice on Using Protective Clothing and Equipment for Works on Local Vessels ('the Code') had been published for more than eight years since February 2007. A review of the Code had been conducted.

Mr Mak highlighted the following updates of the Code –

- (a) Safety footwear (i.e. section 6 of Annex to the paper), in particular, the basic slip resistance requirement of protective shoes for mid-stream container operation;
- (b) Protection against drowning (i.e. section 9 of Annex to the paper), in particular,
 - (i) precluding the confines of inclement weather (i.e. paragraph 9.2.1 of Annex);
 - (ii) obligations of employers and users (i.e. paragraph 9.2.3 of Annex);
 - (iii) irreplaceability of the lifejacket or buoyancy described in the Code with life-saving appliances on vessels (i.e. paragraph 9.2.9 of Annex);
- (c) Reflective vest (i.e. section 12.2 of Annex to the paper); and
- (d) Updated standards for various protective clothing and equipment.

Mr Cheung Kwok-wai enquired whether comments from the Civil Engineering and Development Department ('CEDD') had been sought before updating the Code; and the enforcement jurisdiction of MD and the Labour Department ('LD').

Mr Mak responded that in the LVAC Sub-committee on Safety for Works on Vessels held on 26.5.2015, representatives of CEDD attended the meeting and their comments had been incorporated when updating the Code.

As for the enforcement jurisdiction, Mr Mak stated that works that touch upon seabed would fall under LD's purview whereas works that buoy on water would fall under MD's purview.

Mr Mak supplemented that subject to the endorsement of this Committee, the revised Code would be submitted to the Director of Marine for approval and promulgated by notice in Gazette.

Mr Cheung Kwok-wai enquired whether there would be any transitional period in enforcing this Code.

Mr Mak responded that the Code provided practical guidance and MD would consider time for the marine industry to replace protective clothing and equipment for works on local vessels.

As members raised no further comment, Paper No. 09/2015 was endorsed.

GM/LVS

- (v) *LVAC Paper No. 10/2015 – Requirements of Fishing Sampan Reserved Buoyancy*

Mr K. F. Tang, GM/LVS(Ag) presented the paper and informed Members that the proposed changes to the reserved buoyancy requirement would be applicable to all existing fishing sampans that had been licensed as well as new fishing sampans that had yet to be licensed.

The Chairman wished to clarify whether all fishing sampans should comply with both requirements (i) and (ii) concerning the proposed amendments to reserved buoyancy requirements stated in paragraph 4 of the paper.

Mr Tang replied in the affirmative.

Mr Keung Siu-fai was concerned whether such proposed amendments, if endorsed, would affect existing fishing sampans which might lead to reconstruction of sampans.

Mr Tang replied in the negative, taking into account that MD had conducted sampling inspections to certain fishing sampans and had studied relevant data prior to proposing amendments.

Mr Tang supplemented that subject to the endorsement of this Committee, the revised Code of Practice – Safety Standards for Class I, II and III Vessels would be submitted to Director of Marine for approval and promulgated by notice in Gazette.

As Members raised no further comment, Paper No. 10/2015 was endorsed.

GM/SRSB

(vi) *LVAC Paper No. 11/2015 – Medical Examination of Coxswains*

Mr Y. K. Li, GM/SRSB presented the paper and appealed to Members that all coxswains of vessels permitted to carry more than 100 passengers should have a basic medical examination and eyesight test at an interval of not exceeding five years. The proposal was one of the recommendations of CoI Report and would be implemented as soon as practicable.

The Chairman enquired about the timeframe of implementation and whether this proposed arrangement would undergo a legislative process.

Mr Y. K. Li responded that subject to the endorsement of this Committee, MD would intend to encourage shipping companies early next year to make arrangement for their coxswains.

Mr Wong Hon-kuen, Ken viewed that the proposed guidelines on regular medical examination for coxswains should not be confined to those vessels

permitted to carry more than 100 passengers, but should think more holistic.

While agreeing to Mr Wong's view, the Chairman responded that the proposed arrangement for regular medical examinations set out in the paper would run as a pilot measure.

Mr Leon Chan enquired whether "vessels permitted to carry more than 100 passengers" referred to local passenger vessels, pleasure vessels or any kinds of vessels.

Mr Y. K. Li responded that the proposed guidelines would only be applicable to Class I local passenger vessels in the light of the recommendations of the CoI Report, and conceded that its effectiveness would be reviewed upon implementation of Class I vessels as a pilot run.

Mr S. F. Wong, AD(SD) agreed to views of Messrs. Wong and Chan in principle and stated that MD had previously consulted the marine industry in the Joint Sub-committee on Class I and Class IV Vessels when formulating this proposal. Given that Class I vessels were categorised as local passenger vessels and with the main premise of safeguarding safety of the members of the public in mind, MD intended to implement this proposal in respect of Class I vessels as a pilot run.

Mr S. F. Wong further explained that in the absence of mandatory requirement for employees to undergo medical examination nor the list of items of medical examination underpinned by the Employment Ordinance (Cap. 57), the Joint Sub-committee on Class I and Class IV Vessels had formulated a list of six items stipulated in Annex to the paper. He pointed out that this list of items would be revised as appropriate upon review after implementation.

