

LOCAL VESSELS ADVISORY COMMITTEE
Minutes of the 29th Meeting

Date : 22 October 2019 (Tuesday)
Time : 2:30 p.m.
Place : Conference Room A, 24/F, Harbour Building

Present

Chairman: Mr S. F. WONG	Deputy Director, Marine Department (“MD”)
Members: Ms LO Chung-shi, Karen	Ship Building and Repairing Industry
Mr KAM Dik-chiu, Dick	Ship Survey Work
Mr ZHAO Qijing, Steven	Marine Insurance Industry
Ir MAK Chiu-ki	Seafarers’ Training
Mr FAN Keung	Seafarers’ Associations
Mr Kenneth LEE	Cargo Vessels’ Operations
Mr CHEUNG Kwok-wai, Demen	Launch & Excursion Vessels’ Operations
Mr WEN Tsz-kit, Bondy	Ferry Vessels’ Operations
Mr YEUNG Sheung-chun	Fishing Industry
Mr T.S. WORRALL, Tim	Superintendent (Operations) (Marine Regional Headquarters), Hong Kong Police Force (“HKPF”)
Mr H. B. CHAN	General Manager / Operations, MD
Mr Jerry TANG	General Manager / Local Vessels Safety, MD
Secretary: Mr Anson M. C. SINN	Executive Officer (General & Committee), MD

In Attendance

Mr Freely CHENG	Deputy Director (Special Duties), MD
Mr W. H. HO	Assistant Director (Special Duties), MD
Mr M. Y. CHAN	General Manager / Shipping Registry & Seafarers, MD
<i>(Information item on “Amendments to Examination Rules”)</i>	
Mr Adrian LOW	Senior Administrative Officer (Policy Support), MD
Ms Carmen CHAN	Senior Marine Officer / Harbour Patrol Section (1), MD

Mr R. LIU	Senior Surveyor of Ships / Local Vessels Safety, MD
Mr Eric LEE	Senior Surveyor of Ships / Quality Management, MD
<i>(Presentation for LVAC Paper Nos. 6, 7 & 16/2019)</i>	
Mr Raymond LEE	Assistant Surveyor of Ships / Quality Management, MD
Mr Emil PUI	HK & Kowloon Motor Boats & Tug Boats Association Limited
Ms Mandy WONG	New World First Ferry Services Limited

Absent with Apologies

Mr CHEN Wai-sang, Simon	Naval Architecture
Mr FONG Chi-fai	River Trade Cargo Operations
Mr Leon CHAN	Pleasure Boating Operations

Action

I. Opening Remarks

1. The Chairman welcomed the Mr Kenneth LEE (representing Cargo Vessels' Operations) and Superintendent WORRALL to attend the meeting of the Local Vessels Advisory Committee ("LVAC") for the first time and apprised all of the house rules of LVAC:
 - (a) All participants are requested to turn their mobile phones to silent mode.
 - (b) The Secretariat will not make written records on oral comments made by observers in the meetings.
 - (c) Observers should have the Chairman's signal of consent before speaking in the meeting. Observers will not have the right to vote if and when there is a question coming or arising in an LVAC meeting.
 - (d) If the discussion items involve restricted or confidential documents, pursuant to the "need-to-know" principle, the Chairman can ask observers to withdraw from/leave the meeting. The paper concerned and the discussion will be restricted to the staff members of the MD and the members of LVAC.

II. Confirmation of Minutes of Last Meeting

- Secretary
2. With the Chairman's confirmation, members unanimously endorsed the minutes of the last meeting. The minutes would be uploaded to the website of the MD.

[Post-meeting note: The minutes of the 28th meeting were uploaded to the website of the MD on 28 October 2019.]

III. Information Items

- GM/SRSB,
MD
- (i) **Revisions to the Merchant Shipping (Local Vessels) (Local Certificates of Competency) Rules, the Examination Rules for Local Certificates of Competency, and the Examination Rules for Pleasure Vessel Operator Certificate of Competency**

3. Mr M. Y. CHAN (GM/SRSB, MD) followed up on the following papers that had been endorsed by the LVAC:
 - (a) Paper No. 4/2018 of the 26th meeting on 28 June 2018, regarding the proposed additions to Schedule 2 of the Merchant Shipping (Local Vessels) (Local Certificates of Competency) Rules;
 - (b) Paper No. 4/2019 of the 28th meeting on 18 March 2019, regarding the proposed modification for the cancellation or postponement arrangements for the examination of local vessel operators; and
 - (c) Paper No. 10/2019 circulated on 25 July 2019, regarding the arrangement for renewal of local certificates of competency that have expired for less than 3 years for holders aged 65 or above.

