

PROVISIONAL LOCAL VESSELS ADVISORY COMMITTEE

Minutes of the 35th Committee Meeting

Date : 8 October 2004 (Friday)
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. William CHAN (<i>on behalf of Mr. SHUEN Wai</i>)	Representing Cargo Vessels Operators
	Mr. Raymond YUEN (<i>on behalf of Mr. HO Chi-shing</i>)	Representing Ferry Vessels' Operators
	Mr. KEUNG Yin-man, MBE	Representing Fishing Industry
	Mr. CHOI Kim-lui, JP	Representing Launch & Excursion Vessels' Operators
	Mr. Elden YAU	Representing Marine Insurance Industry
	Mr. Tony YEUNG Pui-keung	Representing Maritime Services Training Institutes
	Dr. CHENG Jui-shan, MBE	Representing Naval Architects
	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. Michael LEE	GM/LVS, Marine Department
	Mr. NG Kin-man	GM/Ops, Marine Department
Secretary:	Ms. Shirley HO	ADS/C&G, Marine Department

In Attendance

Mr. KWOK Kam-tung	HK & Kln Motor Boats & Tug Boats Association
Mr. WONG Yiu-kan	HK Cargo Vessel Traders' Association Ltd.
Mr. WU Ka-shun	HK Shipping Staff Association
Mr. WONG Yiu-wah	Marine Excursion Association Ltd.
Ms. CHING Ngon-lai	Small Craft Workers Union

Presentation of Papers

No. 12/2004	Mr. C Y TSANG	SMO/HPS, Marine Department
	Mr. Barry CHEUNG	CIP, Hong Kong Police Force
No. 13 & 14/2004	Mr. Newton CHAN	SMO/LP, Marine Department
	Mr. Ivan SHUEN	MO/Legislation, Marine Department
No. 15/2004	Mr. CHAN Ming-kwong	SMO/P&D(1), Marine Department
No. 16/2004	Mr. S H WAN	SS/LVS(Ag), Marine Department
	Mr. MAK Tak-cheong	SS/P&T, Marine Department
No. 17/2004	Mr. Michael L EE	GM/LVS, Marine Department
No. 18/2004	Mr. F P LEUNG	SSO/MISS, Marine Department
No. 19/2004	Mr. CHAN Fu	SSO/MISS, Marine Department

I. Opening Remarks

1. The Chairman welcomed all to the meeting and extended his welcome particularly to the following persons -
 - (a) Mr. Elden YAU, who was appointed in August 2004 to replace Ms. Una CHAN to sit on the PLVAC, representing the Marine Insurance Industry;
 - (b) Mr. Raymond Yuen, on behalf of Mr. Ho Chi-shing, representing the Ferry Vessels Operators;
 - (c) Mr. William Chan, on behalf of Mr. Shuen Wai, representing the Cargo Vessels Operators;
 - (d) Mr. Wong Yiu-wah, on behalf of Mr. Cheung Yau-kwong, representing the Marine Excursion Association Ltd as an observer; and
 - (e) Mr. Wong Yiu-kan, representing the HK Cargo Vessel Traders' Association Ltd. as an observer.

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 34th meeting were confirmed.

III. Matters Arising From Minutes of Last Meeting

PLVAC Paper No. 8/2004 “Study on Marine Traffic Risk Assessment for Hong Kong Waters (Stage I Final Report)” (Para. 11-18, minutes of the 34th meeting)

3. The Chairman said that progress of the subject had been detailed in PLVAC Paper No. 15/2004 – “Study on Marine Traffic Risk Assessment for Hong Kong Waters (Implementation of Recommended Improvement Measures)”, which would be the first paper to be presented and discussed at next part of the meeting.

PLVAC Paper No. 10/2004 “Implementation of the International Ship and Port Facility Security (ISPS) Code” (Para. 23-24, minutes of the 34th meeting)

4. The Chairman reported that the Code was implemented on 1 July 2004 and Marine Department (MD) was continuing to work on the Code which mainly concerned training exercises and audits of port facilities. Issues related to local vessels on the ISPS Code were not expected. Members confirmed that they had no comments to make on the ISPS Code.

IV. Presentation of Papers

5. The Chairman told members that he would have to depart at about 11:30 a.m. for another meeting on ISPS Code and Mr. Michael LEE would thereafter take up the chair for discussion of the remaining papers.
6. The Chairman informed members that there would be two PLVAC meetings coming up, on 12 November and 17 December 2004. The November meeting would specifically cover the subject of South East Kowloon Development. The Chairman referred members to the document tabled at the meeting, which listed out the details of the public forums and community workshop on Kai Tak Planning Review to be organized by the Planning Department in October and November 2004. The Chairman said that the Review would touch on the interest of the local vessels industry, e.g. the PCWA and the typhoon shelter. He urged members to join those public participation events actively to express views and develop vision. Mr. M K CHAN reminded that, if members wished to participate in those events, seat reservation would be required.

