

LOCAL VESSELS ADVISORY COMMITTEE

Proposed Reorganisation of the Subcommittees under the Local Vessels Advisory Committee

Purpose

This paper sets out the proposal on the reorganisation of the Subcommittees (“Subcommittees”) under the Local Vessels Advisory Committee (“LVAC”) and seeks LVAC’s approval to establish the proposed Subcommittees. The reorganisation proposal covers details such as the terms of reference (“ToR”), tenure, chairmanship, membership composition and secretary of each of the proposed Subcommittees.

Background

2. Pursuant to Section 6(1) of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548), LVAC may establish Subcommittees and appoint the members thereof.

3. On 8 December 2006, LVAC endorsed at its first meeting the establishment of six Subcommittees, i.e. the Subcommittee on Class I Vessels, the Subcommittee on Class II Vessels, the Subcommittee on Class III Vessels, the Subcommittee on Class IV Vessels, the Subcommittee on Survey Work of Local Vessels and the Subcommittee on Safety for Works on Vessels. Subsequently, LVAC established the Joint Subcommittee on Class I and Class IV Vessels at its 12th meeting held on 28 October 2012.

Proposal

4. The term of office of the Subcommittees ended on 19 July 2017. Having reviewed the functions of the Subcommittees, the Marine Department (“MD”) considers that there is room to improve the organisation of the Subcommittees so as to make better use of their advisory functions. Details of the reorganisation proposal are set out below for Members’ consideration.

Reorganisation

5. There have been relatively few occasions when individual meetings at the Subcommittee level need to be convened to discuss issues related to Class I and Class II vessels. Besides, it is common for MD to consult the representatives of Class I and Class II vessels through other channels. MD **proposes** to merge the two Subcommittees on Class I and Class II vessels to form the Subcommittee on Class I and Class II Vessels in order to streamline the advisory structure.

6. Currently, the functions of the Subcommittee on Survey Work of Local Vessels overlap those of the Subcommittees on Class I, Class II, Class III and Class IV Vessels. Since issues involving survey work of local vessels are usually closely related to vessels of a certain class, under the current structure, MD would consult the Subcommittee on Survey Work of Local Vessels and the Subcommittee on the concerned vessel class on the same issue involving survey work. MD **proposes** to disband the Subcommittee on Survey Work of Local Vessels, and **proposes** to submit future survey work issues that require trade consultation to the Subcommittee on the concerned vessel class for discussion so as to streamline the advisory structure.

7. In addition, the Joint Subcommittee on Class I and Class IV Vessels, which was established in October 2012, consults the trade mainly on three specific areas, namely examination mechanism for coxswains of local vessels and operators of pleasure vessels for hire as well as crew training, duty roster and working/rest time arrangements for crew, and marine traffic control during major events at sea and safety enhancement measures for local vessel operation. As discussions pertaining to these specific areas have mostly been settled, MD **proposes** to disband the Joint Subcommittee on Class I and Class IV Vessels. MD **proposes** to retain the Subcommittee on Class IV Vessels so as to provide a discussion platform for the ongoing reform for Class IV vessels and other issues related to Class IV vessels. In case there is a need for MD to consult the trade further on the above specific issues, MD will consult the Subcommittee on the concerned vessel class.

8. In respect of the Subcommittee on Safety for Works on Vessels, MD **proposes** to retain it due to its unique functions, which are distinct from the ToR of the other Subcommittees.

9. In other words, under MD's proposal, the reorganised structure will comprise the following four Subcommittees:

- (a) Subcommittee on Class I and Class II Vessels;
- (b) Subcommittee on Class III Vessels;
- (c) Subcommittee on Class IV Vessels; and
- (d) Subcommittee on Safety for Works on Vessels.

ToR, Chairmanship, Ex-officio Members and Secretaries

10. Pursuant to Section 6(2) of Cap. 548, any matter may be referred by the Chairman of LVAC to a Subcommittee. In addition to the reorganisation proposal set out in paragraphs 5 to 9, MD **proposes** amending the ToR of the four restructured Subcommittees so as to clearly define the functions of each Subcommittee.

11. MD **proposes** the tenure of the four proposed Subcommittees to be two years from 1 November 2017 to 31 October 2019.

12. Pursuant to Section 6(1) of Cap. 548, LVAC shall appoint a chairman for each Subcommittee. The chairmen of all the existing Subcommittees are directorate officers of MD. Having considered the ToR of the proposed Subcommittees, MD **proposes** that the proposed Subcommittees should continue to be chaired by the relevant directorate officers of MD.

13. All the existing Subcommittees have ex-officio Members comprising officers from MD and other government departments. Having considered the operational needs of the proposed Subcommittees, MD **proposes** to invite officers from relevant government departments to be the ex-officio Members of the proposed Subcommittees, while officers from various sections/branches/divisions of MD shall attend the meetings of the Subcommittees on a need basis in the light of the meeting agendas. MD also **proposes** that the Executive Officers of the divisions concerned in MD serve as the secretaries of the proposed Subcommittees.

14. The ToR, chairmanship, ex-officio Members and secretaries of the proposed Subcommittees are set out at *Annex I*.

Non-official Members

15. Subsequent to the endorsement of LVAC, an LVAC Member may be appointed as a Member of the proposed Subcommittee(s).

16. Pursuant to Section 6(1) of Cap. 548, the composition of Subcommittee may include persons who are not Members of LVAC. Having considered the current composition of LVAC, the operational needs of the proposed Subcommittees and the individual sectors required to be consulted on related issues, MD **proposes** that LVAC consider appointing the persons listed in ***Annex II***, on an *ad personam* basis¹, as Members of the proposed Subcommittees. MD considers that appointing these persons, who are familiar with the operation of the concerned vessel classes and/or related issues, will help MD consult the trade in a more comprehensive and in-depth fashion.

