

LOCAL VESSELS ADVISORY COMMITTEE

Minutes of the 21st Meeting

Date : 30 December 2016 (Friday)
Time : 2:45 p.m.
Venue : Conference Room A, 24/F, Harbour Building

Present

Chairman: Mr S. F. WONG Deputy Director, Marine Department
(MD)

Members: Mr NG Kwok-wing, Eric Naval Architecture
Mr SIU Ping-wing Seafarers' Associations
Mr CHAN Woon-lung Cargo Vessels' Operations
Mr WEN Tsz-kit, Bondy Launch & Excursion Vessels' Operations
Mr CHEUNG Kwok-wai Ferry Vessels' Operations
Mr FONG Chi-fai River Trade Cargo Operations
Mr YEUNG Sheung-chun Fishing Industry
Mr LAW Ka-hong Superintendent of Police (Operations) (Marine
Regional Headquarters), Hong Kong Police
Force (HKPF)
Mr P. K. YEUNG General Manager/Local Vessels Safety, MD
(*Presentation of Paper Nos. 16 and 18/2016*)
Mr K. M. LEU General Manager/Operations (Acting), MD

Secretary: Mr Anson M. C. SINN Executive Officer (Committee & General), MD

In Attendance

Mr WONG Lap-wah Maritime Services Training Institute
Mr KEUNG Siu-fai Hong Kong & Kowloon Floating Fisherman
Welfare Promotion Association
Mr CHOR Yee-on The Hong Kong & Yaumati Ferry Co. Ltd.
Mr PANG Wah-kan Hong Kong Fishermen's Association
Mr LI Chi-keung Marine Excursion Association Ltd.

Mr KWOK Chi-hong	Marine Excursion Association Ltd.
Mr KWOK Tak-kee	HK & Kowloon Motor Boats & Tug Boats Association Ltd.
Mr Emil PUI	HK & Kowloon Motor Boats & Tug Boats Association Ltd.
Mr LEE Shing-hing	Sai Kung Ferry Traders Association
Mr WU Ka-shun	South China Towing Company
Mr CHAN Shu-wah	Hong Kong Apleichau Machinery Traders Association
Mr FUNG Wah	Hong Kong Apleichau Machinery Traders Association
Mr Freely CHENG	Deputy Director (Special Duties), MD
Mr C. C. CHOI	General Manger/Shipping Registry & Seafarers, MD
<i>(Presentation of Paper No. 20/2016)</i>	
Mr L. K. LAW	Senior Marine Officer/Harbour Patrol Section (1), MD
<i>(Presentation of Paper Nos. 13 and 19/2016)</i>	
Mr Jerry TANG	Senior Surveyor/Local Vessels Safety, MD
<i>(Presentation of Paper No. 14/2016)</i>	
Mr Zachary LEE	Senior Administrative Officer (Special Duties), MD
<i>(Presentation of Paper No. 15/2016)</i>	
Mr K. Q. WU	Senior Marine Officer/Dangerous Goods & Prosecution, MD
Mr K. P. LEE	Project Coordinator (Local Vessels), MD
Mr P. ZOU	Marine Officer/Planning & Development (3), MD
<i>(Present for Paper No. 17/2016)</i>	
Ms Molly KWAN	Senior Engineer/Hong Kong-Zhuhai-Macao Bridge (HZMB), Highways Department (HyD)
<i>(Presentation of Paper No. 17/2016)</i>	
Mr Wilson KWAN	Associate Director, BMT Asia Pacific
<i>(Presentation of Paper No. 17/2016)</i>	
Mr Ben POON	Senior Resident Engineer, ARUP
<i>(Present for Paper No. 17/2016)</i>	
Mr Eddie TSANG	Senior Resident Engineer, ARUP
<i>(Present for Paper No. 17/2016)</i>	

Mr Leon MO Resident Engineer, ARUP
(Present for Paper No. 17/2016)

Mr Andy WU Senior Resident Engineer, AECOM
(Present for Paper No. 17/2016)

Absent with Apologies

Mr HUANG Li-fan Ship Survey Work
Mr WONG Leung-wai Marine Insurance Industry
Mr Leon CHAN Pleasure Boating Operations
Mr SZETO Feut Ship Building and Repairing Industry
Ir MAK Chiu-ki Seafarers' Training

Action

I. Opening Remarks

1. The Chairman welcomed all to the meeting, and extended welcome to the following new members:

New non-official members –

Mr FONG Chi-fai succeeded Mr Kevin Fan (River Trade Cargo Operations)

Mr YEUNG Sheung-chun succeeded Hon Steven HO Chun-yin (Fishing Industry)

New official member –

Superintendent of Police **Mr LAW Ka-hong** succeeded Superintendent of Police Mr K. L. LAU (HKPF)

2. The Chairman further said that it was notified in the gazette notice dated 18 November 2016 that in exercise of the power conferred by section 4(2)(d) of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548), the Director of Marine had appointed and re-appointed the non-official members of the Local Vessels Advisory Committee (LVAC) for a period of two years from 8 December 2016 to 7 December 2018¹.
3. The Secretary reported the following issue about “declaration

¹ <http://www.gld.gov.hk/egazette/pdf/20162046/egn201620466465.pdf>

of interests”. On 18 November 2016, the Chairman sent members appointment/re-appointment letters, in which LVAC Paper No. 4/2007 “Declaration of Interests by Members of the Local Vessels Advisory Committee”² was mentioned and the form “Register of Interests” was enclosed in its Annex. The Chairman and members (including both official members and non-official members) should fill in the form regarding their personal interests, direct or indirect, pecuniary or otherwise, when they first joined the Committee, and annually thereafter.

4. [Post-meeting note: The Secretariat collected the completed forms titled “Register of Interests” from the Chairman and all members on 4 January 2017.]
5. The Secretary further said that if members came across issues which might give rise to conflicts of interests at the meetings, they had to make declarations on the spot. For details, please refer to paragraph 7 of LVAC Paper No. 4/2007. All cases of declaration of interests should be recorded in the minutes of the meeting.

II. Confirmation of Minutes of Last Meeting

Secretary

6. The minutes (bilingual version) of the 20th meeting held on 30 June 2016 were circulated to members via e-mail on 29 September 2016. The minutes were confirmed without amendment.
7. [Post-meeting note: The minutes of the 20th meeting were uploaded to the website of MD on 17 January 2017.³]

III. Information Items

MO/P&D(3(i)
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LVAC Paper No. 17/2016 –
Amendment of the Fifth Schedule to Shipping and Port Control
Regulations (Cap. 313A)
Restricted Areas around Hong Kong International Airport

8. Ms Molly KWAN (SE 10/HZMB, HyD) reported that the proposed legislative amendment to Schedule 5 of Cap. 313A

² http://www.mardep.gov.hk/en/aboutus/pdf/lvacp4_07.pdf

³ http://www.mardep.gov.hk/en/aboutus/pdf/lvac_m160630.pdf

should come into operation before late 2017 as the construction of HZMB's Hong Kong section including Hong Kong Boundary Crossing Facilities (HKBCF) and Hong Kong Link Road (HKLR) were targeted to be completed by the end of 2017 for commissioning. The paper was to update members on the proposed amendment to Schedule 5.

