

PROVISIONAL LOCAL VESSELS ADVISORY COMMITTEE

Minutes of the 36th Committee Meeting

Date : 12 November 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. SHUEN Wai	Representing Cargo Vessels Operators
	Mr. HO Chi-shing	Representing Ferry Vessels' Operators
	Mr. KEUNG Yin-man, MBE	Representing Fishing Industry
	Mr. CHOI Kim-lui, JP	Representing Launch & Excursion Vessels' Operators
	Ms. Una CHAN	Representing Marine Insurance Industry
	<i>(on behalf of Mr. Elden YAU)</i>	
	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. FONG Chi-fai	Representing River Trade Cargo Operators
	<i>(on behalf of Mr. HE Wei-ping)</i>	
	Mr. Vitus SZETO Kin	Representing Ship Building & Repairing 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. PANG Wah-kan	HK Fishermen's Association
Mr. WU Ka-shun	HK Shipping Staff Association
Mr. CHEUNG Yau-kwong	Marine Excursion Association Ltd.
Ms. CHING Ngan-lai	Small Craft Workers Union

Absent with Apologies

Mr. HUNG Bing	Representing Seafarer's Associations
Mr. Martin CHU	Representing Ship Survey Industry

Presentation of Papers

Paper No. 19/2004	Mr. CHAN Fu	SSO/MISS, Marine Department
Paper No. 20/2004	Mr. M K CHAN	SMO/P&D(1), Marine Department
	Mr. Kelvin CHAN	STP/K1, DPO/KIn, Plan D
	Mr. David TAM	TP/K10, DPO/KIn, Plan D
	Mr. Derek SUN	Study Manager, City Planning_Maunsell Joint Venture (CPMJV)
	Mr. Eric MA	Deputy Study Manager, CPMJV
	Mr. Jack LI	Senior Engineer, CPMJV
	Miss Flora LAI	Planner, CPMJV
Paper No. 21/2004	Mr. T W LEE	SSO/MISS, Marine Department
Paper No. 22/2004	Mr. H S WU	SSO/MISS, Marine Department
Paper No. 23/2004	Mr. S H WAN	SS/LVS(Ag), Marine Department
Paper No. 24/2004	Mr. Michael LEE	GM/LVS, Marine Department
Paper No. 25/2004	Mr. W H NG	SSO/MISS, Marine Department

I. Opening Remarks

1. The Chairman welcomed all to the meeting and extended his welcome particularly to Mr. FONG Chi-fai, who was attending the meeting for the first time on behalf of Mr. HE Wei-ping, the representative of the River Trade Cargo Operators. He told the meeting that Mr. HUNG Bing and Mr. Martin CHU were not able to attend the meeting and had sent apologies for absence.

II. Confirmation of Minutes of Last Meeting

2. A list of proposed amendments received from members on the minutes of last meeting (attached as Annex 1) was tabled at the meeting for members' endorsement. Mr. NG Kin-man further raised that the name "Mr. Berry CHEUNG" on page 2 and in paragraph 10 should be amended to read as "Mr. Barry CHEUNG". Members had no objections to all proposed amendments and the Chairman concluded that the minutes of the 35th would be revised as proposed, confirmed and uploaded onto the Marine Department website accordingly.

III. Matters Arising From Minutes of Last Meeting

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” (Para. 22, Page 7, minutes of the 35th meeting)

3. The Chairman referred members to paragraph 22 of the minutes of last meeting and invited Ms. Una CHAN to report progress on providing Mr. KEUNG Yin-man with relevant information about the premium for the liability amount of third party risk insurance for fishing boats. Ms. CHAN said that the information required was still under collection by the Marine Insurance Association (MIA) and would be provided to Mr. KEUNG as soon as possible. She expressed her understanding on Mr. KEUNG’s concern and clarified that, within the insurance market, insurance companies were charging different levels of premium subject to different requirements by vessel owners and therefore questionnaires had to be issued to insurance companies to collect the information required. Ms. CHAN noted that Mr. KEUNG would need the information well before the introduction of the third party risk insurance, i.e. the introduction of the Local Vessels Ordinance, in the middle of next year.
4. The Chairman thanked for the kind assistance offered by the MIA and wished that the information required could be provided to Mr. KEUNG at the next PLVAC meeting to be held in December 2004. He also reminded members that the Third Party Risk legislation is expected to be enacted in July and thereafter there would be a six month grace period for operators to arrange the new insurance requirements.

