

PROVISIONAL LOCAL VESSELS ADVISORY COMMITTEE

Minutes of the 34th Committee Meeting

Date : 19 May 2004 (Wednesday)
Place : Conference Room 1405-1406, 14/F, Harbour Building
Time : 9:30 a.m.

Present

Chairman:	Mr. Roger TUPPER	Deputy Director of Marine, Marine Department
Member:	Mr. SHUEN Wai	Representing Cargo Vessels Operators
	Mr. HO Chi-shing	Representing Ferry Vessels' Operators
	Mr. KEUNG Yin-man, MBE	Representing Fishing Industry
	Mr. KWOK Kam-tung	Representing Launch & Excursion Vessels' Operators
	<i>(on behalf of Mr. CHOI Kim-lui, JP)</i>	
	Ms. Una CHAN	Representing Marine Insurance Industry
	Mr. Tony YEUNG Pui-keung	Representing Maritime Services Training Institutes
	Dr. Alan LAU Kwok-lam	Representing Pleasure Boating Operators
	Mr. HE Wei-ping	Representing River Trade Cargo Operators
	Mr. HUNG Bing	Representing Seafarer's Associations
	Mr. Vitus SZETO Kin	Representing Ship Building & Repairing Industry
	Mr. Martin CHU	Representing Ship Survey Industry
	Mr. LING Wai-po	Hong Kong Police Force
	Mr. NG Kin-man	GM/Ops, Marine Department
	Mr. Michael LEE	GM/LVS, Marine Department
Secretary:	Ms. Shirley HO	ADS/C&G, Marine Department

In Attendance

Capt. WU Ka-shun	HK Shipping Staff Association
Ms. CHING Ngan-lai	Small Craft Workers Union

Presentation of Papers

No. 7/2004	Mr. Ronnie LAW	SS/MP, Marine Department
No. 8/2004	Mr. CHAN Ming-kwong	SMO/P&D(1), Marine Department
	Dr. T L YIP	BMT Asia Pacific Ltd.
No. 9/2004	Mr. K P LEE	SS/LVS, Marine Department
No. 10/2004	Mr. WONG Wing-hung	SMO/PSA, Marine Department

I. Opening Remarks

1. The Chairman welcomed all to the meeting and Ms. CHING Ngon-lai was particularly welcomed because it was the first PLVAC meeting she attended in the capacity of an observer with the Small Craft Workers Union.

II. Confirmation of Minutes of Last Meeting

2. The Chairman told the meeting that a number of proposed amendments to the minutes of last meeting were received, incorporated into the revised minutes and re-circulated for members' confirmation. Members raised no further comments at the meeting and the minutes of the 33rd meeting were confirmed.

III. Matters Arising From Minutes of Last Meeting

PLVAC Paper No. 2/2004 "New Number System under the Merchant Shipping (Local Vessels) Ordinance" (Para. 9, minutes of the 33rd meeting)

3. Regarding Dr. Alan LAU's request for a relaxation of the size requirements for the new numbering system exclusively for pleasure boats, the Chairman reported that the issue was further discussed at the COMBAY meeting held on 14.4.2004, at which Dr. LAU was advised that consideration or exemption, if appropriate, would be given to individual application for relaxation by the pleasure boat owner. Dr. LAU was satisfied and made no further comments.

PLVAC Paper No. 4/2004 "Study on Marine Traffic Risk Assessment for Hong Kong Waters (Progress Report) (Para. 16-18, minutes of the 33rd meeting)

4. The Chairman said that progress of the subject would be reported by the PLVAC Paper No. 8/2004 "Study on Marine Traffic Risk Assessment for Hong Kong Waters (Stage I Final Report)" which would be discussed at the next part of the meeting.

PLVAC Paper No. 5/2004 "Proposed Manning Scales for Local Vessels" (Para. 21(b), minutes of the 33rd meeting)

5. Regarding Mr. HO Chi-shing's question about the operation of a pleasure vessel, the Chairman told members that Mr. K P Lee had checked with MD's Seafarers Certification Section and confirmed that a separate Pleasure Vessel Operator

Certificate was not required for the equivalent local certificate of competency holder. It was recorded at the post-meeting notes after para. 21(b) in the minutes of the previous meeting.

