

LOCAL VESSELS ADVISORY COMMITTEE

Amendment to the Merchant Shipping (Local Vessels) (Local Certificates of Competency) Rules

Purpose

This paper seeks the views of members on the proposed amendments to Schedule 2 “Endorsements on Local Certificates of Competency” of the Merchant Shipping (Local Vessels) (Local certificates of Competency) Rules¹.

Background

2. Since 2004, Marine Department and Mainland China authority have mutually recognized the fishing vessel master or engineer certificates of competency (CoC) issued by the two Administrations. The recognition applies to Hong Kong licensed Class III fishing vessels registered as a “Guangdong/Hong Kong mobile fishing vessel” in the Mainland China when they operate within the Guangdong waters. Due to the entry into force of the “Measures of the People’s Republic of China for the Administration of Seaman in the Fishery Industry” (the New Measures) on 1 January 2015, the previous Fishery Vessel Officer’s Certificates issued by the recognized authority are being phased out gradually, and will be replaced by the new Fishery Vessel Personnel Certificates before 31 December 2019.

Proposed Amendments

3. To continue the arrangement on recognizing CoC issued by the Mainland China authority under the New Measures, the equivalent grading of local certificates issued under the Merchant Shipping (Local Vessels) Ordinance (Cap 548) is tabulated at *Annex 1*.

4. The proposed amendments to Schedule 2 “Endorsements on Local Certificates of Competency” of the Merchant Shipping (Local Vessels) (Local Certificates of Competency) Rules are tabulated at *Annex 2*.

Advice Sought

5. Members are invited to give their views on the proposed amendments.

Shipping Division
Marine Department
April 2017

¹ http://www.mardep.gov.hk/en/pub_services/pdf/cocrules.pdf

Annex 1

People's Republic of China Fishing Vessel Personnel Certificate
issued by the Guangdong Provincial Marine and Fisheries Inspection Bureau
Conversion table of the length / power of the fishing vessel

People's Republic of China Fishing Vessel Personnel Certificate ²				Guangdong/ Hong Kong mobile fishing vessels issued under local certificates of competency
Types	Posts	Grades	Applicable to Fishing Vessels in Mainland Waters	Applicable to Fishing Vessels in Hong Kong Waters
Proposed arrangement				
Seagoing	Master	Grade 1	Fishing vessel of length 45 m or more	Class III fishing vessel, fish carrier, or fishing sampan of length overall less than 50 m
		Grade 2	Fishing vessel of length 24m or more but less than 45 m	Class III fishing vessel, fish carrier, or fishing sampan of length overall less than 45 m
		Grade 3	Fishing vessel of length 12m or more but less than 24 m	Class III fishing vessel, fish carrier, or fishing sampan of length overall less than 24 m
	Chief Engineer	Grade 1	Fishing Vessel with total main propulsion engine power 750 kW or more but less than 3 000 kW	Class III fishing vessel, fish carrier, or fishing sampan with total main propulsion engine power less than 3 000 kW
		Grade 2	Fishing Vessel with total main propulsion engine power 250kW or more but less than 750 kW	Class III fishing vessel, fish carrier, or fishing sampan with total main propulsion engine power less than 750 kW
		Grade 3	Fishing Vessel with total main propulsion engine power 50kW or more but less than 250 kW	Class III fishing vessel, fish carrier, or fishing sampan with total main propulsion engine power less than 250 kW

²“Measures of the People's Republic of China for the Administration of Seaman in the Fishery Industry”
Enclosure 1 Grading of Fishing Vessel Personnel Certificate (only Chinese version)
http://ft.agri.gov.cn:82/gate/big5/www.moa.gov.cn/zwl/m/zcfg/nybgz/201405/t20140528_3919951.htm