IV. Presentation of Papers

PLVAC Paper No. 19/2004 - Draft Code of Practice for Shipboard Container Handling (August 2004)

5. Mr. CHAN Fu presented the paper and sought members’ views and endorsement.
6. Upon members’ enquiries, Mr. CHAN Fu made the following clarification –
 - (a) Concerning safety shoes, the Code had not set out any rigid requirements. No provision in the Code made it obligatory for all persons employed in the works to wear the safety shoes recommended by the Labour Department and the type

of safety shoes to be adopted should be at the discretion of the person in charge of works.

- (b) A failure by any person to observe a provision of this approved Code should not of itself cause him to incur any criminal liability, but any such failure might be relied upon by any party to the proceedings as tending to establish or to negative any liability which was in question in those proceedings.
- (c) Paragraph 3.5 of the Code stated expressly that the person employed also had the responsibilities of ensuring that works were being carried out safely. If the employer had followed closely the Code and provided sufficient safety equipment but the employees refused to wear them, the employees might be liable to legal proceedings.
- (d) All the Codes of Practice would be subject to constant review by this Committee and the later Local Vessels Advisory Committee.

7. Members had no further comments and endorsed the paper.

PLVAC Paper No. 20/2004 - Kai Tak Planning Review – Stage I Public Participation: Community’s Vision for Kai Tak

- 8. Mr. Kelvin CHAN of the Planning Department gave members a brief account on the background of the Kai Tak Planning Review and Mr. Derek SUN and Mr. Eric MA of CPMJV presented the subjects of consultation in the Stage 1 Public Participation. Members were invited to express views on the development vision for the ex-Kai Tak Airport site, which was the subject of this round of public consultation.
- 9. Mr. CHOI Kim-lui, Mr. KWOK Kam-tung and Mr. WONG Yiu-kan expressed the same strong view that the two typhoon shelters, i.e. Kwun Tong and To Kwa Wan typhoon shelters, as well as the affected public cargoes working areas, should be retained to provide a safe and convenient shelters for vessels and protect the interests of the industries concerned. Mr. CHOI opined that, if the two typhoon shelters had to be relocated, the design, the capacity and the location of the new typhoon shelters should be carefully considered and views from all affected parties should be sought before any decision could be made. He also requested the provision of sufficient public piers, but not landing steps, along the coast for the use of small vessels and yachts. Mr. HO Chi-shing pointed out that there was a real need for the public piers and their construction might not require reclamation. Mr. WU Ka-shun agreed and

suggested that a finger pier to be constructed by piling along the coast involving no additional reclamation would serve the purpose and make embarkation and disembarkation safer. Mr. Kelvin CHAN said that comments of members would be taken into consideration in reviewing the development concept for Kai Tak.