PLVAC Paper No. 6/2004 “An Outline on the Delegation of Survey of Local Vessels under the New Local Vessel Ordinance” (Para. 22-27, minutes of the 33rd meeting)

6. Mr. Michael Lee updated members that –
 - (a) regarding the clarification related to the two Mainland inspection authorities as mentioned in para. 22, the PLVAC Paper No. 9/2004 would be presented later at the meeting;
 - (b) regarding the indemnity to guard against professional negligence performed by authorized surveyors/organizations (AS/AO) as mentioned in para. 23, insertion of a clause into the legislation or authorization document was being considered and in consultation with Department of Justice.
 - (c) as mentioned in para. 24, all reviews or amendments to “COP-Class I, II and III Vessels” would be put up for discussion at the Technical Sub-Committee and it was progressing well.

IV. Presentation of Papers

PLVAC Paper No. 7/2004 - Printing of Oil Record Book and Garbage Record Book

7. Mr. Ronnie LAW presented the paper and sought members’ views on the proposed cessation of printing of Oil Record Book and Garbage Record Book for sale by the Government of HKSAR in the future when the current stock run out.
8. Mr. Tony YEUNG commented that the two Record Books were very useful in helping to maintain a clean harbour. He suggested that the format of the existing Record Books to be made available for reproduction and use by the shipping industry via Chambers, Unions and Associations considering that printing of the Record Books by the Government might cease.
9. Given that frequent amendments might be required for the two Record Books, Mr.

Vitus SZETO proposed to upload the updated versions of the Books onto Marine Department (MD) website for downloading by the shipping industry.

10. The Chairman thanked members for their comments and said the points raised could be duly considered by the Committee, and MD would look into the possibility of uploading the Books on Internet; and that any change necessary to be made to the Books would be promulgated to the shipping industry.

(Post-meeting notes: The Oil Record Book and Garbage Record Book are also for use by the seagoing ships. At a similar consultative meeting with the Shipping Consultative Committee that deals with Hong Kong shipping matters it was eventually agreed that the two Books should continue to be published by Government for use by seagoing ships. The Books published will contain the latest amendments. Due to copyright the Books cannot be reproduced and cannot be uploaded on Internet. Hence both the Oil Record Book and the Garbage Record Book will continue to be published and available for sale to public.)

PLVAC Paper No. 8/2004 - Study on Marine Traffic Risk Assessment for Hong Kong Waters (Stage I Final Report)

11. Mr. CHAN Ming-kwong told members that this paper was a follow-up of the PLVAC Paper No. 4/2004 and invited Dr. T L YIP, representative of the Consultant, to brief members on the findings of Stage I of the MARA Study.
12. Mr. HO Chi-shing suggested that there should be control over the flow of ships entering the Central Harbour during the peak hours because most of the collisions took place at the busy hours. Dr. T L YIP answered that it would be difficult for most of the vessels to go for it because for ocean going vessels, the movements were subject to certain scheduling arrangements and for the other vessels, they preferred to enter the harbour at hours that were operationally convenient to them.
13. Mr. Tony YEUNG recommended that, when vessels were to leave their anchorage, they should proceed to the nearest fairway as quickly as they could because they sometimes navigate at will within the anchorage making them a hazard to navigation. He invited the consultant to consider creating a fairway within Victoria Harbour cutting across the anchorages directly towards Ma Wan. He was of the view that it would reduce the chances of collision between local vessels and ocean going vessels towards the south of Tsing Yi. Dr. T L YIP replied that Mr. YEUNG's suggestions had actually been considered but were not recommended for the following reasons-

