

## **LOCAL VESSELS ADVISORY COMMITTEE**

### **Renewal of Local Certificates of Competency for Holders Aged 65 or Above**

#### **Purpose**

This paper sets out the proposed amendments to the Examination Rules for Local Certificates of Competency (the Rules) for the renewal of expired local certificates of competency for holders aged 65 or above having completed a recognised refresher course.

#### **Background**

2. Pursuant to the Rules, a local certificate of competency expires when the holder of the certificate attains the age of 65. Holders of the certificate must apply for extension of the validity of the certificate before the expiry of the certificate. The application shall be made within six months before the expiry of the certificate if the holder has not attained the age of 71, and three months if the holder is aged 71 or above. If the Director approves the application, the validity of the certificate shall be extended for three years for holders aged below 71 and one year for holders aged 71 or above. Currently, the approval of such extensions is only dependent on applicants' eyesight, giving no consideration to their health conditions and whether they have updated themselves on or kept abreast of the latest navigational knowledge.

3. In the light of the fact that most holders of local certificates of competency attained the qualifications in their younger days and they often forget to apply for renewal before they attain the age of 65 or before the certificate expires, the Marine Department (MD), having reviewed the situation in May 2016, allowed under the legislative framework<sup>1</sup> holders of expired local certificates of competency applying for a new certificate to be exempted from undergoing an examination, subject to the following conditions being met:

- (i) The period between the expiry date of the local certificate of competency and the application date shall not exceed 12 months;
- (ii) The applicant is suitable to continue to hold the local certificate of

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<sup>1</sup> Section 16 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) provides that the Director of Marine may grant a local certificate of competency to a competent person without requiring him to undergo an examination if documentary evidence in relation to him is available.

competency of the same grade;

- (iii) The expired local certificate of competency has not been suspended or cancelled under any legislation at the time of application; and
- (iv) The applicant shall return the expired local certificate of competency and pay the fee when applying for a new one.

4. As at November 2017 since the implementation of the new measure, a total of 671 applications were received, of which 58 were rejected as the applicant's certificate of competency had expired for more than one year, with 19 of the certificates having expired for more than 3 years.

## **Proposal**

5. To safeguard maritime safety and taking into account that holders of expired certificates used to be qualified to navigate or operate a local vessel, MD proposes the following with reference to the Rules -

- (i) Holders of a certificate which has expired for less than 12 months may renew their certificate of competency pursuant to the measure introduced in May 2016.
- (ii) Holders of a certificate which has expired for a period between 12 and 36 months may, upon completion of a recognised refresher course<sup>2</sup>, be exempted from the examination for obtaining a certificate<sup>3</sup> of a grade same as that of the previous certificate, subject to the following conditions: -
  - Applicants are required to submit an application to the MD in person to prove that they have no physical disability.
  - Documentary evidence on completion of the recognised refresher course shall be provided at the time of application.
  - If the application is for the renewal of a coxswain certificate of competency, an eyesight test report showing that the eyesight standards for coxswains have been met shall also be provided.
  - Applicants are required to pay the application fee prescribed in the Rules (the current fee for application for a coxswain or engine operator certificate of competency is HK\$660).

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<sup>2</sup> The refresher course may be organised by the Maritime Services Training Institute or the Seamen's Union.

<sup>3</sup> Paragraph 9.5 of the Examination Rules for Pleasure Vessel Operator Certificate of Competency or paragraph 8.1 of the Examination Rules for Local Certificates of Competency.

6. For the 58 applications which were rejected in the past because the applicants' certificate of competency had expired for more than one year, it is now considered that if, at the time of application by those applicants, their certificate of competency had expired for not more than 36 months after they had attained the age of 65, their applications should be handled based on the principle stated in paragraph 5(ii) above.

7. The proposal set out in paragraphs 5 and 6 above is a one-off measure which will cease in six months after promulgation. In future, all expired certificates will only be renewed after paying the relevant examination fee and passing the examination concerned.

### **Consultation**

8. In December 2017, we have consulted the views of the Local Vessels Advisory Committee (LVAC) Subcommittees on Class I, Class II, Class III and Class IV Vessels on the above proposal. The findings will be reported at the 25<sup>th</sup> LVAC meeting.

### **Advice Sought**

9. Members are invited to comment on the proposal set out in paragraphs 5, 6 and 7 above and the draft text of the proposed amendments to the Rules appended in *Appendix*.

Shipping Division  
Marine Department  
December 2017

**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) During the period from 1 January 2018 to 30 June 2018, the holder of an expired certificate of competency may, subject to the following conditions or criteria, apply to the Director for the issue of a certificate of competency of a grade same as that of the expired certificate with exemption from the examination required:
  - (a) the certificate of competency held has expired for less than 12 months; or
  - (b) if the certificate has expired for a period between 12 and 36 months, a maritime refresher course recognised by the Director shall be completed; and
  - (c) if the applicant is a coxswain, an eyesight test report shall be provided to prove that he has met the eyesight standards set out in Chapter 4 of these examination rules.

**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 During the period from 1 January 2018 to 30 June 2018, the holder of an expired certificate of competency may, subject to the following conditions or criteria, apply to the Director for the issue of a certificate of competency of a grade same as that of the expired certificate with exemption from the examination required:
- (a) the certificate of competency held has expired for less than 12 months; or
  - (b) if the certificate has expired for a period between 12 and 36 months, a maritime refresher course recognised by the Director shall be completed; and
  - (c) if the applicant is a coxswain, an eyesight test report shall be provided to prove that he has met the eyesight standards set out in Chapter 4 of these examination rules.

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