10. Mr. Vitus SZETO was concerned about the pollution problem of the Kai Tak Approach Channel (Kai Tak Nullah). Mr. Kelvin CHAN said that the study would examine measures to tackle the environmental problem as part of the process to develop new development concept for Kai Tak. Studies under the Environmental Impact Assessment Ordinance would be conducted and confirmed prior to implementation of the development plans. The current development scheme would be comprehensively reviewed starting with no reclamation. Any proposal that involved reclamation would need to satisfy the “over-riding public need” test laid down by the Court of Final Appeal. From technical point of view, Mr. Eric MA explained the possible ways to address the pollution problem, which might involve oxidization and improvement to the water circulation, if there were no reclamation of this water body. Mr. MA said that, if this water body was to be reclaimed then a large box culvert would be required to extend the existing drainage system. There would be different technical requirements under different development scenarios. Cost effectiveness and technical feasibility would also be considered. He said that the public would be consulted further on different development options of the approach channel and the mitigation measures, where applicable-
11. In response to Mr. HO Chi-shing, Mr. Kelvin CHAN said that as part of the study the Consultant would look into the interface issues with the surrounding areas, e.g. To Kwa Wan, San Po Kong and Kwun Tong etc. They aimed to have better integration between the old and the new districts. Regarding the urban design aspect, restrictions on building height had already been imposed in the new areas. As regards the contaminated Kai Tak Approach Channel and the Harbour Area Treatment Scheme, Mr. Kelvin CHAN said that the concerned departments would work together to address the relevant pollution problems.
12. Dr. CHENG Jui-shan suggested that, if reclamation was not allowed, an indoor skiing stadium might be a proposal to be considered given the long and narrow Kai Tak runway. Mr. Kelvin CHAN noted the suggestion.
13. The Chairman expressed his appreciation for the presentation by the Planning Department and the CPMJV and the valuable views given by the members. He invited the Planning Department to return at the Stage 2 Public Consultation and to enlighten the PLVAC members with the progress of the review.

PLVAC Paper No. 21/2004 - Draft Code of Practice for Provision of First Aid Box at Works on Vessels (September 2004)

14. Mr. T W LEE gave a brief presentation of the paper and responded as follows upon enquiries from members -
- (a) The list of items and equipment to be kept in each first aid box registered the basic requirements for a first aid box and was drawn up in accordance with the guidelines issued by the Labour Department and the provision of the Occupational Safety and Health Ordinance. It was always at the liberty of the vessels owners to include additional first aid equipment or medication, e.g. antiseptic solution or cooling lotion for burns/scalds, in the first aid box considering their practical needs in different working environment and with different work nature; and
 - (b) Regarding the “him” and the “paragraph (1)” mentioned in Item A1.1(3)(b) on page 11 of the Code, it was clarified that the “him” meant “the person in charge of works” and if members wished to have a look at the details of the “paragraph (1)”, members should refer to S.15A(1) of the Shipping and Port Control (Works) Regulations.
15. Members generally accepted the Code but remarked that the knowledge of how to use the items and equipments in the first aid box was also very important. The Chairman agreed and thanked for members’ endorsement.
16. The Chairman departed for another meeting at 11:10 p.m. and passed the chair to Mr. Michael LEE.

PLVAC Paper No. 22/2004 - Draft Code of Practice – Designation of Competent Persons (September 2004)

17. Mr. H S WU presented the paper briefly and invited members’ views on the Code.
18. In reply to members’ questions, Mr. Michael LEE and Mr. H S WU clarified that -
- (a) The Code was not applicable to a vessel which was on a slipway or in a drydock. In brief, the vessels carrying out works afloat would be under ambit

of Marine Department whereas works being carried out on dry land would be under ambit of Labour Department;

- (b) The “who” mentioned in paragraph 3.2.4 on page 8 of the Code meant the “supervisor”;
- (c) The Code was applicable to four categories of works which included “repairs to any local vessel”, “the breaking up of a local vessel”, “cargo handling on a local vessel” and “marine construction”; and
- (d) Marine Department would consider supplementing the Code with useful remarks to help the vessel owners to identify the competent persons if there were any difficulties encountered by the industries concerned.

19. Members endorsed the paper without further questions.

PLVAC Paper No. 23/2004 - Finalized version of Code of Practice: Safety Standard for Class I, II and III Vessels

20. Mr. S H WAN briefed members of the gist of the paper. Members’ views were summarized as follows-

- (a) Upon enquiry from Mr. CHOI Kim-lui about the vessel permitted to be operated by combined coxswain, Mr. Michael LEE referred Mr. CHOI to paragraph 3.2 on page X-2 of the Code;
- (b) Mr. HO Chi-shing commented that the meaning of paragraph 4 “Radar Operator” on page X-3 of the Code in the Chinese version was not exactly the same as its English version. Mr. S H WAN said that he would follow up to revise the Chinese translation;
(Post-meeting note: The Chinese translation of the paragraph concerned has amended as required [see Chinese version].)