Merchant Shipping (Local Vessels) (Local Certificates of Competency) Rules

No.	Original Text	Proposed Amendments	Reason(s) for Proposed Amendments
Updates or New Measures			
Schedule 2 Item 1.	<p>Local certificate of competency Coxswain Grade 3 Certificate</p> <p>Endorsements</p> <p>(g) The holder of this certificate is restricted to act as the coxswain of a Class III fishing vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Type A (Restricted Waters) Grade 3 (Master) Fishery Vessel Officer’s Certificate issued by the Bureau of Fishing Port Superintendence of Guangdong, PRC, to authorized officer for inspection;</p> <p>(ii) overall length of the vessel is not more than 50 m; and</p> <p>(iii) this certificate expires on the expiry date of the “recognized certificate”</p>	<p>Local certificate of competency Coxswain Grade 3 Certificate</p> <p>Endorsements</p> <p>(g) The holder of this certificate is restricted to act as the coxswain of a Class III fishing vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Fishing Vessel Personnel Certificate (Grade 1 Master) issued by the Guangdong Provincial Marine and Fisheries Inspection Bureau, to authorized officer for inspection;</p> <p>(ii) overall length of the vessel is less than 50 m; and</p> <p>(iii) this certificate expires on the expiry date of the “recognized certificate” stated in sub - paragraph (i) of this paragraph.</p> <p>(h) The holder of this certificate is restricted to</p>	<p>(Updated)</p> <p>The name of certificate and issuing authority to be updated.</p> <p>To be in line with the “recognized certificate”, the wording is changed from “not more” to “less”.</p>

No.	Original Text	Proposed Amendments	Reason(s) for Proposed Amendments
	<p>stated in sub-paragraph (i) of this paragraph.</p> <p>(h) The holder of this certificate is restricted to act as the coxswain of a Class III fishing vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Type A (Restricted Waters) Grade 4 (Master) Fishery Vessel Officer’s Certificate issued by the Bureau of Fishing Port Superintendence of Guangdong, PRC, to authorized officer for inspection;</p> <p>(ii) overall length of the vessel is not more than 35 m; and</p> <p>(iii) this certificate expires on the expiry date of the “recognized certificate” stated in sub-paragraph (i) of this paragraph.</p> <p>(i) The holder of this certificate shall comply with the following conditions:</p> <p>(i) To have a physically fitted person to assist the certificate holder to perform duties that cannot be</p>	<p>act as the coxswain of a Class III fishing vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Fishing Vessel Personnel Certificate (Grade 2 Master) issued by the Guangdong Provincial Marine and Fisheries Inspection Bureau, to authorized officer for inspection;</p> <p>(ii) overall length of the vessel is less than 45 m; and</p> <p>(iii) this certificate expires on the expiry date of the “recognized certificate” stated in sub-paragraph (i) of this paragraph.</p> <p>(i) The holder of this certificate is restricted to act as the coxswain of a Class III fishing vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Fishing Vessel Personnel Certificate (Grade 3 Master) issued by the Guangdong Provincial Marine and Fisheries Inspection Bureau, to authorized officer for</p>	<p>The name of certificate and issuing authority to be updated.</p> <p>To be in line with the “recognized certificate”, the limitation is changed from “not more than 35 m” to “less than 45 m”.</p> <p>A new endorsement on certificate of competency is added.</p>

No.	Original Text	Proposed Amendments	Reason(s) for Proposed Amendments
	<p>physically carried out by the certificate holder;</p> <p>(ii) that person must be briefed by the certificate holder about the knowledge on emergency handling onboard at the time the person first joins the vessel;</p> <p>(iii) evidence showing the agreement of that person to perform the duties and being briefed of emergency handling knowledge must be kept onboard for inspection by authorized officer; and</p> <p>(iv) no fare paying passenger is allowed onboard.</p> <p>(j) The holder of this certificate of this paragraph is restricted to act as the coxswain of a Class III vessel of not more than 10 m in length subject to the following conditions:</p> <p>(i) Another person to perform lookout duty is required while the certificate holder is plying the vessel in waters of congested marine traffic such as typhoon shelter and anchorage etc.; and</p> <p>(ii) no fare paying passenger is allowed onboard.</p> <p>(k) The holder of this certificate may also act as the engine operator of a Class III</p>	<p>inspection;</p> <p>(ii) overall length of the vessel is less than 24 m; and</p> <p>(iii) this certificate expires on the expiry date of the “recognized certificate” stated in sub - paragraph (i) of this paragraph.</p> <p>(j) The holder of this certificate may also act as the coxswain of a Class III fishing vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Fishing Vessel Personnel Certificate (Grade 1 Master) issued by the Guangdong Provincial Marine and Fisheries Inspection Bureau, to authorized officer for inspection;</p> <p>(ii) overall length of the vessel is less than 50 m; and</p> <p>(iii) this endorsement expires on the expiry date of the “recognized certificate” stated in sub - paragraph (i) of this paragraph.</p> <p>(k) The holder of this certificate may also act as the coxswain of a Class III fishing vessel, fish carrier, or fishing sampan which is a</p>	<p>Re-numbering</p> <p>The name of certificate and issuing authority to be updated.</p> <p>To be in line with the “recognized certificate”, the wording is changed from “not more” to “less”.</p> <p>Re-numbering</p>