9. The Chairman added that HyD consulted LVAC on the project in 2009 (LVAC Paper No. 8/2009)⁴ and held a joint consultation forum on the HZMB - HKLR and HKBCF, and Tuen Mun-Chek Lap Kok Link (TM-CLKL) on 3 June 2009 (paragraph 7 of the minutes of the 6th meeting)⁵.
10. Mr Wilson KWAN (Associate Director, BMT Asia Pacific) elaborated the restricted areas around Hong Kong International Airport (see *Appendix*⁶ for the PowerPoint slides).
11. Members raised no comment and noted LVAC Paper No. 17/2016.

SS/LVS (ii) LVAC Paper No. 14/2016 –
Subsidy Scheme for Installation of Automatic Identification
System on Local Cargo Vessels

12. Mr Jerry TANG (SS/LVS, MD) reported that the information paper set out the details of the subsidy scheme for installation of automatic identification system (AIS) on local cargo vessels. The Secretariat circulated the information paper to members via e-mail on 28 October 2016. No objection or further comment had been received from members by the day of meeting.
13. Mr Jerry TANG indicated that at its 15th meeting⁷ (paragraphs 3 to 8 of the minutes) on 25 April 2014, LVAC endorsed LVAC Paper No. 3/2014⁸, which set out the proposal of requiring local vessels to install AIS, radar and very high frequency (VHF) radiotelephone, and noted that the Government would provide full and half subsidy for the installation of AIS and radar on local vessels respectively.

⁴ http://www.mardep.gov.hk/en/aboutus/pdf/lvacp8_09.pdf

⁵ http://www.mardep.gov.hk/en/aboutus/pdf/lvac_m090616.pdf

⁶ English version only

⁷ http://www.mardep.gov.hk/en/aboutus/pdf/lvac_m140425.pdf

⁸ http://www.mardep.gov.hk/en/aboutus/pdf/lvacp03_14.pdf

14. Mr Jerry TANG further said that the application deadline for the subsidy scheme for installation of AIS on local cargo vessels was 28 February 2018. Each eligible vessel would be provided with full subsidy for the installation of conforming AIS (i.e. covering both the procurement cost and installation fee) on an accountable basis subject to a maximum limit of \$26,700. Applicants should pay attention to the eligibility criteria listed in paragraph 4 of LVAC Paper No. 14/2016. The Chairman sought members' support to appeal to practitioners in the industry for early submission of applications.
15. Members raised no comment and noted LVAC Paper No. 14/2016.

SAO(SD) (iii)

LVAC Paper No. 15/2016 – Implementation Dates of Legislative Amendments relating to the Installation of Automatic Identification System, Radar and Very High Frequency Radiotelephone on Local Vessels

16. Mr Zachary LEE (SAO(SD), MD) briefed members on LVAC Paper No. 15/2016.
17. The Chairman added the following –
 - (i) Regarding the installation and operational requirements of AIS for Class I vessels, the application for subsidy was closed on 31 January 2016⁹. MD considered it appropriate to implement the requirements on 1 April 2017.
 - (ii) Regarding the installation and operational requirements of AIS for Class II vessels, the Secretariat received a proposal from the Hong Kong Cargo-Vessel Traders' Association on 9 December 2016. It suggested listing in paragraph 3(ii) "installation and operational requirements of AIS for Class II vessels" of the paper the types of Class II vessels that had to fulfil the requirements for reference of the industry. The Secretariat replied to the Hong Kong Cargo-Vessel Traders' Association on 22 December 2016 and added a footnote to that part. The updated document was sent to members for reference via e-mail the next day. The footnote was as follows:

⁹ See LVAC Paper No. 11/2014 (http://www.mardep.gov.hk/en/aboutus/pdf/lvacp11_14.pdf).

“MD has earlier set out vide paragraph 7 of LVAC Paper No. 3/2014 (http://www.mardep.gov.hk/en/aboutus/pdf/lvacp03_14.pdf) extending the requirement of installing AIS to the following types of Class II vessels: (a) Class II vessels with propulsion and of 300 gross tonnage or above; and (b) Class II vessels used for carrying dangerous goods (with or without propulsion), i.e. dangerous goods carriers, noxious liquid substance carriers and oil carriers.”

The Chairman further said that the application deadline for the subsidy scheme was 28 February 2018 (see paragraph 14 above). MD considered it appropriate to implement the requirements on 1 March 2018.

- (iii) Regarding the installation and operational requirements of radar for Class I vessels, the industry had been concerned whether crew members had enough training and whether the educational institutions had enough resources to organise relevant courses. MD had discussed with the Maritime Services Training Institute and the Hong Kong Seamen’s Union. It was learnt that the institutions could conduct a course if there were sufficient applicants (about 12 persons). MD considered it appropriate to implement the requirements on 1 December 2017.
18. Mr WEN Tsz-kit, Bondy would like MD to extend the application deadline for the subsidy scheme for installation of radar on Class I vessels (the current deadline was 31 March 2017¹⁰). He explained that some 20 ship owners had failed to apply for the subsidy because the radar installed did not comply with MD’s requirements [Post-meeting note: The requirements referred to the specifications set out in Annex I-4 of the Code of Practice – Safety Standards for Class I Vessels (March 2017 Edition)]. The Chairman responded that MD estimated at the beginning that some 50 vessels would apply for the subsidy scheme. However, only two applications had been received by the end of 2016 and the radar installed in both cases did not comply with the specifications. MD’s stance was to enhance marine safety and it understood that installation of new navigational equipment would impose additional financial burden on the industry. Therefore, MD was pleased to

¹⁰ See LVAC Paper No. 16/2015 (http://www.mardep.gov.hk/en/aboutus/pdf/lvacp16_15.pdf).

consider extending the application deadline for the subsidy scheme for installation of radar. However, the implementation date of the installation and operational requirements of radar for Class I vessels would remain unchanged (i.e. commencing on 1 December 2017 (see paragraph 3(iii) of the paper). MD would handle the proposal for extending the application deadline for the subsidy scheme for installation of radar on local passenger vessels (Class I vessels) as soon as possible.

19. [Post-meeting note: MD planned to extend the application deadline for the subsidy scheme from 31 March 2017 to 30 September 2017.]
20. Mr Emil PUI asked about the meaning of “to be appointed by the Secretary for Transport and Housing by notice in the Gazette” stated in paragraph 3(iv) of the paper. The Chairman replied that the installation and operational requirements of VHF radiotelephone for Class I vessels would involve all ferries or launches permitted to carry more than 12 passengers. MD estimated that the requirements would involve more than 600 crew members, and had indicated that the requirements would come into effect only after a sufficient number of crew members had obtained the qualification required and when the support for training was ready. In respect of qualification, the examination was conducted by the Communications Authority (instead of MD), which would issue certificates of competency to candidates passing the examination. MD hoped that the industry could respect the professional judgement of the Communications Authority. [Post-meeting note: Details of the examination can be found on the website of Communications Authority¹¹.]
21. Members noted LVAC Paper No. 15/2016.
22. [Post-meeting note: The legislative amendments involving the Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548F) and the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548G) were gazetted¹² on 9 December 2016. The relevant negative vetting legislation procedure was completed on 8 February 2017.]