“4 雷達操作員

經營《渡輪服務條例》(第 104 章)界定的專營服務或領牌服務渡輪船隻，在維多利亞港口界線範圍以外操作營運時，必須裝置有認可類型的雷達；而在整段當船隻在航行中的任何時期間，船上該雷達必須有一名雷達操作員負責該雷達的操作，而該人員已修畢由處長認可雷達訓練課程的人操作。”

- (c) Mr. WU Ka-shun suggested that the main engine total power of the tug and cargo vessels for Grade 1 Engineer Operator to operate should be amended to “not more than 5000kW” instead of “3000kW” as mentioned in Table-2 of Annex P of the Code. Mr. Michael LEE noted the suggestion and said that the Marine Department would look into its feasibility and revert to members at the next meeting; and
(Post-meeting note: As regards the “Engine Operator” certificates of competency, given that the number of vessels having power exceeding 3000kW are not large, the Examination Section of Marine Department will give endorsement to applicants upon owner’s request on case by case basis.)
- (d) Mr. Vitus SZETO requested to give his comments at the next PLVAC meeting to be held in December. Mr. Michael LEE accepted and invited all members to offer their views before the next meeting so that the Marine Department could respond as appropriate at the meeting in December.

21. Members had no other questions and gave an in-principle endorsement to the paper.

PLVAC Paper No. 24/2004 - Code of Practice: Safety Standard for Class IV Vessels

22. Mr. Michael LEE presented the paper and invited members to give comments.
23. Dr. Alan LAU said that some pleasure boat operators would have comments on the stipulated built-in capacity of open deck vessel regardless of the breadth and width of the vessel but since he did not have chance to meet and communicate with other pleasure boat operators by the meeting, he requested to express the views of his representing industry at the next meeting. Mr. Michael LEE agreed.
24. In response to the comment on the number of crew in a vessel given by Ms. CHING Ngon-lai, Mr. Michael LEE said that it was the responsibility of the owner or the coxswain of any Class IV vessel to ensure that the vessel was safe for its intended operation when underway, including the consideration of its essential fittings and number of crew. The requirements set in the Code served as guidance for such practice at operation.
25. With no other comments, Mr. Michael LEE concluded that the paper was endorsed subject to no further adverse comments to be given by Dr. Alan LAU at the next

meeting.

PLVAC Paper No. 25/2004 - Draft Code of Practice for Competent Examiners on Examination of Lifting Appliances and Lifting Gear

26. Mr. W H NG gave a brief account of the paper and updated the members that the Code had been sent out to the industries concerned for comments
27. The Chairman returned to the meeting. Members were satisfied with the contents of the paper and gave endorsement unanimously.

V. Any Other Business

28. There being no other business, the meeting ended at 12:35 p.m.

VI. Date of Next Meeting

29. Members were informed that the next PLVAC meeting would be held on 17 December 2004.

PROVISIONAL LOCAL VESSELS ADVISORY COMMITTEE

Minutes of the 35th Committee Meeting

A Summary of Members' Comments

The minutes of the 35th meeting were circulated for members' views and the following comments were received. The minutes will be revised as proposed if members have no objections.

Para. 3, line 2 (for Chinese version only)

To add “將會” before “先行講解和討論該份文件。”（在“先行講解和討論該份文件”之前加上“將會”）

Para. 22 (for both versions)

To rewrite the whole paragraph to read as –

“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.”

“姜彥文先生詢問，第三者風險保險的漁船責任保額的保費。陳先生回答說，有關保費會由保險業界跟據市場價格訂立。邱在基先生友好的答應會收集一些相關資料提供給姜先生作參考。”

Para. 26, last sentence (for English version only)

To amend the sentence to read as “Members *were* invited to comment on the safety control and requirement of local vessels proposed *in the two Regulations.*”

Para. 28(a) & (c) (for Chinese version only)

Translation of the term “gears examiners” to be changed from “工具檢驗員” to “設備檢驗員”。（以“設備檢驗員”代替“工具檢驗員”）