

## **LOCAL VESSELS ADVISORY COMMITTEE**

### **Renewal of Local Certificates of Competency expired for less than 3 years for Holders Aged 65 or Above**

#### **Purpose**

This paper sets out the proposed amendments to the “Examination Rules for Local Certificates of Competency” and the “Examination Rules for Pleasure Vessel Operator Certificate of Competency” (“the Rules”) to allow the renewal of a local certificate of competency (“Certificate”) expired for less than 3 years for a holder aged 65 or above when the holder meets the appropriate conditions as stated in paragraph 5 below.

#### **Background**

2. Pursuant to the Rules, a certificate expires when the holder of the certificate attains the age of 65. The certificate holder must apply for extension of the validity period before the expiry of the certificate.

3. In reality, most of the certificate holders attained the qualifications in their younger days and often forget to apply for extending their certificates’ validity periods before reaching the age of 65 or before the certificate expires. As such, the Marine Department (MD) acted under the legislative framework<sup>1</sup> to implement a special arrangement in January 2018 to allow holders of certificates expired for less than 36 months to renew their certificates. Details of the special arrangement can be found vide Paper No. 17/2017<sup>2</sup> of the Local Vessels Advisory Committee.

4. Although MD has established a reminder system to notify certificate holders in advance to apply for extending their certificates’ validity periods, such notification may not reach individual holders if they do not update their latest contact details with MD. In addition, some holders were not in Hong

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<sup>1</sup> Section 16(4) of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548): The Director may grant a local certificate of competency as a coxswain, engine operator or pleasure vessel operator to a person without requiring him to undergo the appropriate examination specified in the rules made under subsection (2), if the person produces to the Director suitable documentary evidence, or satisfies the Director in a manner specified in the rules, of his competence for the grant of such a certificate.

<sup>2</sup> MD website : [https://www.mardep.gov.hk/en/aboutus/pdf/lvacp17\\_17.pdf](https://www.mardep.gov.hk/en/aboutus/pdf/lvacp17_17.pdf)

Kong during the period of the special arrangement, thus missing the chance to renew their expired certificates. Compounded with other reasons, the special arrangement did not resolve the needs of those holders holding expired certificates.

## **Proposal**

5. Without prejudice to marine safety and taking into account that holders of expired certificates would not lose their abilities to navigate or operate a local vessel immediately upon the expiry of the certificates, MD hereby proposes to establish a regular mechanism, until revoked, to allow holders of certificates expired for less than 3 years to make a request to renew their certificates when meeting the appropriate conditions as stated below –

- (i) the expired certificate has not been suspended or cancelled under any legislation at the time when the holder makes the request to renew the certificate;
- (ii) when a holder makes a request to renew the expired certificate, the holder shall return the expired certificate to MD and pay the prescribed fee (the current fee for a coxswain or engine operator or pleasure vessel operator certificate of competency is HK\$660);
- (iii) a holder making a request to renew the expired certificate is required to attend MD's office in person to prove that he/she has no physical disability affecting the abilities to navigate or operate a local vessel safely;
- (iv) if the request for the renewal of expired certificate belongs to coxswain or pleasure vessel operator grade, an eyesight test report shall be provided to show that the eyesight standards for coxswains or pleasure vessel operators have been met;
- (v) a holder of certificate expired for less than 12 months meeting the appropriate (i) to (iv) conditions above may request to renew the certificate; and
- (vi) a holder of certificate expired for a period between 12 months but less than 36 months is required to complete a recognised maritime refresher course<sup>3</sup> in addition to meet the appropriate (i) to (iv) conditions above for making a request to renew the expired certificate.

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<sup>3</sup> The maritime refresher course may be run by the Maritime Services Training Institute or the Seamen's Union or the Institute of Seatrtransport.

6. Any requests for the renewal of certificates expired for 36 months and above will not be accepted. Such certificate holders are required to pay the relevant examination fees and pass the concerned examinations for obtaining the new certificates.

**Advice sought**

7. Members are invited to comment and support the proposal set out in paragraphs 5, 6 and the draft text of the proposed amendments to the Rules as appended in *Appendix* on or before 8 August 2019. Upon receiving members' support, MD will immediately arrange the gazette of the amended Rules in order to implement the proposal soonest.

Shipping Division  
Marine Department  
July 2019

**Proposed Amendments to the Examination Rules for  
Local Certificates of Competency**

**10.3 Extension of a Coxswain Certificate or an Engine Operator Certificate**

- (1) The holder of a Coxswain Certificate or an Engine Operator Certificate may apply for extension of the certificate.
- (2) The application shall be made –
  - (a) if the holder has not attained the age of 71, within 6 months before the expiry of the certificate; or
  - (b) if the holder is aged 71 or above, within 3 months before the expiry of the certificate.
- (3) If the Director is satisfied that the applicant is fit to hold the certificate for the extended term referred to in sub-paragraph (4), the Director shall approve the application.
- (4) If the Director approves the application, the certificate shall be extended for –
  - (a) if the application is one to which paragraph 10.3(2)(a) relates, 3 years; or
  - (b) if the application is one to which paragraph 10.3(2)(b) relates, 1 year.
- (5) The holder of an expired certificate of competency may, subject to meeting the following conditions or criteria, make a request to the Director for the renewal of the expired certificate of a grade same as that expired certificate:
  - (a) the certificate of competency held has expired for less than 12 months; or
  - (b) if the certificate has expired for a period of 12 months but less than 36 months, a maritime refresher course recognised by the Director shall be completed; and
  - (c) if the request for expired certificate is of coxswain grade, an eyesight test report shall be provided to prove that he/she has met the eyesight standards set out in Chapter 4 of these examination rules.

*Appendix (Cont'd)*

**Proposed Amendments to the Examination Rules for  
Pleasure Vessel Operator Certificate of Competency**

- 8.1 Subject to paragraphs 8.2, 8.3 and 8.4, a Pleasure Vessel Operator Certificate shall cease to have effect upon the holder attaining the age of 65 years.
- 8.2 A holder of a certificate quoted in paragraph 8.1 above who wishes to extend the validity of his certificate beyond the date of his attaining the age of 65 years may apply for such extension within 6 months before the expiry of the certificate. If the Director is satisfied on documentary proof or other evidence of the holder's continued competency and physical fitness, including adequate vision, he shall endorse the certificate as valid for a further period of 3 years from the date of the holder attaining the age of 65 years.
- 8.3 The provisions of paragraph 8.2 shall apply in like manner in the case of a holder of a certificate quoted in paragraph 8.1 who wishes to have its validity extended beyond the date on which he attains the age of 68 years.
- 8.4 The provisions of paragraph 8.2 shall apply in the case of a holder of a certificate quoted in paragraph 8.1 who wishes to have its validity extended beyond the date on which he attains the age of 71 years, with the following modifications:
- (a) application shall be made within 3 months before the expiry of the certificate;
  - (b) each extension that is granted shall only be for a period of 12 months from the holder's next birthday.
- 8.5 The holder of an expired certificate of competency may, subject to meeting the following conditions or criteria, make a request to the Director for the renewal of the expired certificate of a grade same as that expired certificate:
- (a) the certificate of competency held has expired for less than 12 months; or
  - (b) if the certificate has expired for a period of 12 months but less than 36 months, a maritime refresher course recognised by the Director shall be completed; and
  - (c) an eyesight test report shall be provided to prove that he/she has met the eyesight standards set out in Chapter 4 of these examination rules.

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