

PROVISIONAL LOCAL VESSEL ADVISORY COMMITTEE

Minutes of the 25th Committee Meeting held on 3 August 2000 at 2:30p.m. in Room 1405-1406, 14/F., Harbour Building

Present

Chairman:	Mr. M. C. TSANG	Acting Director of Marine
Member:	Mr. CHOI Kim-lui	Representing Launch & Excursion Vessels' Operators
	Dr. CHENG Jui-shan	Representing Naval Architects
	Mr. HE Wei-ping	Representing River Trade Cargo Operators
	Mr. HO Chi-shing	Representing Ferry Vessels' Operators
	Mr. HUNG Bing	Representing Seafarers' Association
	Mr. KEUNG Yin-man	Representing Fishing Industry
	Dr. Alan LAU Kwok-lam	Representing Pleasure Boating Operators
	Mr. Elden YAU Choi-kee	Representing Marine Insurance Industry
	Mr. Tony YEUNG	Representing Seafarers' Training Institutes
	Mr. NG Kin-man	Representing Marine Department
	Mr. TUNG Hon-ming	Ditto
Secretary:	Mr. Victor NG	Asst. Departmental Secretary/Marine Department

In Attendance

Mr. CHEUNG Yau-kwong	Marine Excursion Association
Mr. Martin CHU	Ship Survey Companies
Mr. HO Kwun-yin	Harbour Transportation Workers General Society
Mr. LEUNG Wai-ying	HK Fishermen's Association
Capt. WU Ka-shun	HK Shipping Staff Association
Mr. Joseph LI	Hong Kong Police Force
Mr. BUTT Lee-yuen	Marine Department
Mr. CHAN Fook-chiu	Ditto
Mr. CHENG Yeung-ming	Ditto
Mr. F. L. CHEUK	Ditto
Mr. CHUNG Siu-man	Ditto
Mr. HUI Wing-chun	Ditto
Mr. LAM Wai-ming	Ditto
Mr. LEE Kwok-ping	Ditto

Presentation of Papers

No. 5/2000:	Mr. LAM Wai-ming	Marine Department
No. 6/2000:	Mr. BUTT Lee-yuen	Ditto
No. 7/2000:	Mr. CHUNG Siu-man	Ditto
No. 8/2000:	Mr. F. L. CHEUK	Ditto

Absent with Apologies

Mr. James SHUEN Wai	Representing Cargo Vessels' Operators
Mr. R. W. Pickup	Representing Ship Survey Companies
Mr. A. M. Steeple	Representing Commissioner of Police
Mr. SZETO Kin, Vitus	Representing Ship Building & Repairing Industry

I INTRODUCTION

- M294 1. The Chairman welcomed all members and introduced: -
- Mr. NG Kin-man of Marine Department vice Mr. NG Kwing-kee;
- Mr. Joseph LI representing the Commissioner of Police.

II CONFIRMATION OF MINUTES OF THE LAST MEETING

- M295 2. The minutes of last meeting were confirmed subject to one amendment to the English version: -
The word "enactment" in para. 7 should be replaced by "commencement".

III PRESENTATION OF PAPERS

Paper No. 5/2000 "Proposed Traffic Arrangement to Enhance Navigation Safety at Ma Wan and Kap Shui Mun Fairways"

- M296 3. Mr. W.M. LAM of MD presented the paper. Mr. LAM informed members that the Kap Shui Mun (KSM) Fairway had been identified as one of the areas that had a comparatively higher accident rate. It was therefore necessary to reduce the amount of traffic and head-on encounters in KSM Fairway by diverting some traffic to Ma Wan (MW) Fairway in order to enhance navigation safety. He then briefed members of the details of the 3 options available. Option 3 was recommended because its traffic pattern was fully compatible with those of the adjoining waterways and the volume of traffic of KSM Fairway would be significantly reduced as a result. With the operation of Ma Wan Traffic Control Station and a dedicated patrol boat, MW Fairway should be able to accommodate the increased traffic.
4. Members exchanged views over the subject and were in favour of option 3 of the paper unanimously. Some members commented that more publicity work should be carried out and increased patrolling at the locality would be required. In response, Mr. W.M. LAM said that publicity work would be conducted in both Hong Kong and the Mainland. The Chairman said that members' suggestions would be considered and the paper was endorsed.

Paper No. 6/2000 "Merchant Shipping (Local Vessels) Ordinance (LVO) Class 4- Pleasure Vessels Maximum Number of Persons to be carried"

- M297 5. Mr. L.Y. Butt of MD presented the paper. Mr. BUTT told members that several calculation methods and units had currently been in use for determination of carrying capacity of pleasure vessels (PVs). For the sake of simplicity and standardization, it was proposed to use "Length x Breath" (L x B) as the basis for such purpose in future. COMBAY and various local yacht associations were consulted and the following points were accepted: -
- For closed deck PV, the proposed formula " $L \times B \times 0.4$ " would be adopted for the purpose of determination of a vessel's carrying capacity.
 - For open deck PV, the carrying capacity would be:
 - $PV < 5$ (L x B) units -- 2 persons
 - $PV \geq 5$ and ≤ 10 (L x B) units -- 3 persons
 - $PV > 10$ (L x B) units -- 4 persons
 - The definition of an open deck vessel was recast as "a vessel which is not fitted with a complete deck, or enclosed by a superstructure, to prevent the ingress of water into the hull".

d) Existing PVs would be allowed to retain their carrying capacity provided that there was relevant documentary proof, such as a manufacturer's certificate or an inclining test certificate issued by an approved classification society (CS), which showed that the PVs could carry more persons than the proposed standard. For newly licenced PVs, a manufacturer's certificate and an inclining test certificate would be required.