The MD had completed the revisions to the three sets of Rules (i.e., the Merchant Shipping (Local Vessels) (Local Certificates of Competency) Rules, the Examination Rules for Local Certificates of Competency, and the Examination Rules for Pleasure Vessel Operator Certificate of Competency, which had been gazetted¹ and came into effect on 11 October 2019. The MD's webpage had also been updated with the revised Rules.

¹ Please refer to G.N. 6318 (<https://www.gld.gov.hk/egazette/pdf/20192341/egn201923416318.pdf>)

4. Mr M. Y. CHAN called on the local vessel industry to help promote the above new information, especially the requirement for holders aged 65 to renew certificates of competency (CoCs). If a CoC has expired for 3 years or longer, all applications for exemption of examinations to be issued of the relevant CoC would not be accepted. Holders of these expired CoCs are required to pass the examinations and pay for the relevant fees before they can be issued of new CoCs. Details are set out at the Marine Department Notice No. 159 of 2019².

SS/QM,
MD

- (ii) **LVAC Paper No. 6/2019 – Subsidy Scheme for Provision of Lifejackets on Commercial Passenger-carrying Local Vessels**
5. Mr Eric LEE (SS/QM, MD) explained the LVAC Paper No. 6/2019 and invited members to note the details of the subsidy scheme for the provision of lifejackets on commercial passenger-carrying local vessels, including details of the application form and application arrangement etc. He added that regarding the LVAC Paper No. 6/2019 circulated to members in late April 2019, the eligibility to apply, subsidy limit and application arrangement etc. stated therein would all remain unchanged except that the opening date for application under the scheme would be postponed to be in tandem with the commencement date of the new legislation on lifejackets. If the new legislation could be enforced on 23 December 2019, the application period for the subsidy scheme would be from 23 December 2019 to 22 December 2021. In case of any changes to the commencement date, members would be informed in writing as appropriate.
6. In response to Mr CHEUNG Kwok-wai, Demen's enquiry, Mr W. H. HO (AD (SD), MD) said that there was a delay on the enactment of the new legislation on lifejackets. While some vessel owners had in advance provided 100% Common Lifejackets on new vessels, the provision of lifejackets on these vessels might not be commensurate to the existing law stipulation (i.e. to provide 100% adult

² <https://www.mardep.gov.hk/en/notices/pdf/mdn19159.pdf>

lifejackets and 5% child lifejackets). Considering that the provision of 100% Common Lifejackets was effective as the existing lifejacket requirement and, in fact, the provision of 100% Common Lifejackets would have become the department's new requirement if there was no delay in the legislative process, the department had sought the advice of the Department of Justice in this regard. For any future applications received by the Local Vessels Safety Branch from individual vessel owner seeking approval for vessels with the provision of 100% Common Lifejackets to be treated as meeting the existing lifejacket requirement, the Director of Marine would approve on a case-by-case basis before the commencement of the new lifejacket requirement.

7. Members noted the LVAC Paper No. 6/2019.

SS/QM,
MD

**(iii) LVAC Paper No. 16/2019 –
Fine-tuning Survey Arrangements for Local Vessels**

8. Mr Eric LEE (SS/QM, MD) explained the LVAC Paper No. 16/2019 and invited members to note the details of survey arrangements and fine-tuned measures for local vessels, including adding a designated survey location at Tsing Yi (North), introducing a transportation launch to serve the new designated survey zone and streaming survey services. Information on the scheduled route of the new transportation launch and the arrangements for the service zone would be uploaded onto the MD's webpage, and a Marine Department Notice would be issued to inform the industry as well.