¹¹ http://www.ofca.gov.hk/en/industry_focus/telecommunications/others/cert_sso/index.html

¹² Legal notice 186 of 2016 (<http://www.gld.gov.hk/egazette/pdf/20162049/es220162049186.pdf>)

Legal notice 187 of 2016 (<http://www.gld.gov.hk/egazette/pdf/20162049/es220162049187.pdf>)

LVAC Paper No. 16/2016 –
Details on Extending the Scope of Authorization for
Authorized Organizations in Survey of Local Vessels

23. Mr P. K. YEUNG (GM/LVS, MD) reported that the paper set out the details on extending the scope of authorization for authorized organizations in survey of local vessels. The Secretariat circulated the paper to members via e-mail on 19 December 2016 and did not receive objection or other comment from members.
24. Mr P. K. YEUNG explained that, pursuant to Sections 7 or 7A of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548), the persons/organisations/authorities were authorised or recognised by the Director of Marine under for the purpose of carrying out the work under the Ordinance on approval of plans, inspection and survey of local vessels. MD was making arrangements to fully extend the scope of authorisation for surveyors who were employed by authorised organisations to provide services to local vessels, covering services to the following:
- (i) Class I vessels and Class II high risk vessels (including oil carriers, dangerous goods carriers, noxious liquid substance carriers or any vessels intended for carrying cargoes of a hazardous nature); and
 - (ii) Class IV vessels of over 150 gross tonnage or with a carrying capacity of more than 60 passengers.
25. Mr P. K. YEUNG continued that the current authorised organisations were classification societies in the United States, France, Italy and China. Mr NG Kwok-wing, Eric asked whether Lloyd's Register of Shipping was one of the authorised organisations. The Chairman responded that MD had sent a letter to invite Lloyd's Register of Shipping, pending its reply. [Post-meeting note: Lloyd's Register of Shipping (Asia) was authorised as an authorised organisation on 23 January 2017.]
26. Members noted LVAC Paper No. 16/2016. Subject to the progress of arrangements with authorised organisations, MD anticipated that the relevant codes of practice would be amended and gazetted in the first quarter of 2017 for implementation of related arrangements for the extended scope

of services provided by authorised organisations as detailed above.

27. [Post-meeting note: MD gazetted on 3 March 2017 for implementation of extending the scope of authorisation for authorised organisations in survey of local vessels. The “List of Recognized Authorities, Authorized Organizations and Authorized Surveyors” (updated on 23 January 2017) was available on MD’s webpage¹³.]

IV. Matters Arising

GM/SRSB (i) Navigation Simulation Assessment

28. The Chairman expressed that the navigation simulation assessment was mentioned in paragraph 60 of the minutes of the last (i.e. the 20th) meeting. MD originally planned to revise the examination rules and include the requirements of the “navigation simulation assessment” in the third quarter of 2016, but the industry was worried whether the course providers had adequate resources to organise the courses. MD understood the situation from the Maritime Services Training Institute (“MSTI”) and the Hong Kong Seamen’s Union (“HKSU”) after the meeting.
29. Mr C. C. CHOI (GM/SRSB, MD) reported that MSTI did not organise any courses in view of the fact that only one applicant was enrolled in the navigation simulation assessment course. HKSU once held a four-day orientation course in late August 2015 with eight participants. Given the lack of applications, HKSU was unable to organise a course subsequently.
30. The Chairman added that MD had checked the statistics of the past two years (i.e. 2015 and 2016). The number of coxswains with Grade II Certificate attaining Grade I Certificate reached 80 per year on average, and 20 to 30 of them were estimated to know how to operate Class I vessels. Besides, the number of applicants with Pleasure Vessel Operator Grade II Certificate obtaining Pleasure Vessel Operator Grade I Certificate reached 30 per year on average. MD therefore estimated that about 30 to 40 persons would need to enroll in the navigation simulation assessment course each year. The Chairman continued that it

¹³ http://www.mardep.gov.hk/en/pub_services/ocean/pdf/lvs_list.pdf

was learnt that the HKSU could organise a course with an enrolment of about 10 to 12 persons. MD estimated that the course providers should be able to meet the demand from the industry if it could run three courses each year. In view of this, the Chairman proposed to treat 2017 as the transitional period to allow the industry sufficient time to cope with the change. MD would formally implement the requirements of “navigation simulation assessment” starting from 1 January 2018. MD also encouraged those who were currently holders of Coxswain Grade 3 Certificate to enroll in the navigation simulation assessment course if interested.

31. Mr CHEUNG Kwok-wai hoped that MD would issue a letter to the course providers, specifying that they would organise a course not less than once every two months starting from 2018. The Chairman responded that members should understand that the course operators were self-financing and there were costs and expenses for organising courses. Nevertheless, MD might issue a letter to the two course providers (i.e. HKSU and MSTI) and require them to organise a total of no fewer than three classes of the navigation simulation assessment course in 2018.
32. The Chairman also earnestly requested Mr WEN Tsz-kit, Bondy (on behalf of the HK & Kowloon Motor Boats & Tug Boats Association) to take a co-ordinating role and urge the vessel owners to gather a cohort to enroll in the courses. Mr WEN Tsz-kit, Bondy seconded.

V. New Discussion Items

SMO/HPS (i)
(1) LVAC Paper No. 13/2016 – Proposal of Lifting the Condition of the Maximum Hours of Stay per Visit for Multiple Entry Permit (“MEP”)

33. Mr L. K. LAW (SMO/HPS (1)) presented the paper and sought members’ endorsement of MD’s proposal on lifting the condition of maximum 48 hours of stay per visit in order to facilitate river trade vessels (“RTVs”) to make use of MEP fully with a view to boosting the operation of feeder trade. Subject to the trade’s view, the proposal will be implemented in the first quarter of 2017.
34. The Chairman added that the Secretariat circulated the paper to

members on 20 October 2016 via e-mail and received views from the Hong Kong Cargo-Vessel Traders' Association on 4 November, which expressed concerns of the local barge industry over the advantage of illegal "operations in Hong Kong" taken by some RTVs if the maximum hours of stay were lifted. MD discussed matters relating to illegal "operations in Hong Kong" with the Hong Kong Cargo-Vessel Traders' Association and the HK & Kowloon Motor Boats & Tug Boats Association on 2 December 2016 and urged the industry to inform MD as soon as possible for follow-up actions if illegal "operations in Hong Kong" were found.