No.	Original Text	Proposed Amendments	Reason(s) for Proposed Amendments
	<p>vessel fitted with petrol outboard engine(s) of aggregate power not more than 90 braked horse power (BHP).</p> <p>(l) The holder of this certificate may also act as the coxswain of (name, certificate of ownership number and length overall of the vessel).</p> <p>(m) The holder of this certificate is not allowed to operate any vessel-</p> <p>(i) in, near or pass through-</p> <p>(a) fairways used by ocean going shipping (except in designated areas);</p> <p>(b) traffic separation schemes; and dynamically supported craft route.</p> <p>(ii) from one permitted area to another; and</p> <p>(iii) in adverse weather conditions. (Note: operators should not commence voyages in fog or when the strong monsoon signal or No. 3 or higher typhoon signal is hoisted.)</p> <p>(n) The holder of this certificate may also act as the coxswain of a Class III fishing vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to</p>	<p>Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Fishing Vessel Personnel Certificate (Grade 2 Master) issued by the Guangdong Provincial Marine and Fisheries Inspection Bureau, to authorized officer for inspection;</p> <p>(ii) overall length of the vessel is less than 45 m; and</p> <p>(iii) this endorsement expires on the expiry date of the “recognized certificate” stated in sub - paragraph (i) of this paragraph.</p> <p>(l) The holder of this certificate may also act as the coxswain of a Class III fishing vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Fishing Vessel Personnel Certificate (Grade 3 Master) issued by the Guangdong Provincial Marine and Fisheries Inspection Bureau, to authorized officer for inspection;</p> <p>(ii) overall length of the vessel is less than</p>	<p>The name of certificate and issuing authority to be updated.</p> <p>To be in line with the “recognized certificate”, the limitation is changed from “not more than 35 m” to “less than 45 m”.</p> <p>A new endorsement on certificate of competency is added.</p>

No.	Original Text	Proposed Amendments	Reason(s) for Proposed Amendments
	<p>the following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Type A (Restricted Waters) Grade 3 (Master) Fishery Vessel Officer’s Certificate issued by the Bureau of Fishing Port Superintendence of Guangdong, PRC, to authorized officer for inspection;</p> <p>(ii) overall length of the vessel is not more than 50 m; and</p> <p>(iii) this endorsement expires on the expiry date of the “recognized certificate” stated in sub-paragraph (i) of this paragraph.</p> <p>(o) The holder of this certificate may also act as the coxswain of a Class III fishing vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Type A (Restricted Waters) Grade 4 (Master) Fishery Vessel Officer’s Certificate issued by the Bureau of Fishing Port Superintendence of Guangdong, PRC, to authorized officer for</p>	<p>24 m; and</p> <p>(iii) this endorsement expires on the expiry date of the “recognized certificate” stated in sub - paragraph (i) of this paragraph.</p> <p>(m) The holder of this certificate shall comply with the following conditions:</p> <p>(i) To have a physically fitted person to assist the certificate holder to perform duties that cannot be physically carried out by the certificate holder;</p> <p>(ii) that person must be briefed by the certificate holder about the knowledge on emergency handling onboard at the time the person first joins the vessel;</p> <p>(iii) evidence showing the agreement of that person to perform the duties and being briefed of emergency handling knowledge must be kept onboard for inspection by authorized officer; and</p> <p>(iv) no fare paying passenger is allowed onboard.</p> <p>(n) The holder of this certificate of this paragraph is restricted to act as the coxswain of a Class III vessel of not more than 10 m in length subject to the following conditions:</p> <p>(i) Another person to perform lookout duty is required while the certificate holder is plying the vessel in waters of</p>	<p>Re-numbering</p> <p>Re-numbering</p>