- (a) the control over the anchorage would require different mechanisms and the redeployment of patrol boats. It involved massive resources and therefore the final proposal was to control the length of the vessels.
 - (b) Regarding the Yau Ma Tei situation, any small amendments to the Northern Fairway would be very costly, e.g. dredging, but the outcome would not be that effective.
14. To minimize traffic interaction adjacent to the Yau Ma Tei Anchorage, Mr. KWOK Kam-tung supported the proposal of widening of the Northern Fairway whereas Mr. He Wei-ping opined that the Northern Fairway should be shifted to south. Mr. CHAN Ming-kwong replied that these two proposed measures would be further considered in Stage II Study.
15. In response to Dr. Alan LAU and Mr. SHUEN Wai, the Chairman pointed out that-
- (a) this was purely a study on marine traffic. Regarding the usage of land and port facilities, the Marine Department would also take note of all strategic planning conducted for Hong Kong, e.g. Hong Kong Port – Masterplan 2020. The Chairman told the meeting that, when the Port 2020 Masterplan Final Report was available, it would be brought up and all its recommendations would be gone through at the PLVAC meeting;
 - (b) this traffic assessment intended to recommend some remedial measures to reduce risks and to give a reference to Hong Kong Port – Masterplan 2020 about the impacts;
 - (c) the Study was looking up to year 2011 at how the marine traffic could be safeguarded, given the overall location of port facilities and overall practices of shipping;
 - (d) on the issue of passage planning, it was something to do with the expansion in western Shenzhen, especially the Tonggu Waterway. Without the Tonggu Waterway, the traffic level and the size of vessels would go up, passage planning would become more important and more fundamental with the higher level of ocean going traffic; and
 - (e) regarding the use of Kellett Bank, all affected port users would be consulted before any decision could be confirmed.

16. Upon enquiries from Mr. Vitus SZETO about the safety consciousness and safety culture of the vessel operators, masters and engineers, the following feedbacks were given-

- (a) Mr. CHAN Ming-kwong referred members to the findings of the consultant's report. He pointed out that the future risk level would be similar to that of today, because it was discovered that the local and the Mainland seafarers were open to improvement and their safety awareness was on a rising trend.
- (b) Mr. Michael LEE replied that all vessel operators/engineers were required to pass various tests and examinations for their licenses to ensure a safe navigation within Hong Kong waters. Training on safety awareness was one of the agenda items that would be discussed between the Marine Department and the concerned Vocational Training Institutions at the upcoming scheduled meetings. Development and progress of the subject would be reported to members when substantial details were available.

(Post-meeting notes: At the recent Working Group meeting on safe navigation, it was agreed to have training on safety awareness for those crew working in river trade limits to meeting Mainland requirement. Relevant courses would be offered by Vocational Training Institutions for the issue of "Safety Yellow Card".)

- (c) Mr. NG Kin-man confirmed that, in the past years, the Marine Department had been involved in providing safety education to the shipping industries by conducting seminars and workshops on safety awareness and safety culture several times a year, and would continue to provide such services in the future.
- (d) Mr. Tony YEUNG opined that, as he observed, there were a lot of bad practices in operating high speed vessels in the Central Harbour and sometimes the related knowledge level of the vessel operators tended to be inadequate and out-dated. He said that the Maritime Services Training Institute was working on an enhancement programme and on an open bid exercise for a simulator programme with a view to upgrading the knowledge level and the safety consciousness of the vessel operators.
- (e) The Chairman supplemented that the Marine Department would be in regular contact with authorities in Guangdong and Shenzhen to exchange views and ideas on navigation safety with regard to cross boundary traffic.

17. Mr. Vitus SZETO also commented that the relocation of mooring of vessels from the Yau Ma Tei Anchorage to Kellett Bank meant more difficulties to be faced by the vessel owners from ship maintenance point of view. When the repair facilities were put further away from the vessels, the cost of repairing would increase. Mr. CHAN Ming-kwong replied that the Marine Department would consult the concerned industries during the Stage II study and develop options for members' further comments before a decision would be made.
18. The Chairman concluded that the study would move to Stage II and the Marine Department would liaise and discuss with other relevant Government bodies to review and develop a strategy to further implement risk controls. Members would be informed of the progress at the next meeting.

