

PROVISIONAL LOCAL VESSELS ADVISORY COMMITTEE

Minutes of the 38th Committee Meeting

Date : 30 September 2005 (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 (MD)
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. Vivian HO	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. Danny WU	Representing River Trade Cargo Operators
	<i>(on behalf of Mr. HE Wei-ping)</i>	
	Mr. HUNG Bing	Representing Seafarer's Associations
	Mr. Vitus SZETO Kin	Representing Ship Building & Repairing Industry
	Mr. NG Wai-ming, Raymond	Hong Kong Police Force
	Mr. Michael LEE	GM/LVS, MD
	Mr. NG Kin-man	GM/Ops, MD
Secretary:	Ms. Shirley HO	ADS/C&G, MD

In Attendance

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. KWOK Tak-kee	HK & Kln Motor Boats & Tugs Boats Asso. Ltd.
Mr. CHEUNG Yau-kwong	Marine Excursion Association Ltd.
Ms. CHING Ngon-lai	Small Craft Workers Union
Mr. HUI Kit	Marine Consultant, Macau SAR
Mr. CHOU Chi-tak	Chief of Inspection and Safety Division, Macau SAR
Mr. HUANG Gou-tan	Chief of Safety Technical Support Centre, Macau SAR

Absent with Apologies

Mr. Martin CHU

Representing Ship Survey Industry

Presentation of Papers

Paper No. 6/2005	Ms. Janice LUN	Marine Parks Offr (E), AFCD
	Mr. Patrick LAU	Marine Parks Offr (Dev), AFCD
	Mr. M K CHAN	SMO/P&D (1), MD
Paper No. 7/2005	Mr. Y C YEUNG	SSSO/MISS, MD
	Mr. CHAN Fu	SSO/MISS, MD
Paper No. 8/2005	Mr. F P LEUNG	SSO/MISS, MD
Paper No. 9/2005	Mr. M Y CHAN	SS/LVS, MD
Paper No. 10/2005	Mr. Michael LEE	GM/LVS, MD
Paper No. 11/2005	Mr. M Y CHAN	SS/LVS, MD
Paper No. 12/2005	Mr. Lam CHAN	Corporation Relations representative, MTRC
	Mr. Kenny PANG	Construction Engineer (E&M), MTRC
	Mr. Lobo LO	Senior Inspector of Works, MTRC
	Mr. Tony LI Tai Fai	SMO/P&D (3), MD

I. Opening Remarks

1. The Chairman welcomed all to the meeting and extended his welcome particularly to the following persons who were attending the meeting for the first time –
 - (a) Mr. Danny WU, on behalf of Mr. HE Wei-ping representing the River Trade Cargo Operations; and
 - (b) Mr. KWOK Tak-kee, an observer replacing Mr. KWOK Kam-tung to represent the HK & Kowloon Motor Boats and Tug Boats Association Ltd.
2. The Chairman told the meeting that Mr. Elden YAU was not able to attend the meeting and had sent apologies for absence.

II. Confirmation of Minutes of Last Meeting

3. The notes of last meeting held on 17 December 2004 were confirmed without any amendments.

III. Matters Arising From Minutes of Last Meeting

PLVAC Paper No. 27/2004 – Arrangement Details for Delegation of Survey of Local Vessels under Merchant Shipping (Local Vessels) Ordinance (Para. 25, Page 7, Minutes of the 37th Meeting)

4. Regarding some of the wordings and phrases used in the Code, Mr. Michael LEE reported that advice from DoJ had been sought for the sake of legal consistency and the Code was being fine-tuned for further discussion with the classification societies some time in October. Mr. Vitus SZETO was agreeable to Mr. LEE's arrangement.