No.	Original Text	Proposed Amendments	Reason(s) for Proposed Amendments
	<p>inspection;</p> <p>(ii) overall length of the vessel is not more than 35 m; and</p> <p>(iii) this endorsement expires on the expiry date of the “recognized certificate” stated in sub-paragraph (i) of this paragraph.</p> <p>(p) The holder of this certificate may also act as the Coxswain of a Class III vessel in excess of 15 m in length.</p>	<p>congested marine traffic such as typhoon shelter and anchorage etc.; and</p> <p>(ii) no fare paying passenger is allowed onboard.</p> <p>(o) The holder of this certificate may also act as the engine operator of a Class III vessel fitted with petrol outboard engine(s) of aggregate power not more than 90 braked horse power (BHP).</p> <p>(p) The holder of this certificate may also act as the coxswain of (name, certificate of ownership number and length overall of the vessel).</p> <p>(q) The holder of this certificate is not allowed to operate any vessel-</p> <p>(i) in, near or pass through-</p> <p>(a) fairways used by ocean going shipping (except in designated areas);</p> <p>(b) traffic separation schemes; and dynamically supported craft route.</p> <p>(ii) from one permitted area to another; and</p> <p>(iii) in adverse weather conditions. (Note: operators should not commence voyages in fog or when the strong monsoon signal or No. 3 or higher typhoon signal is hoisted.)</p> <p>(r) The holder of this certificate may also act as the Coxswain of a Class III vessel in excess</p>	<p>Re-numbering</p> <p>Re-numbering</p> <p>Re-numbering</p> <p>Re-numbering</p>

No.	Original Text	Proposed Amendments	Reason(s) for Proposed Amendments
		of 15 m in length.	
Schedule 2 Item 6.	<p>Local certificate of competency Engine Operator Grade 3 Certificate</p> <p>Endorsements</p> <p>(c) The holder of this certificate is restricted to act as the engine operator of a Class III fishing vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Type A (Restricted Waters) Grade 2 (Chief Engineer) Fishery Vessel Officer’s Certificate issued by the Bureau of Fishing Port Superintendence of Guangdong, PRC, to authorized officer for inspection;</p> <p>(ii) aggregate power of the vessel is not exceeding 3 000 kW;</p> <p>(iii) this certificate expires on the expiry date of the “recognized certificate” stated in sub-paragraph (i) of this paragraph.</p>	<p>Local certificate of competency Engine Operator Grade 3 Certificate</p> <p>Endorsements</p> <p>(c) The holder of this certificate is restricted to act as the engine operator of a Class III fishing vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Fishing Vessel Personnel Certificate (Grade 1 Chief Engineer) issued by the Guangdong Provincial Marine and Fisheries Inspection Bureau, to authorized officer for inspection;</p> <p>(ii) aggregate power of the vessel is less than 3 000 kW;</p> <p>(iii) this certificate expires on the expiry date of the “recognized certificate” stated in sub - paragraph (i) of this paragraph.</p> <p>(d) The holder of this certificate is restricted to act as the engine operator of a Class III</p>	<p>(Updated)</p> <p>The name of certificate and issuing authority to be updated.</p> <p>To be in line with the “recognized certificate”, the wording is changed from “not exceeding” to “less than”.</p>

No.	Original Text	Proposed Amendments	Reason(s) for Proposed Amendments
	<p>(d) The holder of this certificate is restricted to act as the engine operator of a Class III fishing vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Type A (Restricted Waters) Grade 3 (Chief Engineer) Fishery Vessel Officer’s Certificate issued by the Bureau of Fishing Port Superintendence of Guangdong, PRC, to authorized officer for inspection;</p> <p>(ii) aggregate power of the vessel is not exceeding 750 kW;</p> <p>(iii) this certificate expires on the expiry date of the “recognized certificate” stated in sub-paragraph (i) of this paragraph.</p> <p>(e) The holder of this certificate is restricted to act as the engine operator of a Class III fishing vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:</p> <p>(i) The holder of this certificate shall</p>	<p>fishing vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Fishing Vessel Personnel Certificate (Grade 2 Chief Engineer) issued by the Guangdong Provincial Marine and Fisheries Inspection Bureau, to authorized officer for inspection;</p> <p>(ii) aggregate power of the vessel is less than 750 kW;</p> <p>(iii) this certificate expires on the expiry date of the “recognized certificate” stated in sub - paragraph (i) of this paragraph.</p> <p>(e) The holder of this certificate is restricted to act as the engine operator of a Class III fishing vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Fishing Vessel Personnel Certificate (Grade 3 Chief Engineer) issued by the Guangdong Provincial Marine and Fisheries</p>	<p>The name of certificate and issuing authority to be updated.</p> <p>To be in line with the “recognized certificate”, the wording is changed from “not exceeding” to “less than”.</p> <p>The name of certificate and issuing authority to be updated.</p>