35. Mr L. K. LAW (SMO/HPS (1)) reported the law enforcement situation of MD in the past two years (2015 and 2016): (i) MD made 7 prosecutions in respect of the contravention of permit conditions¹⁴; (ii) MD made 102 prosecutions in respect of direct anchoring of RTVs alongside the ocean-going vessels¹⁵.
36. Regarding the industry worries on whether the RTVs would stay longer given the lifting of the maximum hours of stay, the Chairman analyzed that the length of stay per visit for a single entry permit ("SEP") was seven days, while a MEP allowed ten visits within a month, i.e. a maximum of a 3-day stay per visit on average (30 days ÷ 10 times). Therefore, the operation of the MEP itself had encouraged a quicker turnaround of RTVs.
37. Mr KWOK Tak-kee enquired how MD would identify illegal "operations in Hong Kong" of the RTVs. Mr L. K. LAW (SMO/HPS (1)) responded that the prima facie evidence was mostly the direct anchoring of RTVs alongside the ocean-going vessels. Mr KWOK Tak-kee proposed that MD should check whether the RTVs had bill of lading, whether the container number matched with the information in the bill of lading, whether the bill of lading was not available for multiple containers or a single container, etc. The Chairman pointed out that the handling of the issue of illegal "operations in Hong Kong" involved co-operation among various parties and called

¹⁴ Section 45 of Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548F): If without reasonable excuse any condition attached to a permit to remain is contravened, the owner of a paragraph (e) vessel (i.e. (i) registered in the Mainland of China or Macau; (ii) employed in trading to or from Hong Kong; and (iii) issued with any certificate by a government authority of the Mainland of China or Macau permitting its trading to Hong Kong other than any accepted convention certificate) in respect of which the permit is granted, his agent and the coxswain of the vessel commit an offence and each of them is liable on conviction to a fine at level 3.

¹⁵ Section 27(2) of Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548F): Except with the permission of the Director, a paragraph (e) vessel (see the definition of paragraph (e) vessel in the footnote above) shall not lie alongside any ship.

for the report of suspected cases by the traders' associations to MD, and Harbour Patrol Section should also pay more attention.

38. Mr KEUNG Siu-fai (on behalf of Hong Kong & Kowloon Floating Fisherman Welfare Promotion Association) asked whether the proposal in the paper would exacerbate the load on local typhoon shelters. Mr L. K. LAW (SMO/HPS (1)) responded that, upon assessment, MD considered that the proposal would not raise the utilization rate of the typhoon shelters.
39. The Chairman said that the “entry permit” and the “needs for typhoon shelter” were different topics. MD would always keep communications with the relevant departments in Mainland China. During the typhoon season, the departments in Mainland China and Hong Kong would urge the vessels to drive back to their home port shelters as soon as possible. Harbour Patrol Section of MD would also strengthen patrols in the waters of Hong Kong.
40. As members raised no further comment, LVAC Paper No. 13/2016 was endorsed.
41. [Post-meeting note: MD lifted the condition of maximum 48 hours of stay per visit imposed on MEP for RTVs on 16 February 2017.]

SMO/HPS (ii)
(1)

LVAC Paper No. 19/2016 –
Proposed Legislation for Safety Measures during Major Events
at Sea

42. Mr L. K. LAW (SMO/HPS (1)) presented the paper and invited members to give views on the revised proposed legislation for safety measures during major events at sea.
43. Mr Emil PUI enquired how MD would determine the terms “specified period of time” and the “specified waters” stated in paragraph 11 of the paper. Mr L. K. LAW (SMO/HPS (1)) responded, using the New Year’s Eve countdown celebrations on 31 December 2015 and fireworks displays on the second day of Lunar New Year and the National Day on 1 October as examples, and explained the restricted time and restricted water zone of the events. As for the terms “specified period of time”

and the “specified waters” mentioned in the paper, MD was still discussing. It would also refer to the situation of the fireworks displays in the past, which was usually about one or two hours before and after the event and about 300 to 400 metres within the cordon lines.

44. Mr CHEUNG Kwok-wai proposed that, in order to facilitate physical operations, MD might consider drawing straight lines in more easily defined landmarks: e.g. the West Kowloon Cultural District to Hong Kong-Macau Ferry Terminal as the Western Cordon Line and Hung Hom Pier to Causeway Bay Typhoon Shelter as the Eastern Cordon Line. GM/Ops (Acting), MD responded that, when determining the term “specified waters”, MD would refer to the restricted water area of the fireworks displays over the years to determine the term “specified waters” in the long run. The Chairman added that the specific terms of “specified period of time” and the “specified waters” were to be determined.
45. Mr Emil PUI enquired how MD would distinguish whether the vessels in the “specified waters” area were for general passenger business or fireworks viewing business. Mr L. K. LAW (SMO/HPS (1)) responded that, paragraph 12 of the paper stated that: “the legislative proposals will not be applicable to local vessels which run a franchised service or a licensed service as defined in the Ferry Services Ordinance (Cap. 104), which lie alongside a berth, or which are berthed, moored, anchored or secured in a typhoon shelter.”
46. Mr Emil PUI further asked whether vessels only for carrying passengers instead of fireworks viewing activities would become vessels regulated by MD under the legislative proposals. Mr L. K. LAW (SMO/HPS (1)) responded that MD staff would check the purpose of the vessels’ voyage on board. Vessels would not be included in the legislative proposals of the paper if they were not for fireworks viewing purpose.
47. [Post-meeting note: The legislative proposals would apply to local vessels carrying passengers within the “specified waters” area. The details of the implementation were yet to be determined as the terms “specified waters” and “specified period of time” were not determined. However, the piers

within the “specified waters” and the sea traffic nearby had been very busy and there were corresponding road closures and crowd control measures on land a few hours before hosting of major events at sea such as the Victoria Harbour Fireworks Display. In this connection, those vessels not participating in the fireworks viewing activities should pick up and dismiss their passengers using the landing points outside the “specified waters”.]

48. Mr LI Chi-keung pointed out that the meaning of the sentence “We also propose not to pursue the requirement of having a list of passengers and crew kept on board. Instead, the coxswain should produce the list when required by an authorized officer” in paragraph 22 of the paper was ambiguous. Mr Freely CHENG (DD(SD), MD) responded that the meaning of that paragraph was that the proposed legislative amendments would not limit the way and location of preserving the list with the aim to facilitate the search and rescue work of the law enforcement officers. Mr LI Chi-keung was of the view that even if the coxswain produced the list in an unrestrained form (paper, tablet, smartpone, etc.), the coxswain would still have to produce the list. Therefore, it was proposed that MD should change the sentence to “the coxswain shall prepare a list of passengers and crews in an unrestrained form to facilitate the availability of the document for the law enforcement officers.” The Chairman said that MD would ensure clear meaning of the paragraphs in the paper.
49. With regard to paragraph 27 of the paper “Protection of Personal Data”, Mr CHEUNG Kwok-wai hoped that MD would issue additional information to the industry before the enactment of the legislation, so that local coxswains and vessel operators would be more aware of the Personal Data (Privacy) Ordinance (Cap. 486) relating to the requirements of the collection, possession, handling or use of personal data. The Chairman thanked his proposal and pointed out that this was under the category of “publicity and education”, and MD would follow up on a timely basis.
50. Mr YEUNG Sheung-chun enquired how MD would define the term “major events at sea”. The Chairman responded that members might refer to footnote 4 in page 3 of the paper “The term “major event at sea” means an event, such as a fireworks display or a pyrotechnic display, which (a) is promulgated by

MDN as such event; (b) requires the closure of an area at sea; and (c) attracts a number of vessels to gather in the immediate vicinity of the event for viewing.” Mr YEUNG Sheung-chun further asked how MD would determine the legal liability of different event organizers. The Chairman responded that event organizers were required to apply for permission from MD. MD would also communicate with the Marine Police of the HKPF on marine traffic control and safety measures. Mr LAW Ka-hong, the Superintendent of Police echoed that the Director of Marine would issue a Marine Department Notice (“MDN”) on major events at sea each time, which would fall within the scope of the legislative proposals of the paper.