6. Members then exchanged views over the subject. Dr. CHENG Jui-shan and Mr. CHOI Kim-lui had reservation about the formula because it had not taken into account of parameters like stability of a vessel. Mr. K.P. LEE advised that the formula was established on a statistics of various sizes of pleasure vessels operating in Hong Kong, and their safety record had been good. The Chairman thanked for members' views and said that by using the proposed formula, the impact on carrying capacity of existing PVs would be kept to a minimum. After an in-depth discussion, members endorsed the paper.

(Post-meeting note: In view of members' concern, the Department has studied the L/B ratios of launches and PVs. It is decided that the formula "L x B x 0.4" should be valid for vessels with L/B ratios not exceeding 5 (L being the vessel's overall length). For vessels whose L/B ratios exceed 5, their carrying capacity will have to be considered by the Department on the merit of individual case).

Paper No. 7/2000 "Control of bunkering operation in Hong Kong Waters"

M298 7. Mr. S.M. CHUNG of MD introduced the paper. Mr. CHUNG informed members that there had been increasing number of oil spill incidents caused by bunkering operations. This had led to oil pollution in many occasions. Navigation safety was another area of concern as it had been observed that there were vessels transferring oil from oil barges while underway. With a view to minimizing the risk of marine pollution and accidents caused by bunkering operation, it was necessary to tighten control on bunkering activities. It was proposed to limit bunkering operation to areas within the Victoria port and the service anchorages as defined in para. 3 (a) to (g) of the 7th Schedule in the Shipping and Port Control Regulations, at jetties or piers outside the Victoria port and Designated Bunkering Areas (DBAs) only. Bunkering operation outside the permitted areas, except with the prior approval of the Director of Marine, or while underway would be unlawful.

8. In response to Mr. Joseph LI's enquiry, Mr. F.L. CHEUK replied that this new requirement would be made under the proposed Merchant Shipping (Local Vessels) (General) Regulation and a draft of the Regulation would be passed to members for comments at a later stage.

9. Mr. HO Chi-shing expressed his concern about possible illegal activities – some people might occupy a DBA illegally and asked other genuine users to pay if they wished to conduct business therein. Mr. S.M. CHUNG replied that the Department would work closely with the Police to prevent such situations. The size of DBAs would also be kept under review. Members supported the proposal and the paper was endorsed.

Paper No. 8/2000 "Review of the Control of Smoke Emission from Vessels"

M299 10. Mr. F.L. Cheuk of MD introduced the paper. Mr. CHEUK told members that the existing law was a bit vague in defining the circumstances, quantity of smoke and duration of emission that would constitute an offence. In view of the growing concern about the subject, it was considered necessary to introduce a more precise ceiling for smoke emission. After drawing reference from other government departments and other port authorities, it was proposed to adopt Shade 2 on the Ringelmann Chart and a continuous emission of 3 minutes as the upper limit. Any vessel emits dark smoke in excess of the limit would constitute an offence. When a locally licensed vessel was caught emitting dark smoke in

excess of the limit, it would be required to undergo an inspection. These new requirements would be made under the Shipping and Port Control Regulations and the proposed Merchant Shipping (Local Vessels) (General) Regulation. Besides, more emphasis would be placed on proper operation and maintenance of engines in the examination syllabuses of local certificates of competency.

11. Members generally agreed to the recommendations of the paper. Some members commented that there might be special occasions which warranted discretionary treatment by patrolling officers. In response to Dr. CHENG Jui-shan's enquiry about control of NOx emission, Mr. Y.M. CHENG answered that Annex VI of Marpol 73/78 had not yet been enforced internationally. As regards the aspect of enforcement raised by Mr. Joseph LI, Mr. F.L. CHEUK replied that training would be provided to patrolling officers to ensure that they could use the Ringelmann Chart precisely. Since the new requirements would also be enforced by the Marine Police, appropriate training would be arranged for its officers. Furthermore, the Chairman said that educational seminars would be held to publicize the issue.

IV. MATTERS ARISING FROM MINUTES OF THE LAST MEETING

Merchant Shipping (Local Vessels) Ordinance (M289)

- M300 12. Mr. F.L. CHEUK reported the progress and the Chairman told members that the Ordinance and its subsidiary legislation were expected to come into force early next year.

V. ANY OTHER BUSINESS

Confirmation of Paper No. 4/2000 "Amendments to the Merchant Shipping (Reporting of Pollution Incidents) Regulations (Cap. 413 Sub. Leg C)" and Paper No. 9/2000 "Artificial Reef Deployment in Outer Port Shelter" which had been circulated to members

- M301 13. Members had no further enquiries about the two papers and the two papers were confirmed.

Paper No. 10/2000 "Proposal for the establishment of working group to study the extension of authorized surveyor system"

- M302 14. Mr. TUNG Hon-ming of MD presented the tabled paper. In 1992, this Committee endorsed the proposal of delegating the inspection of local vessels, except certain "high risk" vessels, to the seven recognized Classification Societies. At that time the Committee also agreed that further extension of the authorized person scheme would depend on how successful the delegation was. As the Merchant Shipping (Local Vessels) Ordinance would come into force early next year, the time was ripe to look into the feasibility of extending the authorized surveyor system to a Registered Professional Engineer (Marine & Naval Architecture) (hereafter called RPE). It was therefore proposed to set up a working group to study the issue. In particular, the working group would look into areas such as qualification and experience required, conflict of interest situations, liabilities and method of monitoring etc.

15. Mr. HO Chi-shing enquired if the system could be extended to established dockyards. The Chairman suggested that this item might also be considered by the working group. After some discussion, members endorsed the paper.

VI. DATE OF NEXT MEETING

- M303 16. The next meeting would be held in November 2000.