Mr Cheung Kwok-wai enquired whether the employers of coxswains of Class I vessels could arrange their employees to take medical examinations by batches.

Mr Y. K. Li responded that details were expounded on paragraphs 3 to 5 of Annex to the paper in respect of new employees and existing employees respectively.

In address to Mr Wong Hon-kuen's views, Mr Keung Siu-fai stated that Members of the Joint Sub-committee on Class I and Class IV Vessels indeed had reached consensus on the proposal set out in Paper No. 11/2015 and doubted why divergent viewpoints on the scope of implementation were presented in this Committee. Mr Keung expressed his concern that should this proposal be implemented for all types of vessels, a considerable number of vessel owners or operators might wind up their business.

As Members raised no further comment, Paper No. 11/2015 was endorsed.

GM/SRSB

(vii) *LVAC Paper No. 12/2015 – Practical Operation Assessment*

Mr Y. K. Li, GM/SRSB presented the paper and informed Members that the proposed requirement to pass the navigation simulation assessment would be applicable to candidates for Coxswain Grade 1 Certificate operating Class I vessels and Pleasure Vessel Operator Grade 1 Certificate operating pleasure vessels let for hire or reward. The new requirement would be applicable to both Certificates to be issued after implementation of the proposal. In other words, holders of Coxswain Grade 1 Certificate or Pleasure Vessel Operator Grade 1 Certificate issued before the implementation date of the proposal would not be affected (i.e. paragraph 6 of the paper).

Mr Y. K. Li emphasised that there would be no one-off examination for the proposed navigation simulation assessment. The assessment would take the form of continuous monitoring of performance to candidates in the class.

Mr Y. K. Li supplemented that the pilot class of

navigation simulation assessment would be held by the Hong Kong Seamen's Union on 20.8.2015.

Mr Wen Tsz-kit, Bondy deemed that the navigation simulation assessment course should focus on practical issues such as handling emergency in lieu of theoretical knowledge such as the International Regulations for Preventing Collisions at Sea 1972.

Mr Y. K. Li replied that MD would send representatives to monitor the pilot class with a view to reviewing the teaching content and its effectiveness.

Further to Mr Li's response, Mr Cheung Kwok-wai wished that some quotas would be allotted to the local representatives of the maritime industry to audit the first class as well.

Mr Y. K. Li responded that local representatives would be welcome as registration had yet to be full.

Mr Leon Chan suggested that the proposed requirement be extended to Pleasure Vessel Operator Grade 2 Certificate with a view to further enhancing navigational safety.

The Chairman responded that MD would review the scope and effectiveness of implementation of the proposed navigation simulation assessment on a progressive basis.

Mr Keung Siu-fai commented that this proposal had been discussed in the Joint Sub-committee on Class I and Class IV Vessels. He deemed that the current examination system in respect of local certificate of competency should be revamped. For instance, the component of navigation simulation assessment could be added to the examination of Coxswain Grade 3 Certificate, i.e. vessel of shortest length amongst Grades 1 to 3 so as to reduce the level of difficulty of the written examination and attract more people to sit Grade 3 examination.

Mr Y. K. Li responded that MD had relayed Mr Keung's views to the Hong Kong Seamen's Union to incorporate the components of navigation simulation assessment and application of radar in local coxswain courses.

As Members raised no further comment, Paper No. 12/2015 was endorsed.

IV. Any Other Business

AD(SD)

(i) Masthead light horizontal positioning

Mr S. F. Wong, AD(SD) briefed Members that local vessels were required to comply with the International Regulations for Preventing Collisions at Sea 1972 ('COLREG') and its 1993 amendments (i.e. masthead light horizontal positioning and spacing) as effected in Hong Kong in the 1990s under the Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations (Cap. 369N).

At the time when the 1993 amendments were effected, file records did not indicate that the amendments were meant for applying to local vessels. As a longstanding practice, plan approval for local vessels did not take account of the amendments as well. Subsequently, there were discrepancies found between the actual horizontal positioning of masthead lights as fitted in local vessels and the amendments relevant to paragraph 3(a) and 3(d) of the Annex I to the Schedule of Cap. 369N ('the Requirements').

Mr Wong further stated that on grounds that retrofitting of masthead light was not a practical solution for a built vessel, Director of Marine ('DM'), empowered by section 69 ('Director's general power of exemption') of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548), had considered exempting local vessels with (a) General Arrangement ('GA') plan submitted to DM or a competent surveyor before 2.10.2015; and (b) certificate of ownership issued to a pleasure vessel not subject to plan approval before 2.10.2015; from the compliance of the Requirements. With a view to enhancing maritime safety in our harbour on continuous basis, however, any local vessel whose (a) GA

plan is submitted to DM or a competent surveyor on or after 2.10.2015; and (b) certificate of ownership issued to a pleasure vessel not subject to plan approval on or after 2.10.2015; would be required to comply with the Requirements.