51. The Chairman thanked members for their opinions. As members raised no further comment, LVAC Paper No. 19/2016 was endorsed. MD would consult the Legislative Council Panel on Economic Development on the above revised legislative proposals.

GM/SRSB (iii)

LVAC Paper No. 20/2016 –

Proposed Amendments to the Examination Rules for Local Certificates of Competency

52. Mr CHOI Chi-chuen (GM/SRSB, MD) presented the paper to members and invited members to express opinions on the proposed amendments to the Examination Rules for Local Certificates of Competency¹⁶. He clarified that paragraph 3.7.1(1) of Annex II of the English version of the paper should change from “have already obtained the Coxswain Grade 3 Certificate or equivalent” to “have already obtained any Grade Coxswain Certificate or equivalent”.
53. Mr CHEUNG Kwok-wai agreed with the paper in principle, but more time was needed to understand the details. Mr WEN Tsz-kit, Bondy seconded and proposed to optimize the details. For example, the requirement of one month shipboard experience before taking the course should be exempted in order to increase the chances and raise the interests of youngsters in joining the shipping industry. Therefore, it was recommended that MD should extend the requirement of shipboard experience before examination to upon passing of the coxswain “CoC 3” examination.

¹⁶ http://www.mardep.gov.hk/en/pub_services/pdf/examrules_lv.pdf

54. The Chairman accepted the opinion in principle, but indicated that the relevant course providers and course sponsors shall be contacted to rationalize the course details and funding requirements.
55. The Chairman was aware that members supported in principle the proposed amendments to the Examination Rules for Local Certificates of Competency, but more time was needed to understand the specific details. Therefore, members were allowed to submit their views in writing within one month after the meeting (if any). GM/SRSB, MD would also contact the various parties to rationalise the specific details. It was anticipated that the proposals in the paper would be implemented by mid-2017 or before.
56. Mr KEUNG Siu-fai asked how the term “shipboard service” in paragraph 3.(b)(v) was determined, e.g. whether the full-time or part-time shipboard service was accepted by MD, whether it was necessary to produce evidence on MPF contributions, and so on. The Chairman responded that Mr KEUNG might express his views on the details at the LVAC Sub-committee on Class III Vessels in January 2017.
57. Regarding the licence endorsement charge enquired by Mr WU Ka-shun, the Chairman replied that MD charged the fee according to the provisions of the existing legislation. [Post-meeting note: The schedule of fees and charges for services of MD (including the licence fee) were available on MD’s webpage.^{17]}

GM/LVS (iv) LVAC Paper No. 18/2016 –
Partition and Amendment of the Codes of Practice for Safety
Standards for Class I to IV Vessels

58. Mr P. K. YEUNG (GM/LVS, MD) presented the paper and invited members to comment on the proposed partition and amendment of the Code of Practice – Safety Standards for Class I, II and III Vessels¹⁸ and the Code of Practice - Safety Standards for Class IV Vessels¹⁹ (collectively called “CoPs”). MD planned to put in effect the newly amended CoPs in the

¹⁷ http://www.mardep.gov.hk/en/pub_services/fees.html

¹⁸ http://www.mardep.gov.hk/en/pub_services/ocean/pdf/lvs_cop123.pdf

¹⁹ http://www.mardep.gov.hk/en/pub_services/ocean/pdf/lvs_cop4.pdf

first quarter of 2017 by means of gazette notices.

59. Mr P. K. YEUNG (GM/LVS, MD) elaborated that MD, having discussed with the industry, would amend items 8, 10 and 11 of the “Guide on Periodical Survey Cycle for Class II Vessel” (“the Guide”) in Chapter II “Survey/Inspection, Issuance of Certificate and Plan Approval” of the Code of Practice – Safety Standards for Class II Vessels²⁰. Moreover, Mr P. K. YEUNG clarified that MD had come up with a revised proposal for determining the due date of first slipping of new transportation sampans; existing crane barges, work boats and flat top work barges; and passenger use landing pontoons under the Guide, and Remark *2²¹ of the Code was to be replaced by the following:

- (a) The first slipping date of vessel is due on the 6th anniversary (for new wooden transportation sampan, the 4th anniversary) of the vessel’s initial licensing date counted from 1 July 2017 (1 July inclusive), or at owner’s discretion, the date of the upcoming periodical survey.

20

No.	Material of Construction	Vessel Type	Vessel Length (L) (m)	Owner Declaration (1*)	Vessel Category and Yearly Interval of Survey on Slip (Table 7-2 refers)	Interval of Survey Afloat (Table 7-3 refers)
Mechanically Propelled Vessel						
(8)	Wood	New Transportation Sampan	L<8	-	(Cat. B) 4(*2) (full survey)	Annual
(9)	Wood	New Vessel, Existing Vessel	L<8	-	-	Annual
Non-mechanically Propelled Vessel						
(10)	Steel	Existing – Crane Barge, Work Boat, Flat Top Work Barge	Any Length	-	(Cat. B) 6(*2) (full survey)	Annual
(11)	Steel	Passenger Use Landing Pontoon	Any Length	Annual	(Cat. B) 6(*2) (full survey)	2

²¹ Remark *2 of the Code (original version): “The first slipping date of vessel is due on the 6th anniversary (for new transportation sampan, the 4th anniversary) of the vessel’s initial licensing date (or the vessel’s last slipping date according to the records of the Marine Department) after the coming into effect of this Code. Shall the vessel be required to slip within one year after the coming into effect of this Code, it may be ~~slipped within a two-year period~~ postponed to a date on or before the next anniversary.”