9. Members noted the LVAC Paper No. 16/2019.

IV. New Discussion Item

SS/QM,
MD

(iv) LVAC Paper No. 7/2019 – Amendments to the Code of Practice – Safety Standards for Classes I to IV Vessels Regarding Provision Requirements of Lifejackets (Revised)

10. Mr Eric LEE (SS/QM, MD) explained the LVAC Paper No. 7/2019. As the Legislative Council (LegCo) meeting originally scheduled to be held in July 2019 had been cancelled, the new legislative amendments regarding lifejackets scheduled to be implemented on 1 July 2019 could not be submitted to LegCo for vetting and discussion. This paper aims to revise the LVAC Paper No. 6/2019, which was circulated to Members in late April 2019, so as to postpone the implementation date of the new legislation and the relevant time of validity, and to set out the newly revised requirements of the Code of Practice – Safety Standards for Classes I to IV Local Vessels (the CoP) regarding provision of lifejackets as proposed by the MD.
11. Mr Eric LEE continued that subject to the progress of meeting for the current legislative session, the new legislation was tentatively scheduled to be implemented on 23 December 2019. In order to allow sufficient time for the trade to purchase lifejackets to meet the new requirements, transitional provisions would be included in the new legislation to stipulate that the previous legislation should remain valid within 24 months (i.e. from 23 December 2019 to 22 December 2021) upon the endorsement of the new one.
12. The Chairman said that the Paper also added a specification requirement concerning electronic labels using Radio Frequency Identification (RFID) technology. The technical requirements of the Common Lifejacket were set out and an index of the list of accredited manufacturers was also provided in the paper. Moreover, the technology allows to assign an exclusive identification number to every Common Lifejacket, with which MD officers may scan the RFID label attached to a Common Lifejacket on board a vessel with a portable reader to obtain its identification number so that they could ensure that the same lifejacket had not been

provided on board another vessel during inspection. This technology could expedite inspection and facilitate enforcement work. If shipowners would like to deploy the Common Lifejackets to other vessels, they should inform MD officers as soon as possible.

13. In response to Mr CHEUNG Kwok-wai, Demen's enquiry, Mr W. H. HO (AD (SD)) welcomed ship companies to record lifejackets using their own portable readers and compile a list of lifejackets on board individual vessel. It was understood that during routine operation, shipowners were required to replace damaged or missing lifejackets. The focus of routine spot checks conducted by MD officers during inspections was on whether sufficient number of suitable lifejackets were provided on board an operating vessel in accordance with the new legislative requirements on lifejackets. During the annual survey inspections, MD officers would, with the use of the reader, pay attention to any irregularity found, such as whether Common Lifejackets with the same identification numbers were provided on board more than one vessel. MD officers would follow up and investigate if any irregularity was found.
14. Mr WEN Tsz-kit, Bondy was of the view that the trade would exercise self-discipline and would not deploy lifejackets among different vessels. In response to Mr WEN Tsz-kit, Bondy's enquiry, the Chairman said that the record work on lifejackets conducted by the MD aimed for strengthening the regulation for maritime navigational safety. Although there was no provision for criminal liability concerning RFID label identification under the new legislation on lifejackets, the MD, as the regulator, would follow up and investigate any irregularity concerning the provision of lifejackets.
15. In response to Mr YEUNG Sheung-chun's enquiry, Mr W. H. HO said that as Common Lifejackets were suitable for use by both adults and children, they thus can also be provided on board Class III vessels. Provisions on technical requirements for Common Lifejackets had also been added to the CoP for Class III Vessels. Mr Eric LEE added that the design of Common Lifejackets complied with the required floatation standard of performance level 100

issued by the International Organisation for Standardisation (“ISO”) as set out in the document ISO 12402 (personal floatation devices) and were only suitable for use on board vessels plying within Hong Kong waters. Regarding vessels operating in waters outside Hong Kong (such as mobile fishing vessels), lifejackets complying with floatation standard of performance level 150 or above should be provided on board in accordance with the requirements stated in the CoP. In respect of Class III vessels plying in waters outside Hong Kong, lifejackets complying with higher floatation standard should be provided on board.

[Post-meeting note: For the specification of floatation standard, please refer to sections 2.1A.3 and 2.1A.9 in Chapter VII of the Code of Practice – Safety Standards for Class III Vessels.]

16. After discussion, members agreed to endorse Paper No. 7/2019. The MD would amend the relevant CoPs to implement the recommendations.

[Post-meeting note: The new legislation on lifejackets (Amendment Regulation³) came into operation on 23 December 2019. Changes to the CoPs for local vessels arising from the Amendment Regulation, including the specifications of the Common Lifejacket, also took effect on the same day⁴. For details, please refer to the Marine Department Notice No. 198/2019⁵. Besides, the MD conducted the Navigational Safety Seminar 2020 on 16 January 2020 in the Hong Kong Space Museum. At the seminar, MD officers explained the former and new legislative requirements. About 100 representatives from the shipping industries, coxswains and operators of local vessels, and representatives of marine works projects attended the seminar.]

³ Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2019 published as Legal Notice 154 of 2019 is available at <https://www.elegislation.gov.hk/hk/2019/ln154!en>.

⁴ Merchant Shipping (Local Vessels) Ordinance (Chapter 548) – Revised Code of Practice published as Government Notice No. 8215 is available at <https://www.gld.gov.hk/egazette/pdf/20192351/egn201923518215.pdf>.

⁵ Marine Department Notice No. 198/2019 entitled “Commencement of the Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2019 for Provision of Lifejackets on Local Vessels and Introduction of a Subsidy Scheme for Provision of Lifejackets on Local Vessels” is available at <https://www.mardep.gov.hk/en/notices/pdf/mdn19198.pdf>.

V. Any Other Business

(i) Proposed Lists of Non-official Members of Sub-committees (from 1 November 2019 to 31 October 2021)

17. Members noted that the Secretariat circulated the paper on “Sub-committees under the Local Vessels Advisory Committee — Proposed Lists of Non-official Members (from 1 November 2019 to 31 October 2021)” via email on 14 October 2019. The current term of office of the four Sub-committees under the LVAC would end on 31 October 2019. Pursuant to Section 6(1) of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548), the members of the Sub-committees may be appointed by LVAC.
18. The Chairman indicated that the Secretariat had collected the completed reply slips from the Chairman and all LVAC members, who had agreed to appoint or re-appoint non-official members of each of the Sub-committee. The Secretariats of the Sub-committees would issue appointment / re-appointment letters in due course.

[Post-meeting note: The Secretariats of the Sub-committees issued appointment letters and re-appointment letters on 25 October 2019.]

(ii) Papers circulated via Email since the Last Meeting

19. Members were invited to note the following papers which had been circulated by the Secretariat via email since the last meeting:

	Author	Paper	Nature	Circulation Date
(i)	MD	Paper No. 5/2019 – Hong Kong Water Sports Council Proposed Water Sports Activities at Kwun Tong Typhoon	Discussion Paper	8 April 2019

		Shelter		
(ii)	MD	Paper No. 10/2019 – Renewal of Local Certificates of Competency expired for less than 3 years for Holders Aged 65 or Above	Discussion Paper	26 July 2019
(iii)	MD	Paper No. 11/2019 – Amendments to the Merchant Shipping (Prevention of Pollution by Garbage) Regulation (Cap. 413O) – Substances that are Harmful to the Marine Environment (HME Substances) and Form of Garbage Record Book	Information Paper	10 September 2019
(iv)	MD	Paper No. 12/2019 – Amendments to the Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413P)	Information Paper	10 September 2019
(v)	Environmental Protection Department	Paper No. 13/2019 – Updates on	Information Paper	16 September 2019

	Agriculture, Fisheries and Conservation Department	the Establishment of South Lantau Marine Park – Integration of Soko Islands Marine Park and Compensatory Marine Park for the Integrated Waste Management Facilities Phase 1		
(vi)	Civil Engineering and Development Department	Paper No. 14/2019 – Deployment of Real-time Wave Monitoring Station to the South of Tung Lung Chau	Information Paper	20 September 2019
(vii)	MD	Paper No. 15/2019 – Amendments to the Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A)	Information Paper	26 September 2019

20. The Chairman said that the Secretariat received no objections regarding LVAC Papers No. 5/2019 and No. 10/2019 before the cut-off dates (i.e. 23 April 2019 and 8 August 2019). Hence, both Papers were considered to have been endorsed.

(iii) Installation and operation of VHF radios on Class I vessels

21. Referring to paragraph 25 of the minutes of the last meeting, the Chairman followed up on LVAC Paper No. 15/2016, which was endorsed by members at the 21st meeting on 30 December 2016. Regarding the date in which the legislation concerning the local VHF radiocommunications equipment and qualified operators on Class I vessels comes into operation, the Secretary for Transport and Housing gazetted on 11 October 2019 that the requirements shall come into operation on 1 February 2020. This was noted by all members.

[Post-meeting note: Please refer to L.N. 137 of 2019⁶.]

VI. Adjournment of Meeting

22. There being no other business, the meeting was adjourned at 4:15 p.m. The date of the next meeting would be announced in due course.

The minutes of the meeting were confirmed on 29 June 2021.

Committee Unit
Marine Department
Ref.: L/M (1) to MD-COM F02-000-01P-003

⁶ <https://www.gld.gov.hk/egazette/pdf/20192341/es220192341137.pdf>