IV. Presentation of Papers

PLVAC Paper No. 12/2005 – Tung Chung Cable Car Project

5. Mr. Tony LI, Mr. Lam CHAN and Mr. Kenny PANG jointly presented the details of the paper. Members' attention was particularly drawn to the air draft restriction of the cableway and the control measures. It was highlighted that the maximum air draft for vessels to pass safely underneath the cable car system was proposed at 12m. There was no need to impose the height restriction area by statute as the entry of over height vessels to Tung Chung Bay would be controlled through the existing permit system operated by MD and the Tung Chung Bridges Area in the east, which served as physical barriers that prohibited entry by vessels over 8m.
6. Mr. WU Ka-shun enquired and Mr. Tony LI confirmed that the maximum air draft for the two bridges in the Tung Chung Bridges Area in the east was both 8m.
7. Members had no other questions. The Chairman concluded that members supported the recommendations made in the paper and, upon the completion of the cable car system at Tung Chung Bay in early 2006, the vertical clearance of the cableway at 12m would be promulgated by an MD Notice and relevant navigation charts would be updated accordingly.

PLVAC Paper No. 6/2005 – Proposed Amendments to Marine Parks and Marine Reserves Regulation, Subsidiary legislation made under the Marine Parks Ordinance (Cap. 476)

8. As invited by the Chairman, Miss Janice LUN briefed members of the details of PLVAC Paper No. 6/2005. She told the meeting that the Country and Marine Parks Authority presented the proposed amendments to the Regulation to the Marine Parks committee, the Country and Marine Parks Board, the Environmental Affairs Panel of the Legislative Council, the Hong Kong and Kowloon Fishermen Association and the New Territories Fishermen Fraternity Association. All of which gave in-principle support to the proposals. She added that stakeholders to be affected by the proposed amendments would be consulted further and sought members' comments on the proposals.
9. Mr. KEUNG Yin-man said that the principle of the proposed amendments were noted and he agreed that conservation of marine environment was important. However, he opined that the consultation was not sufficient and transparent. Views from many major associations/bodies of the fishing industry had not been collected, e.g. the Joint Committee of Hong Kong Fisherman's Organizations, the Hong Kong and Kowloon floating fishermen Welfare Promotion Association and the Hong Kong Fishermen's Association etc. Miss Janice LUN replied that the consultation was in progress and would be continued in the coming months. She welcomed Mr. KEUNG's comments and said that she would approach those associations/bodies suggested by Mr. KEUNG.
10. Mr. CHEUNG Yau-kwong shared the view from Mr. KEUNG that a more extensive consultation should be conducted. He was also worried that the more the restriction would harm the freedom and flexibility of the local vessel industry, particularly when the boundary of the marine parks was expanding progressively. Miss Janice LUN responded that currently the marine parks occupied only 1 percent of the Hong Kong waters and the proposed amendments aimed to regulate inboard-engined or outboard-engined vessel of any size with a glass bottom only. There were at present four licensed vessels of this kind and the impact was therefore anticipated slight.
11. Upon enquiries from Mr. HO Chi-shing, Mr. Patrick LAU gave the following replies-
 - (a) If a person was not satisfied with the fact that his/her application for permit was rejected or his/her permit was revoked, he/she could lodge an appeal through the following channels:
 - Write to Agriculture, Fisheries and Conservation Department (AFCD) and the case would be referred to the Country and Marine Parks Board for

processing; and

- Write to the Administrative Appeals Board in accordance with the Marine Parks Ordinance.

(b) Since the appeal cases would be processed by the Country and Marine Parks Board or the Administrative Appeals Board, the AFCD did not have a control over the processing time.

12. Dr. CHENG Jui-shan suggested that, instead of controlling the access of certain type of vessels inside the marine parks, it would be more effective to control the access of permitted draft of vessels in order to protect the corals and to conserve the marine environment. To facilitate an easy control, the permit should specify the maximum draft of the vessel. In addition, he also expressed concerns over the possible pollution caused by certain type of vessels inside the marine parks and recommended AFCD to make reference to the marine protective measures undertaken by the European countries. Miss Janice LUN said that the comments were noted and would be further deliberated.
13. Mr. CHOI Kim-lui supported Dr. CHENG's views and enquired if there would be any restriction guidelines issued or education given to the owners or operators of certain type of vessels for entering the marine parks and preserving the marine environment. In response, Miss Janice LUN said that conditions and guidelines would be listed on the permit to advise the permit holder on the points-to-note.
14. Mr. Vitus SZETO commented that AFCD might consider a stricter system or an examination mechanism for issuing the permit so as to ensure compliance of the conditions and guidelines issued to the vessel owners or operators.
15. The Chairman thanked for the comments from the members and summarized them as follows –
 - (a) The committee supported the protection of corals and conservation of environment within the marine parks area;
 - (b) There had been some advice given on the use of draft as a limiting factor;
 - (c) Consultation was essential with the vessel owners operating within the area;and

- (d) Some forms of education about how the vessel owners should operate within the marine parks should be undertaken as part of the process in advance of the permit being issued.