- (b) Shall the vessel be required to slip before 1 July 2018, the slipping may be postponed to a date on or before the next anniversary, or the date of the upcoming periodical survey.
 - (c) In special case and depending on the particular situation, the slipping due date may be postponed to 30 June 2020 the latest, subject to the results of past periodical surveys were in satisfaction. The postponed slipping shall be carried out simultaneously with the periodical survey. The owner shall, at least 3 months prior to the slipping due date, apply to MD in writing with supporting document giving the reasons for the deferral of vessel's slipping.
 - (d) From 1 July 2020, all vessels shall be slipped according to schedule, with the periodical survey carried out simultaneously.
60. [Post-meeting note: MD added item (e) after the meeting, which read, "If the vessel is slipped during the period from the effective date of this Code to 30 June 2017, and surveyed to the satisfaction of the Marine Department officer/authorized surveyor, it can be regarded as meeting the requirement of (a), and the next slipping date may be scheduled for 2023. For a new wooden transportation sampan with a length less than 8 m, the next slipping date may be scheduled for 2021."]
61. The Chairman concluded that it was understood that the industry needed time to adapt to the slipping measures and so initial implementation was set to take place after six months (i.e. on or after 1 July 2017). It was also noted that the industry might not be able to arrange for all vessels to have a survey on slip in one go and so phased implementation was proposed. It was only from 1 July 2020 onwards that all vessels shall be slipped according to the schedule, with their annual survey being carried out at the same time.
62. Mr CHEUNG Kwok-wai remarked that the cost of a slipping survey was high and hoped that MD would discuss the licence conditions for the operation of ferry services with the Transport Department (TD). The Chairman responded that with the safety of passengers embarking and disembarking barges in mind, MD made its first-ever slipping proposal to ensure maritime safety. However, MD understood that co-operation of

shipyards would be required for slipping surveys to be carried out according to schedule. Hence, the initiative would be implemented in phases. As for matters regarding the licence conditions for the operation of ferry services, determination of fares, demands of the public, etc., those were under the purview of the TD.

63. In response to a question raised by Mr KEUNG Siu-fai, the Chairman said that the definition of new vessel remained unchanged, i.e. a vessel licensed or constructed in or after 2007. [Post-meeting note: See Section 2's Interpretation²² of the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548G) for details.]
64. Regarding Hong Kong & Kowloon Motor Boats & Tug Boats Association's e-mail dated 15 December 2016 enquiring about the Code of Practice – Safety Standards for Class II Vessels, the Chairman responded as follows:
- (i) For alterations of miscellaneous items such as length and breadth of vessels, shipowners were recommended to have the particulars updated when they arranged for their vessels to undergo an annual survey. The fee for updating such particulars was included in the fee charged by MD for the issue of the certificate of survey. If shipowners requested updating of the particulars of their vessels at a time other than the annual survey, a fee would be charged by MD;
 - (ii) MD had deleted the data related to vessels of Classes I and III in the tables of sections 4.2.2 and 4.3.1 in Chapter IX for presenting a clear list of the requirements for

²² (a) a local vessel - (i) that has never been licensed under Part IV of the Shipping and Port Control Ordinance (Cap. 313) before the commencement date of this Regulation; and (ii) in respect of which an application for an operating licence is made for the first time on or after the commencement date of this Regulation, but does not include a vessel the keel of which is laid, or which is at a similar stage of construction, within 12 months immediately before that date and is still under construction on that date;

(b) a local vessel that does not fall within paragraph (a) and undergoes, on or after the commencement date of this Regulation, alteration -

- (i) of - (A) its length, breadth or depth as recorded in the certificate of ownership issued or endorsed under the Certification and Licensing Regulation; (B) the output of its main propulsion engine so that - (I) the output is increased by 10% or more than what is recorded in its certificate of inspection or certificate of survey; or (II) particulars relating to the materials, scantlings or design of the propulsion shafting or stern tube, as shown in the plans approved under Part 3, are no longer accurate; or (C) its passenger capacity so that it increases from not more than 60 to more than 60, or from not more than 100 to more than 100; or
- (ii) to an extent that it is no longer suitable - (A) to remain certificated for the particular class or type that it is certificated for under the Certification and Licensing Regulation; or (B) to be categorized as a Category A vessel or a Category B vessel.

Class II vessels;

- (iii) GM/LVS, MD would follow up the provision of a template for the records on running hours and declaration in respect of main engines and gear boxes referred to in the proposal on extension of survey intervals for main engines, gear boxes, tail shafts, etc.; and
- (iv) Regarding the corrosion limits for aluminium and steel vessels, MD, having made reference to the survey guidelines of classification societies, set the corrosion limits on the deck and shell plating of steel and aluminium at 30% and 15% respectively. Mr P. K. YEUNG (GM/LVS, MD) added that MD had also made reference to the 2016 survey records of aluminium vessels which revealed that the corrosion of the shell plating of aluminium vessels aged 20 years was about 1% to 3%, and those aged 40 years was 5% to 7%. Hence, under normal conditions and with proper repair, maintenance and operation of vessels, the corrosion of hull envelope plating should be below the aforementioned limits.

65. Regarding the 17 comments made on the Code of Practice – Safety Standards for Class II Vessels by the Hong Kong Cargo Vessel Traders’ Association in its e-mail dated 14 December 2016, the Chairman responded as follows:

- (i) MD thanked the industry for their proofreading efforts, and errors such as wrong or incorrect characters as well as wrong paragraphs and page numbers were amended;
- (ii) The industry requested MD to define the meaning of “any change” in “Amended plan to be submitted should there be any change from the arrangement of vessel shown on the original General Arrangement Plan” in Remark *8 of Table 5-1 on Page II-7, but the matter belonged to the internal affairs of the Department and had nothing to do with the amendment of the Code;
- (iii) Regarding whether guard rails or bulwarks were required to be fitted at the sides of the main deck of a Class II non-mechanically propelled barge, MD was of the view that for vessels which were not fitted with guard rails or bulwarks at the sides of the main deck, a suitable warning plate shall be displayed in a conspicuous location to indicate the absence of such installations. The personnel

on board should not walk or engage in any activities on the main deck unless for work while such vessels were underway; and

(iv) MD disagreed with the Association's suggestion about changing the term "passenger" in the Annex of the Guidance Notes for Inspection of Landing Platform, Landing Pontoon on Page I-8-1 to "personnel". As landing platforms should be used for the embarking and disembarking of passengers rather than works personnel, it was inappropriate to adopt a term with a wider scope of meaning.

66. [Post-meeting note: MD would reply to the Associations via e-mails after the meeting.]

67. Mr WEN Tsz-kit, Bondy had no objection to the partition and amendment of the CoPs. Members raised no further comments and LVAC Paper No. 18/2016 was endorsed.

68. [Post-meeting note: Having collected views from the industry, MD issued 4 CoPs (bilingual version) (updated version – January draft) and a corrigendum on 6 and 13 January 2017. As members raised no comment before the deadlines (20 and 26 January 2017), the CoPs and the paper were deemed to have been endorsed. MD then published a gazette notice on 3 March 2017 for the partition and amendment of the CoPs.²³]

VI. Any Other Business

(i) Diploma Yi Jin Programme

GM/SRSB 69. Mr. CHEUNG Kwok-wai said that at the previous meeting of the Diploma Yi Jin Programme Management Committee under the Federation for Self-financing Tertiary Education, he noted that Caritas Institute of Community Education would organise a maritime-related Diploma Yi Jin programme to encourage young people to join the local shipping industry. He continued that the programme was modelled on the syllabus²⁴ of the Coxswain Grade 3 Certificate Examination Guidebook, and enquired whether MD would consider exempting students from the requirement of "shipboard service experience" set out in

²³ <http://www.gld.gov.hk/egazette/pdf/20172109/egn201721091134.pdf>

²⁴ http://www.mardep.gov.hk/hk/pub_services/pdf/coxswain_grade3_guide.pdf

LVAC Paper No. 20/2016 after they completed that Diploma Yi Jin programme.