No.	Original Text	Proposed Amendments	Reason(s) for Proposed Amendments
	<p>present his “recognized certificate”, which is a valid Type A (Restricted Waters) Grade 4 (Chief Engineer) Fishery Vessel Officer’s Certificate issued by the Bureau of Fishing Port Superintendence of Guangdong, PRC, to authorized officer for inspection;</p> <p>(ii) aggregate power of the vessel is not exceeding 250 kW;</p> <p>(iii) this certificate expires on the expiry date of the “recognized certificate” stated in sub-paragraph (i) of this paragraph.</p> <p>(f) The holder of this certificate may also act as the engine operator of a Class III fishing vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Type A (Restricted Waters) Grade 2 (Chief Engineer) Fishery Vessel Officer’s Certificate issued by the Bureau of Fishing Port Superintendence of Guangdong, PRC, to authorized officer for inspection;</p> <p>(ii) aggregate power of the vessel is not</p>	<p>Inspection Bureau, to authorized officer for inspection;</p> <p>(ii) aggregate power of the vessel is less than 250 kW;</p> <p>(iii) this certificate expires on the expiry date of the “recognized certificate” stated in sub - paragraph (i) of this paragraph.</p> <p>(f) The holder of this certificate may also act as the engine operator of a Class III fishing vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Fishing Vessel Personnel Certificate (Grade 1 Chief Engineer) issued by the Guangdong Provincial Marine and Fisheries Inspection Bureau, to authorized officer for inspection;</p> <p>(ii) aggregate power of the vessel is less than 3 000 kW;</p> <p>(iii) this endorsement expires on the expiry date of the “recognized certificate” stated in sub - paragraph (i) of this paragraph.</p> <p>(g) The holder of this certificate may also act as the engine operator of a Class III fishing</p>	<p>To be in line with the “recognized certificate”, the wording is changed from “not exceeding” to “less than”.</p> <p>The name of certificate and issuing authority to be updated.</p> <p>To be in line with the “recognized certificate”, the wording is changed from “not exceeding” to “less than”.</p> <p>A new endorsement on certificate of competency is added.</p>

No.	Original Text	Proposed Amendments	Reason(s) for Proposed Amendments
	<p>exceeding 3 000 kW;</p> <p>(iii) this endorsement expires on the expiry date of the “recognized certificate” stated in sub-paragraph (i) of this paragraph.</p> <p>(g) The holder of this certificate may also act as the engine operator of a Class III fishing vessel with engine(s) (without restrictions).</p>	<p>vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Fishing Vessel Personnel Certificate (Grade 2 Chief Engineer) issued by the Guangdong Provincial Marine and Fisheries Inspection Bureau, to authorized officer for inspection;</p> <p>(ii) aggregate power of the vessel is less than 750 kW;</p> <p>(iii) this endorsement expires on the expiry date of the “recognized certificate” stated in sub - paragraph (i) of this paragraph.</p> <p>(h) The holder of this certificate may also act as the engine operator of a Class III fishing vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:</p> <p>(i) The holder of this certificate shall present his “recognized certificate”, which is a valid Fishing Vessel Personnel Certificate (Grade 2 Chief Engineer) issued by the Guangdong Provincial Marine and Fisheries Inspection Bureau, to authorized officer for inspection;</p>	<p>A new endorsement on certificate of competency is added.</p>

No.	Original Text	Proposed Amendments	Reason(s) for Proposed Amendments
		<ul style="list-style-type: none"> (ii) aggregate power of the vessel is less than 750 kW; (iii) this endorsement expires on the expiry date of the “recognized certificate” stated in sub - paragraph (i) of this paragraph. (i) The holder of this certificate may also act as the engine operator of a Class III fishing vessel with engine(s) (without restrictions). 	Re-numbering