PLVAC Paper No. 7/2005 - Draft Code of Practice for Safe Means of Access to Vessels (September 2005)

- 16. Mr. CHAN Fu presented the paper in details and said that the industry had been consulted with this Code of Practice (CoP) in May 2005. Their comments had been deliberated and incorporated into this Draft CoP.
- 17. In response to Mr. Danny WU, Mr. Y C YEUNG and Mr. CHAN Fu made the following clarifications –
 - (a) The Code would apply to all piers having a works contract between the vessels and the person in-charge-of the pier. If a vessel just berthed at any pier for goods handling and the pier was not related to that exercise in any way, the person in-charge-of that pier did not have the responsibility to provide means of access;
 - (b) The Code would apply to both local and non-local vessels. It would also regulate all types of vessels, not merely ocean-going vessels but barges and others as well;
 - (c) Some members of the local vessel industry reflected that, if exact measurement such as inches or feet was specified for a definition of the distance of one step, it would be very difficult for the vessels to comply. After due consideration, the comment was accepted and the distance of one step was not defined clearly in the Code on purpose so as to allow more flexibility for the industry. The responsibilities for judging a reasonable distance and providing a safe means of access would therefore rested on the person in-charge-of the works. Prosecution would not be made if the step was not abnormally and unjustifiably wide; and
 - (d) Consultation had been made with the operators of river trade cargo vessels. Mr. WU's was most welcomed to give his further views separately to MD's Marine Industrial Safety Section.

18. As regards the specification in the Code of the distance of one step, members had divergent views. Whilst Mr. Danny WU, Mr. Tony YEUNG and Dr. CHENG Jui-shan supported a clear standard to be set out in the Code, Mr. CHOI Kim-lui explained the difficulties faced by the launch vessel operators and requested more time and flexibility for the industry to improve progressively so that they could fully comply with the Code easily. The Chairman said that the philosophy of formulating the Code was making achievable safety requirements and standards more understandable and practicable. If and when required, the Committee could exercise its power to adjust, improve or upgrade the Code at any time.
19. At request from Mr. CHOI Kim-lui and Mr. WONG Yiu-kan, the Chairman agreed that the point made in paragraph 4.3.2 (iii) of the Code, i.e. “Person in charge of works has no responsibilities for provision of boarding equipment to the persons who embark or disembark vessels not for the purpose of work”, should also be stipulated in paragraph 4.2.
20. In response to Mr. Vitus SZETO, Mr. Michael LEE confirmed that, apart from those used by the government, all floating landing pontoon required licensing. The Chairman agreed that a specification of license requirement for the floating landing pontoon should be made in paragraph 4.7.3 of the Code.
21. Regarding the huge-sized rubber tyres as mentioned in paragraph 4.3.2 (ii), Mr. Tony YEUNG suggested that the tyres should be equipped with anti-slippery surface and conspicuous warning signs so as to ensure them to be used as safe means of access. Mr. CHAN Fu replied that Mr. YEUNG’s suggestion would be considered for incorporation into the paragraph. Dr. CHENG Jui-shan opined that tyres would never be safe means of access and the Chairman said that the use of the word “safe” should be discouraged.
22. Mr. Vitus SZETO pointed out and the Chairman concurred that no photos showing bad practices should appear in the Code. Mr. CHAN Fu was asked to edit the photos to be put in Appendix II of the Code.
23. The Chairman thanked for the comments given in the meeting and assured members that the Code would be reviewed, adjusted and upgraded from time to time to suit needs of different parties concerned.