PLVAC Paper No. 15/2004 - Study on Marine Traffic Risk Assessment for Hong Kong Waters (Implementation of Recommended Improvement Measures)

7. Mr. CHAN Ming-kwong presented the paper and told members that this would be the last report of the MARA Study, which briefed members on the recommended implementation strategy of improvement measures.
8. Members had an active discussion on the recommended strategy of implementation of speed control within the Central Harbour and stringent enforcement operations against speeding by MD. Mr. K M NG clarified and members noted how MD measured and observed vessel speed. The Chairman said that competent operators/masters should always be able to assess whether their vessels were operating at a reasonable speed given the conditions and within the statutory limit and marginal excess speed offences would normally not be subject to a prosecution if no danger had been caused to others. He added that MD would examine any new technologies that become available for enhancing accuracy of speed measurement so as to improve navigation safety within Hong Kong Waters.
9. Upon enquiry from Mr. WU Ka-shun, the Chairman replied that in its recent meetings members of both Pilotage Advisory Committee and Port Operations Committee had decided to form a working group to follow up and monitor the recommended implementation strategy. With a view that there would be two more PLVAC meetings coming up in the next two months, he suggested and members agreed that the Operations Branch of MD should start to move on with the recommended implementation strategy and the liaison with the local vessels industry particularly on the education concern and come back to the PLVAC meeting to be held in December to decide if setting up of a special PLVAC working group was necessary.

PLVAC Paper No. 12/2004 - Proposed New Licensing Requirements for High-Power Open Deck Pleasure Vessels

10. Mr. C Y TSANG introduced the background of the paper and Mr. Barry CHEUNG presented the details, seeking members' endorsement on the proposal of imposing new licensing requirements for single hull open deck pleasure vessels fitted with outboard engine of 200 HP or above.
11. Dr. Alan LAU raised strong objection to the proposed new licensing requirements. He commented that to ensure navigation safety, vessel structure or horsepower of the vessel was not the most important contributor. It was not fair to inconvenience the

genuine pleasure boat operators if the proposal was a measure to help attack the criminals' cross-border smuggling activity. He said that the paper was first presented at the COMBAY meeting held on 23 September 2004, at which members accepted that the new requirements would apply to new applications whereas existing affected pleasure boats would be dealt with separately. However, Dr. LAU had a meeting with other pleasure boat operators after the COMBAY meeting and noted that they all objected to accept the new licensing requirements for both new applications and existing boats. He therefore urged for a further discussion on the subject in details.

12. Members expressed their understanding on the difficulties faced by the Marine Police and the MD but all expressed certain reservation on the proposal. Their views were summarized as follows –
 - (a) Dr. CHENG Jui-shan opined that pleasure boats were not allowed to carry cargoes, the practical way to fight against smuggling activities should be stringent law enforcement and prosecution but not through means of licensing or regulations on the design of vessels.
 - (b) Mr. Vitus SZETO was of the view that, for law-abiding citizens, licensing might be an effective control measure to regulate irregularities but for criminals, it could not prevent them from doing illegal activities.
 - (c) Mr. CHOY Kim-lui was concerned about the effective of the new requirements because he thought that pleasure vessels fitted with outboard engine of less horsepower, say 150 HP, though their speed might reduce by 3 to 4 knots, could serve the same smuggling purpose. Besides, he commented that any person could be the builder of a vessel and the reliability of the certification documents issued by such builders was doubtful.
13. Mr. NG Kin-man explained that MD, as a licensing authority of the pleasure vessels, had the responsibility to ensure the licensed vessels could be safely operated within Hong Kong Waters. MD had made the proposal purely from safety point of views, considering that this type of light weight vs. power ratio vessels might not be suitably designed for safe operation at high speed even for legitimate leisure purposes. He clarified that a certification document from a recognized classification society would not be required if the vessels operators could provide builder's documents on the basic information about the vessels, e.g. essential parameters and outlined specification etc.
14. The Chairman thanked members for their invaluable comments and concluded that, as the meeting met no consensus, MD and the Marine Police would go back and think

about the concept again. The Chairman invited members to put forward any other thoughts on the issue to MD. The subject would be put up for further discussion at another PLVAC meeting in the future.

PLVAC Paper No. 13/2004 - Local Vessels (Miscellaneous Provisions) Bill

15. Mr. Newton CHAN presented the paper. Members were informed that the enactment of the Local Vessels (Miscellaneous Provisions) Bill was a prerequisite to the implementation of the Merchant Shipping (Local Vessels) Ordinance (LVO) and its subsidiary legislation because some provisions in the subsidiary legislation could not be made before the relevant empowering provisions in the LVO had been clarified or rectified. Mr. CHAN explained that it was also necessary to update the existing legislation, which had made references to other legislation being repealed by the LVO, to remove any legal lacuna.
16. Dr. CHENG Jui-shan enquired about the present position of the delegation of surveyors for local vessels. Mr. Michael LEE answered that the paper, together with other to-be-endorsed Code of Practices would be made available for members' discussion and endorsement at the coming PLVAC meetings in November and December 2004.
17. In response to Mr. Vitus SZETO's concern about the wording of the bill, the Chairman replied that it was a miscellaneous bill and would be submitted to LegCo through the normal process. The bill would be published and made available for public consultation.
18. Members endorsed the paper without any other comments.
19. The Chairman departed for another meeting and passed the chair to Mr. Michael LEE.