Mr Wong Hon-kuen, Ken enquired whether the cut-off date referred to the date of approval or the date of submission of the said plan to DM.

Mr S. F. Wong reiterated that the cut-off date, i.e. 2 October 2015, referred to the date of submission of the said plan to DM.

[Post-meeting note: Marine Department Notice No. 113/2015 “Exemption of Compliance with the requirement concerning Horizontal Positioning and Spacing of Lights” and the Gazette Notice 6483 were issued on 28.8.2015.]

AD(SD)

(ii) Proposed working hours arrangements for crew in local vessels

Mr S. F. Wong, AD(SD) informed Members that the proposed working hours arrangements for crew in local vessels adopting “24-hrs on / 24-hrs off” duty roster had been discussed in the Joint Sub-committee on Class I and Class IV Vessels on 25.6.2015. With a view to enhancing marine safety as well as occupational health of crew, a working group with representatives from MD, operators adopting “24-hrs on / 24-hrs off” duty roster; the local maritime trade unions and labour unions would be formed to discuss the details of the proposal. Chaired by MD, the first meeting of the working group would be held in late 2015 / early 2016 and the deliberation of the working group would be reported to this Committee in due course.

GM/LVS

(iii) Subsidy scheme for installation of Automatic Identification System (‘AIS’) on local passenger-carrying vessels

Mr S. F. Wong, AD(SD) pointed out that the application

deadline for the subsidy scheme for installation of AIS on local passenger-carrying vessels is 31.1.2016. Each eligible vessel would be provided with full subsidy for the installation of qualified AIS (i.e. covering both the equipment cost and installation fee) on an accountable basis, subject to a ceiling of \$26,700. As at 12.8.2015, of 25 applications received, 12 applications had been approved, amounting to HK\$290,140.

Mr Kwok Chi-hong enquired about eligibility and the application procedures for this subsidy scheme.

Mr K. F. Tang, GM/LVS(Ag) replied that eligibility and application procedures can be retrieved from the webpage of the Marine Department.

[Post-meeting note: The application form together with eligibility criteria and application procedures can be retrieved from http://www.mardep.gov.hk/en/forms/pdf/lvs_ais.pdf]

(iv) Difficulties encountered when implementing the Merchant Shipping (Prevention of Pollution by Garbage) Regulation (Cap. 413O)

It was noted that Hong Kong Cargo-Vessel Traders' Association Ltd. suggested on 5.8.2015 in writing that this subject be discussed in the meeting.

Mr Y.K. Lai, C/MP informed members that whilst the new Merchant Shipping (Prevention of Pollution by Garbage) Regulation (hereafter 'Cap. 413O') stipulates nine categories of substances generated during the normal operation of ships, including food wastes, domestic wastes, operational wastes, all plastics, cargo residues, incinerator ashes, cooking oil, fishing gear and animal carcasses, by and large, on-board garbage of local vessels belonged to domestic waste instead of other categories such as animal carcasses.

The Chairman supplemented that MD would –

C/MP (1) review what information to be filled in the Garbage Record Book and would provide guidance notes or a model sample, if deemed necessary; and

C/MP (2) ensure adequate number of Garbage Record Book available for purchase at the Shroff Office, 3/F, Harbour Building.

[Post-meeting note: The Garbage Record Book can also be purchased at the Publications Sales Unit, Information Services Department, Room 626, 6/F North Point Government Offices, 333 Java Road, North Point, vide letter issued by Marine Department dated 28.3.2013, retrievable from http://www.mardep.gov.hk/en/pub_services/pdf/marpol_130328.pdf.]

Mr Wen Tsz-kit, Bondy enquired about whether scattering of cremated ashes and placing paper boats amidst the Hungry Ghost Festival (aka *Yu Lan*) in Hong Kong waters would contravene Cap. 413O.

Mr. L.T. Cheng, GM/S responded that marine littering in Hong Kong waters was controlled by the Summary Offences Ordinance (Cap. 228). Clarification of whether scattering of cremated ashes and placing paper boats amidst the Hungry Ghost Festival should fall under the marine littering offence was under the purview of Director of Food and Environmental Hygiene. Officers of Marine Department and other Government Departments such as the Hong Kong Police Force, the Food and Environmental Hygiene Department, the Leisure and Cultural Services Department, the Agriculture, Fisheries and Conservation Department were empowered to enforce this ordinance.

Mr. Cheng further stated that in respect of prosecution of marine littering in MD, there was no record of prosecution against cremated ash or paper boat in the past five years. The most common marine littering offences were deposition of refuse, such as cigarette butts or foam boxes, into the water.

The Chairman supplemented that the concern of the

maritime industry should be underpinned by section 4D 'Marine Littering' of Cap. 228 instead of Cap. 413O.

V. Adjournment of Meeting

There being no other business, the meeting adjourned at 5:00 p.m. The date of next meeting would be announced in due course.

CONFIRMED the minutes 3rd day of December 2015.

Committee Unit
Marine Department
Ref.: HQ/COM 425/1(14)