PLVAC Paper No. 9/2004 - Clarification on "Recognized Authority" mentioned in the PLVAC Paper No. 6/2004 on "Outline on the Delegation of Survey of Local Vessels under the New Local Vessels Ordinance"

19. Mr. K P LEE presented the details of the paper, which gave the background on the issue of authorization of surveyors, and the industry's needs for Recognized Authorities (RA) to conduct surveys for Hong Kong shipowners.
20. Upon enquiries from Mr. Vitus SZETO and Mr. Martin CHU, Mr. Michael LEE clarified that –
 - (a) since the mid 90's, the Marine Department, in response to the requests from the vessel owners, had been delegating surveys of the Hong Kong vessels to the Mainland authorities for years. Outsiders or even some local operators might not understand clearly that the China Classification Societies (CCS) and the Maritime Safety Authority (MSA) of PRC were actually the same body in those days, whereas their structure was divided into two bodies some years ago. In the Mainland, CCS involved in surveys of all ships other than fishing vessels while MSA was the government authority responsible for all ships other than fishing vessels. There was another government bureau in the Mainland responsible for fishing vessels, i.e. the Register of Fishing Vessels (RFV) of PRC. The present proposal was to continue the existing arrangement under the new legislation in order to meet the practical needs of the vessel owners. The vessel owners always had the options of engaging these two authorities or classification societies.
 - (b) Given the change of environment and modernization development in the

Mainland, the system in managing their surveyors in the Mainland were rationalized and governed with clearer guidelines and requirements. Through the frequent contacts with these Mainland in recent years it was noted that their reforms in terms of quality and management of the surveyors were found acceptable.

(c) The Marine Department would limit the scope of delegated surveys to the RA relevant to their expertise in the Mainland as mentioned. The Register of Fishing Vessels would be delegated to survey fishing vessels only, and MSA would be limited to vessels other than fishing vessels. The Marine Department would assume the monitoring role as appropriate. These would be included in the authorization document which is yet to be finalized.

21. The Chairman expressed his understanding on members' concerns over the basic principle that authorization could only go to those authorities or classification societies which had the competence to do the delegated work. The Chairman summed up that the first rule was to ensure the competency of the AS/AO/RA. He said that the Marine Department would limit the scope of delegated work which these organizations were permitted to inspect and would closely monitor their performance. The second rule was to give a wider choice, but within the rule of competence, for vessel owners for the purpose of the industry. Marine Department would undertake to ensure the limitation on the scope of work mentioned in the foregoing would be indicated in the arrangement document for these authorities.

22. With no objection raised by the members, the Chairman concluded that the clarification was accepted and the paper was endorsed.

PLVAC Paper No. 10/2004 - Implementation of the International Ship and Port Facility Security (ISPS) Code

23. Mr. WONG Wing-hung presented the paper. Background information and progress of implementing the International Ship and Port Facility Security (ISPS) Code in Hong Kong was provided for members' information.

24. In response to members' enquiries, the Chairman made the following clarifications –

(a) On the issue that a number of vessels might not be able to comply with the ISPS requirements for certification before the implementation day on 1 July, MD had made a recommendation to the IMO suggested the issuance of interim certificate prior to 1 July to vessels that had their security plans approved. MD would wait

and follow the IMO's decision.

- (b) On port state control, MD would follow the IMO instructions and Tokyo Memorandum of Understanding's guidance, which are that the procedures should follow that applied to SOLAS & MARPOL. For instance, if a ship came in with a technical breach but did not pose a security threat, i.e. it had not got a valid International Ship Security Certificate, MD should allow the ship to come in and then detain it.
- (c) Screening of cargoes in the supply chain was being handled by the Customs & Excise Department under other initiatives.
- (d) The Port Facility Security Plan of the Government Mooring Buoys & Anchorages had been prepared and would be approved by the Designated Authority.
- (e) The Maritime Security Levels for the port of Hong Kong and Hong Kong registered ships would be published via the MD internet web site on 1 June 2004.

V. Date of Next Meeting

- 25. There being no other business, the meeting ended at 12:15 p.m. The date of next meeting would be announced in due course.