PLVAC Paper No. 14/2004 - Merchant Shipping (Local Vessels) (General Regulation, Merchant Shipping (Local Vessels) (Compulsory Third Party Risks Insurance) Regulation and Merchant Shipping (Local Vessels) (Fees) Regulation

20. Mr. Newton CHAN briefed members on three new Regulations made under the LVO and invited members to comment on the general administration and control of local vessels proposed in the Regulations.

21. Mr. Vitus SZETO queried the usefulness of the new provision stated in paragraph 5(v) of the paper regarding the indication of the maximum number of passengers permitted by posting a sign at the embarkation point. Mr. Newton CHAN replied that a sign particularly at the embarkation point would help both operator and passengers become more alerted about the capacity of the vessel and enhancement of safe operation of the vessel would therefore be expected. Mr. NG Kin-man added that the new provision could supplement those signs, which were always covered by some promotional banners. Mr. Raymond YUEN confirmed that, as a ferry vessels operator, he had no objection to providing the sign at the embarkation point.
22. Mr. KEUNG Yin-man enquired about the premium for the liability amount of third party risks insurance for fishing boats and Mr. CHAN replied that the premium would depend on market price set by the insurance industry. Mr. Elden YAU kindly agreed to collect some relevant information and would provide them to Mr. KEUNG for reference.
23. Mr. Michael LEE thanked Mr. YAU. Members had no other questions and endorsed the paper.

PLVAC Paper No. 16/2004 - Implementation of the revised Regulation 13G and the new Regulation 13H of Annex I of MARPOL 73/78 on Locally Licensed Tankers Carrying Heavy Grade Oil (HGO)

24. Mr. S H WAN presented the paper and told the meeting that the IMO had introduced new requirements under Annex I of MARPOL aiming to further accelerate phasing out of single hull tankers and ban carriage of HGO in single hull tankers of very old age. The new requirements would come into force internationally on 5 April 2005, which was also applicable to local vessels. MD proposed to grant extension of service life to existing single hull tankers operating solely within Hong Kong waters, of older than 25 years on or after 5 April 2008 subject to a more severe survey requirements with a view to ensuring that these vessels were maintained in satisfactory condition.
25. Mr. KEUNG Yin-man gave his support to the recommended measures. With no objection from other members, Mr. Michael LEE concluded that the paper was endorsed.

PLVAC Paper No. 17/2004 - Merchant Shipping (Local Vessels) (Safety Survey) Regulation and Merchant Shipping (Local Vessels) (Works) Regulation

26. Mr. Michael LEE and Mr. F P LEUNG presented the two Regulations briefed in the paper. Members were invited to comment on the safety control and requirement of local vessels proposed in the two Regulations.
27. Upon enquiry from Mr. Vitus SZETO, Mr. Michael LEE replied that details about the competent examiner for lifting equipment and the authorized surveyors (AS) & the recognized classification society (RCS) would be presented in separate papers to be put up for discussion at the coming meetings. He added that MD was still following up with DoJ on a clearer expression of the terms used, e.g. “competent examiner”, “authorized surveyors” etc., in the required documents. Mr. SZETO said that he would endorse the paper subject to the confirmation of details about the AS and the RCS.
28. In response to Mr. WU Ka-shun, Mr. Michael LEE and Mr. F P LEUNG gave the following replies –
- (a) For those existing gear examiners who was not qualified to be appointed as competent examiner, they might assist the competent examiners to examine the vessels;
 - (b) The examination fee would certainly increase because of the upgrading of the examination quality. However, it was expected that the increase would drop when the market was open for competition; and
 - (c) The transitional period was supposed to be long enough for the gear examiners to accept the change because all the related parties had got to know it since 1999.
29. Regarding paragraph 4(v)(b) of the paper, Mr. Raymond YUEN asked if the pleasure vessels engaged in letting for hire or reward under verbal agreement would be subject to inspection required by MD. Mr. NG Kin-man responded that a pleasure boat operator would have breached the law if he let his boat for hire or reward without a charter agreement or hire-purchase agreement.
30. Members made no further comments and Mr. Michael LEE thanked for the support from members.

31. Mr. F P LEUNG presented the paper and invited members to comment on the proposal of this Code.
32. In reply to Mr. CHOI Kim-lui's suggestion, Mr. F P LEUNG said that –
 - (a) explanatory notes would be made in the Code to avoid confusion on any multiplier effect indicated; and
 - (b) a remark had been added into the Code to allow flexibility on the feasibility of the “deadman” design mentioned in paragraph 4.2.6 of the Code.
33. Members endorsed the paper without any other comments.

V. Any Other Business

34. Mr. Michael LEE said that PLVAC Paper No. 19/2004, i.e. Draft Code of Practice for Shipboard Container Handling (August 2004), would be presented and discussed at the next PLVAC meeting. There being no other business, the meeting ended at 1 p.m.

VI. Date of Next Meeting

35. Members were informed that the next PLVAC meeting would be held on 12 November 2004.