#### 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) Rules<sup>1</sup>.

## **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

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<sup>1</sup> 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 <sup>2</sup>		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 arr	angement			
		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
	Master	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
Seagoing		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

<sup>&</sup>lt;sup>2</sup>"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/zwllm/zcfg/nybgz/201405/t20140528\_3919951.htm

Annex 2

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

Original Text	Proposed Amendments	Reason(s) for
[		<b>Proposed Amendments</b>
ew Measures		(11 1 4 1)
		(Updated)
i •	± *	
Coxswain Grade 3 Certificate	Coxswain Grade 3 Certificate	
Endorsaments	Endorsements	
(C)	(6)	
E I		
	· ·	The name of certificate and
ı		issuing authority to be updated.
	•	issuing authority to be updated.
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• • • · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	
· · · · · · · · · · · · · · · · · · ·	<u> </u>	
•	± '	To be in line with the
	•	"recognized certificate", the
, ·		wording is changed from "not
<u> </u>		more" to "less".
		111012 10 1000 .
· · · · · · · · · · · · · · · · · · ·	<u> </u>	
· · · · · · · · · · · · · · · · · ·	1 6 1	
	Coxswain Grade 3 Certificate  Endorsements (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:  (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;  (ii) overall length of the vessel is not more than 50 m; and  (iii) this certificate expires on the expiry date of the "recognized certificate"	ew Measures  Local certificate of competency Coxswain Grade 3 Certificate  Endorsements  (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:  (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;  (ii) overall length of the vessel is not more than 50 m; and  (iii) this certificate expires on the expiry date of the "recognized certificate" stated in sub-paragraph (i) of this paragraph.

No.	Original Text	Proposed Amendments	Reason(s) for
			Proposed Amendments
	stated in sub-paragraph (i) of this paragraph.  (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:  (i) The holder of this certificate shall present his "recognized certificate",	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:  (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:	The name of certificate and issuing authority to be updated.
	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;  (ii) overall length of the vessel is not more than 35 m; and  (iii) this certificate expires on the expiry date of the "recognized certificate" stated in sub-paragraph (i) of this paragraph.	inspection;  (ii) overall length of the vessel is less than 45 m; and  (iii) this certificate expires on the expiry date of the "recognized certificate" stated in sub-paragraph (i) of this paragraph.  (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:  (i) The holder of this certificate shall	To be in line with the "recognized certificate", the limitation is changed from "not more than 35 m" to "less than 45 m".  A new endorsement on certificate of competency is added.
	(i) The holder of this certificate shall comply with the following conditions: (i) To have a physically fitted person to assist the certificate holder to perform duties that cannot be	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	

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

No.	Original Text	Proposed Amendments	Reason(s) for
			Proposed Amendments
	vessel fitted with petrol outboard engine(s) of aggregate power not more than 90 braked horse power (BHP).  (1) The holder of this certificate may also act as the coxswain of (name, certificate of ownership number and length overall of the vessel).  (m) The holder of this certificate is not allowed to operate any vessel-  (i) in, near or pass through-  (a) fairways used by ocean going shipping (except in designated areas);  (b) traffic separation schemes; and dynamically supported craft route.  (ii) from one permitted area to another; and  (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.)  (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	Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:  (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;  (ii) overall length of the vessel is less than 45 m; and  (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 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:  (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;  (ii) overall length of the vessel is less than	To be in line with the "recognized certificate", the limitation is changed from "not more than 35 m" to "less than 45 m".  A new endorsement on certificate of competency is added.

No.	Original Text	<b>Proposed Amendments</b>	Reason(s) for
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	the following conditions:	24 m; and	
	(i) The holder of this certificate shall	(iii) this endorsement expires on the expiry	
	present his "recognized certificate",	date of the "recognized certificate"	
	which is a valid Type A (Restricted	stated in sub-paragraph (i) of this	
	Waters) Grade 3 (Master) Fishery	paragraph.	D 1 .
	Vessel Officer's Certificate issued	(m) The holder of this certificate shall comply	Re-numbering
	by the Bureau of Fishing Port	with the following conditions:	
	Superintendence of Guangdong,	(i) To have a physically fitted person to	
	PRC, to authorized officer for	assist the certificate holder to perform	
	inspection;	duties that cannot be physically carried	
	(ii) overall length of the vessel is not	out by the certificate holder;	
	more than 50 m; and	(ii) that person must be briefed by the	
	(iii) this endorsement expires on the	certificate holder about the knowledge	
	expiry date of the "recognized	on emergency handling onboard at the	
	certificate" stated in sub-paragraph	time the person first joins the vessel;	
	(i) of this paragraph.	(iii) evidence showing the agreement of that	
	(o) The holder of this certificate may also	person to perform the duties and being	
	act as the coxswain of a Class III	briefed of emergency handling	
	fishing vessel, fish carrier, or fishing	knowledge must be kept onboard for	
	sampan which is a Guangdong/Hong	inspection by authorized officer; and	
	Kong mobile fishing vessel subject to	(iv) no fare paying passenger is allowed	
	the following conditions:	onboard.	Do namborio o
	(i) The holder of this certificate shall		Re-numbering
	present his "recognized certificate",	paragraph is restricted to act as the	
	which is a valid Type A (Restricted	coxswain of a Class III vessel of not more	
	Waters) Grade 4 (Master) Fishery	than 10 m in length subject to the following	
	Vessel Officer's Certificate issued	conditions:	
	by the Bureau of Fishing Port	(i) Another person to perform lookout duty	
	Superintendence of Guangdong,	is required while the certificate holder	
	PRC, to authorized officer for	is plying the vessel in waters of	

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

No.	Original Text	Proposed Amendments	Reason(s) for Proposed Amendments
		of 15 m in length.	· F · · · · · · · · · · · · · · · · · ·
Schedule 2 Item 6.	Local certificate of competency Engine Operator Grade 3 Certificate  Endorsements  (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:  (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;  (ii) aggregate power of the vessel is not exceeding 3 000 kW;  (iii) this certificate expires on the expiry date of the "recognized certificate" stated in sub-paragraph (i) of this	Local certificate of competency Engine Operator Grade 3 Certificate Endorsements	(Updated)  The name of certificate and issuing authority to be updated.  To be in line with the "recognized certificate", the wording is changed from "not exceeding" to "less than".
	paragraph.	act as the engine operator of a Class III	

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

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

No.	Original Text	Proposed Amendments	Reason(s) for
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	exceeding 3 000 kW;  (iii) this endorsement expires on the expiry date of the "recognized certificate" stated in sub-paragraph (i) of this paragraph.  (g) The holder of this certificate may also act as the engine operator of a Class III fishing vessel with engine(s) (without restrictions).	vessel, fish carrier, or fishing sampan which is a Guangdong/Hong Kong mobile fishing vessel subject to the following conditions:  (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;  (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.  (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:  (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;	A new endorsement on certificate of competency is added.

No.	Original Text	Proposed Amendments	Reason(s) for Proposed Amendments
		(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	Re-numbering
		as the engine operator of a Class III fishing	NC-Humbering
		vessel with engine(s) (without restrictions).	