70. The Chairman thanked Mr. CHEUNG Kwok-wai for his suggestion. He pointed out that the maritime policies of the Government included manpower development, and any suggestions that encouraged young people to join the local shipping industry were welcome. Any suggestions on relieving the manpower shortage of the local shipping industry could also be directed to the Manpower Development Committee under the Hong Kong Maritime and Port Board. The Chairman suggested Mr. CHEUNG Kwok-wai provide specific details of that programme for further discussion.

SMO/HPS (ii)
(1)

New Year's Eve Countdown Celebrations on 31 December 2016

71. Mr. CHEUNG Kwok-wai said that the resumption time of ferry services after the New Year's Eve countdown celebrations of the previous year was 1 a.m. In view of the difference between the display times of the fireworks and the pyrotechnic displays (the former at 8 p.m. lasting more than 20 minutes and the latter at midnight lasting about 10 minutes), he hoped that MD would review the resumption time of ferry services after similar activities to enable residents of outlying islands to go home by ferry as soon as possible after the New Year's Eve countdown celebrations.
72. The Chairman was of the view that the specific details of the closure and re-opening of the restricted area for the New Year's Eve countdown celebrations should be discussed at relevant working group meetings. The Chairman indicated that as the durations of the two events were different, MD's procedures of managing and lifting the cordon lines varied. He would be discussed the issue with Mr. L K LAW (SMO/HPS (1)) after the meeting.
73. [Post-meeting note: To ensure that vessels dispersed in an orderly manner, the Eastern and Western Cordon Lines of the restricted area were lifted at staggered time after the event. The West Cordon Line was lifted at about 1:10 a.m. on 1 January and the East Cordon Line was lifted depending on the traffic condition in the Victoria Harbour at about 1:20 a.m.]

SMO/VTC (iii) Invalid Speed Restriction Exemption Permit (SREP) of High-speed Passenger Vessels during Fog

74. Mr. CHEUNG Kwok-wai said that he conveyed to MO/VTC, MD and MO/LPF, MD at a Vessel Traffic Centre meeting on 29 December 2016 that at present the Hong Kong Observatory (HKO) divided the waters of Hong Kong's Victoria Harbour into eastern and western waters with respect to visibility. [Post-meeting note: The western water area was Central and the eastern one was Sai Wan Ho.] In view of the occasional vast differences between visibilities in the eastern and western waters of the Victoria Harbour, Mr. CHEUNG Kwok-wai hoped that MD would divide the Harbour into eastern and western waters with reference to HKO's practice, thereby the SREP of high-speed passenger vessels would not be invalid when visibility in one water area was high while that in another one was low to facilitate residents' travel to and from outlying islands. The Chairman responded that he would discuss the issue with AD/PC, MD after the meeting.
75. [Post-meeting note: To enhance marine safety, the SREP of all high speed vessels would become invalid automatically in foggy weather with visibility below one nautical mile with effect from 29 March 2005. When visibility fell below two nautical miles, MD would continuously issue announcements through maritime Very High Frequency channels and radio to remind coxswains to exercise extreme caution and navigate at a safe speed in Hong Kong waters.]

MO/HPS(1 (iv) Rubber Boat Accident at Shek O on 27 December 2016

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76. Mr. KEUNG Siu-fai enquired whether MD followed up an accident at Shek O Beach on 27 December 2016 in which a rubber boat capsized and a young girl fell overboard and drowned. The Chairman responded that under the existing legislation [Post-meeting note: Section 10(b)²⁵ (i) and (ii) of the Merchant Shipping (Local Vessels) Ordinance (Cap.548) and Section 47(4)²⁶ of the Merchant Shipping (Local Vessels)

²⁵ Section 10(b) of the Merchant Shipping (Local Vessels) Ordinance (Cap.548): Certification and licensing of local vessels shall not apply to any vessel which is – (i) used exclusively for pleasure purposes; (ii) not fitted with an engine.

²⁶ Section 47(4) of the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Cap.548D): A Class IV vessel or an ancillary vessel of a Class IV vessel that is more than 3 metres in length overall or is fitted with engines of more than 3 kilowatts total propulsion power shall not be underway unless there is on board a person in charge of the vessel who is the holder of a local certificate of competency as a pleasure vessel operator, or any

(Certification and Licensing) Regulation (Cap.548D)], vessels used exclusively for pleasure purposes and not fitted with an engine were not required to obtain a local vessel licence, and their operators were not required to obtain a pleasure vessel operator certificate of competency. Furthermore, marine safety awareness was very important. In this connection, MD held a Safety Afloat Educational Seminar every year, together with other departments raising public awareness of water sports safety, and distributed publicity leaflets to the public at water sports sites during routine patrols. In addition, MD would hold the 2017 Safety Afloat Educational Seminar at the Hong Kong Space Museum on 12 January 2017, which about 200 representatives from the shipping industry, coxswains and operators of local vessels as well as representatives of marine works projects would attend.

77. [Post-meeting note: The relevant publicity leaflet “Be safe and considerate while enjoying the sea” could be downloaded from MD’s webpage²⁷. Management within beaches fell outside MD’s purview.]

VII. Adjournment of Meeting

78. There being no other business, the meeting was adjourned at 5:15 p.m. The date of next meeting would be announced in due course.
79. [Post-meeting note: The next meeting would be held on 20 March 2017 at 2:00 p.m at Conference Room A on 24/F.]

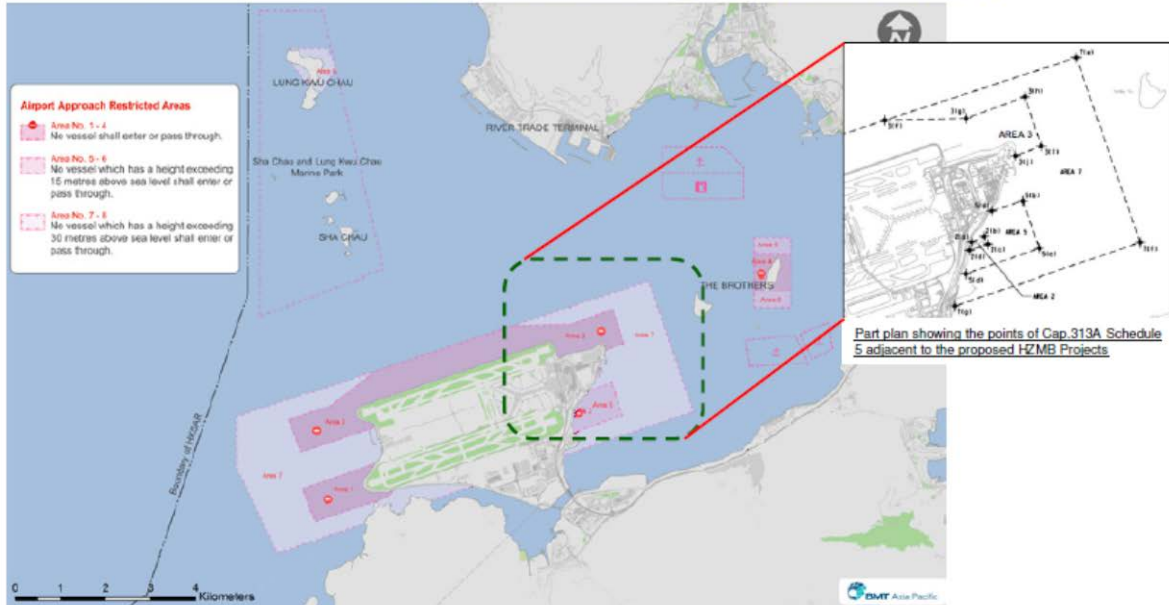
CONFIRMED the minutes 20th day of March 2017