Way Forward

17. Members are invited to –

- (a) consider and endorse the proposed reorganisation of Subcommittees as set out in paragraphs 5 to 14 above;
- (b) consider joining the proposed Subcommittees. LVAC Members who would like to be Members of the proposed Subcommittees are advised to contact the Secretariat within ~~two~~^{three} weeks from the date of this meeting (i.e. on or before ~~13~~²⁰ October 2017). The Secretariat will, after compiling Members' replies, seek in writing LVAC's endorsement of the appointment of the Members concerned; and
- (c) consider appointing the persons mentioned in paragraph 16 above and listed in ***Annex II*** as Members of the proposed Sub-committees. The Secretariat will seek LVAC's endorsement of the appointment of the persons listed in ***Annex II*** along with the LVAC Members mentioned in paragraph 17(b).

Marine Department
September 2017
(Updated on 29 September 2017)

¹ With the exception of the representatives whom MD proposes to be nominated by the Maritime Services Training Institute and the Occupational Safety and Health Council respectively. MD proposes to appoint the two representatives on an institutional basis.

Proposed Subcommittees under the Local Vessels Advisory Committee

**Proposed Terms of Reference, Chairmanship,
Ex-officio Members and Secretaries
(From 1 November 2017 to 31 October 2019)**

I. Subcommittee on Class I and Class II Vessels

Terms of reference:	To discuss any matters related to the management, control, operations, security, surveys, inspections, construction, maintenance, safety standards, environmental protection, the code of practice, etc. pertaining to Class I and Class II vessels, including maritime activities which affect such vessels. If separate discussion is required for any specific issues, the Chairman may decide to set up ad hoc working groups and invite relevant persons to attend the meetings. The results of the discussion of the Subcommittee shall be reported to the Local Vessels Advisory Committee.
Chairman:	General Manager/Local Vessels Safety, Marine Department (“MD”)
Ex-officio members:	One representative from the Transport Department and three from MD (i.e. Senior Surveyor of Ships/Local Vessels Safety, Senior Marine Officer/Licensing & Port Formalities, and Senior Marine Officer/Harbour Patrol Section)
Secretary:	Executive Officer/Shipping & Multi-lateral Policy Division (1), MD

II. Subcommittee on Class III Vessels

Terms of reference: To discuss any matters related to the management, control, operations, security, surveys, inspections, construction, maintenance, safety standards, environmental protection, the code of practice, etc. pertaining to Class III vessels, including maritime activities which affect such vessels. If separate discussion is required for any specific issues, the Chairman may decide to set up ad hoc working groups and invite relevant persons to attend the meetings. The results of the discussion of the Subcommittee shall be reported to the Local Vessels Advisory Committee.

Chairman: General Manager/Local Vessels Safety, MD

Ex-officio members: One representative from the Agriculture, Fisheries and Conservation Department and three from MD (i.e. Senior Surveyor of Ships/Local Vessels Safety, Senior Surveyor of Ships/Seafarers' Certification, and Senior Marine Officer/Licensing & Port Formalities)

Secretary: Executive Officer/Shipping & Multi-lateral Policy Division (1), MD

III. Subcommittee for Class IV Vessels

Terms of reference: To discuss any matters related to the management, control, operations, security, surveys, inspections, construction, maintenance, safety standards, environmental protection, the code of practice, etc. pertaining to Class IV vessels, including maritime activities which affect such vessels. If separate discussion is required for any specific issues, the Chairman may decide to set up ad hoc working groups and invite relevant persons to attend the meetings. The results of the discussion of the Subcommittee shall be reported to the Local Vessels Advisory Committee.

Chairman: Assistant Director (Special Duties), MD

Ex-officio members: One representative from the Leisure and Cultural Services Department and three from MD (i.e. Senior Marine Officer/Harbour Patrol Section (1), Senior Marine Officer/Licensing & Port Formalities, and Senior Surveyor of Ships/Local Vessels Safety)

Secretary: Executive Officer/Shipping & Multi-lateral Policy Division (2), MD

IV. Subcommittee for Safety for Works on Vessels

Terms of reference:	To discuss any matters pertaining to the safety of marine works on local vessels and other visiting vessels, and the enhancement and updating of the relevant code(s) of practice. If separate discussion is required for any specific issues, the Chairman may decide to set up ad hoc working groups and invite relevant persons to attend the meetings. The results of the discussion of the Subcommittee shall be reported to the Local Vessels Advisory Committee.
Chairman:	General Manager/Local Vessels Safety, MD
Ex-officio members:	One representative from the Labour Department, one from the Civil Engineering and Development Department, one from the Highways Department and one from MD (i.e. Senior Shipping Safety Officer/Marine Industrial Safety)
Secretary:	Executive Officer/Shipping & Multi-lateral Policy Division (2), MD

**Proposed Subcommittees under the Local Vessels Advisory Committee
("LVAC")**

**Proposed Members for Appointment by LVAC
(From 1 November 2017 to 31 October 2019)**

This Annex has been classified as 'Restricted'. Pursuant to Security Regulations 131, 160 and 167, a 'Restricted' document is a category of classified information. Classified information should only be passed to non-Government individuals, e.g. members of committees on a 'need to know' basis. As such, Annex II was only circulated amongst members of LVAC.