Committee Unit
Marine Department
Ref.: L/M (38) to HQ/COM 425/1(18)

²⁷ equivalent certificate as specified in the Local Certificate of Competency Rules.
http://www.mardep.gov.hk/en/publication/pdf/hps_safe_n_considerate.pdf

Proposed Amendment of Restricted Areas around Hong Kong International Airport

Current Restricted Areas around Hong Kong International Airport (Cap. 313A Schedule 5)



中國建築工程(香港)有限公司
CHINA STATE CONSTRUCTION ENGINEERING (HONG KONG) LTD.

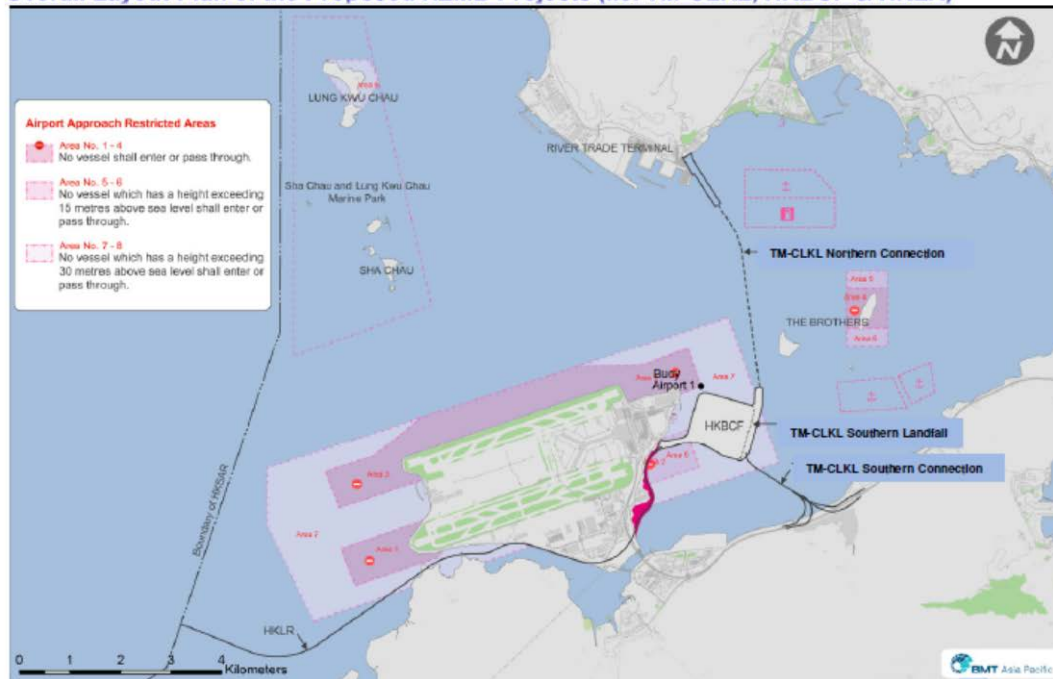


BMT Asia Pacific



Proposed Amendment of Restricted Areas around Hong Kong International Airport

Overall Layout Plan of the Proposed HZMB Projects (i.e. TM-CLKL, HKBCF & HKLR)



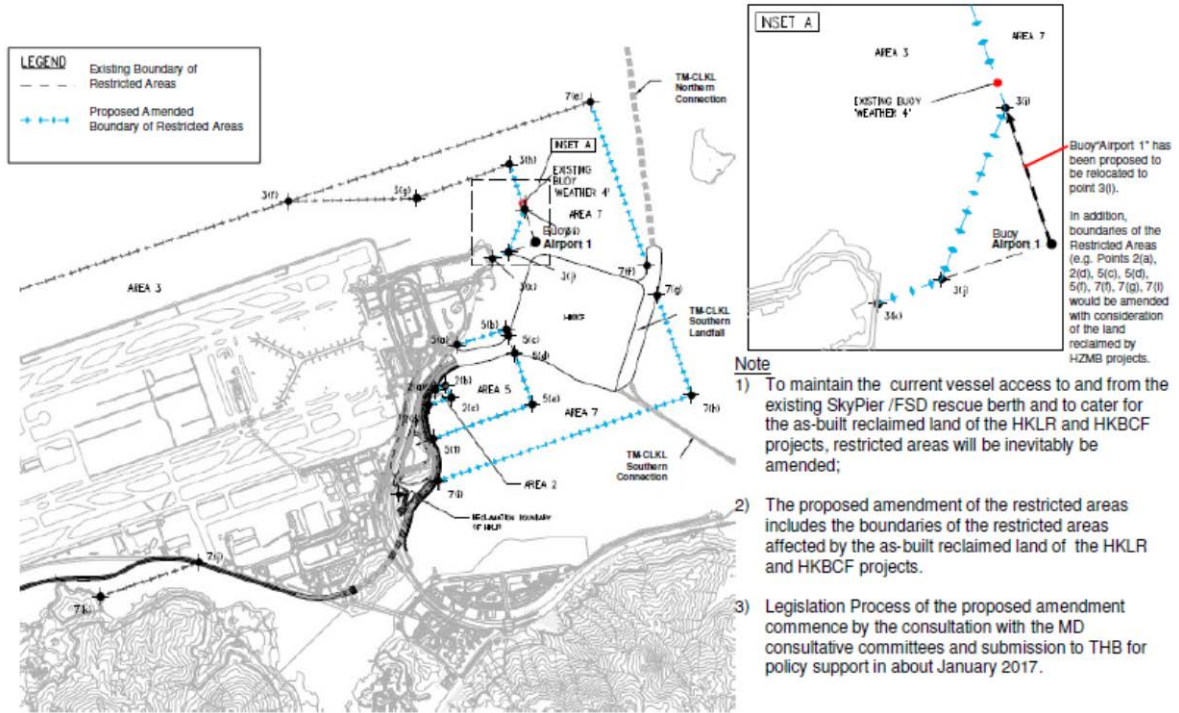
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BMT Asia Pacific



Proposed Amendment of Restricted Areas around Hong Kong International Airport



Proposed Amendment of Restricted Areas around Hong Kong International Airport