PLVAC Paper No. 8/2005 - Draft Code of Practice for Using Protective Clothing and Equipment at Work on Vessels

24. Mr. F P LEUNG presented the paper. He briefed members that the Code provided guidance on the selection, use and maintenance of appropriate protective clothing and equipment for the carrying out of works on vessels. It also recommended employers and persons in charge of works to train the persons employed on the protection limitations of protective clothing and equipment, and on its proper use and maintenance. He added that the essential contents of this Code had already been used in various guidelines issued for use by the industry.
25. Mr. CHOI Kim-lui commented that those standards set in the Code for the protective clothing and equipment at work might not be applicable to all types of vessels or workers in different posts. For instance, when a worker operated a crane inside an enclosed driving compartment, wearing safety helmet might block his sight and pose danger. Mr. CHOI Kim-lui also had strong view to paragraph 6 of the Code regarding safety footwear. He said that, on barges or river trade vessels, workers could not work effectively and safely if they wore conventional heavy safety shoes. He suggested that wearing of non-slippery soles instead of safety shoes might suffice. However, Mr. Vitus SZETO shared with members that workers of the ship repair industry definitively need wear those standard safety helmet and footwear even though they worked in an indoor environment.
26. Mr. F P LEUNG appreciated Mr. CHOI's comment on wearing of safety helmet and agreed that consideration would be given to put down in the Code that a worker might not be required to wear safety helmet indoors if there was no risk of a head injury. As regards the safety footwear, Mr. F P LEUNG said that the views from the industry were noted. He would specify in the Code that the essential requirement of safety shoes would be anti-slippery and all extra requirements would only come in if there was such a risk. In other words, not all workers would have to wear safety shoes of the highest safety standard.
27. The Chairman expressed his understanding and agreed that the standards set in the Code might not be absolutely suitable for all persons working in different industries. He recommended that the industry and MD staff could try to work together to come up with a design of safety footwear suitable for our industrial environment. He also remarked that research might be required to find out exactly what the dangers were in separate industries and the protective equipment requirements could then be fine-tuned if necessary to suit Hong Kong conditions, especially with the midstream

operation.

PLVAC Paper No. 9/2005 - Sample of safety certificates in Local Vessels Ordinance

28. Mr. M Y CHAN gave a brief account of the paper. Members were told that the proposed certificate samples were consulted and accepted by the Technical Sub-Committee under the PLVAC. The final version of these certificates would be revised as necessary subject to DoJ's advice.
29. In reply to Mr. KEUNG Yin-man, the Chairman assured members that sufficient consultation would be made with the vessels operators, the surveyors and all the parties concerned. The existing certificates would continue to be valid until the requirement for the new surveys came in and there possibly would not be lots of changes in any way to the certificates. Members made no further comments and the paper was endorsed.

PLVAC Paper No. 11/2005 - Amendments to the Draft Code of Practice–Safety Standard for Class IV Vessels (2005 revised)

30. Mr. M Y CHAN briefed members of the gist of the paper. He told the meeting that the Technical Sub-committee under the PLVAC and the relevant owners and operators associations had been consulted. Their views over the proposed amendments to the revised draft Code had been addressed.
31. Mr. CHEUNG Yau-kwong raised the following three points –
 - (a) The industry would prefer their vessels being surveyed by MD because there were worries over the possible high fees charged by the authorized surveyors or classification societies;
 - (b) Different surveyors might have different surveying standard. The industry would have difficulties to adapt between the loose and the tight; and
 - (c) It would be a challenge for a large amount of vessels to settle themselves in the new arrangements. A one-year grace period was therefore recommended for them to become accustomed to the provisions made in the Code.
32. Mr. M Y CHAN replied that a site inspection attended by MD surveyors, the industry and some prospective authorized surveyors was held in December 2004. During the

inspection, the MD surveyors demonstrated how pleasure vessels should be surveyed and inspected. The industry was also informed of the surveying procedures, the key points they should pay attention to and the follow up action they should take. As for the amount of fees to be charged by the future authorized surveyors, Mr. M Y CHAN said that it was difficult to have an estimation for the time being because the number of people interested to become authorized surveyors was unknown. He believed that, when more people were interested in becoming authorized surveyors and formed a large pool of which, the fees would most likely go down. With regard to the grace period, Mr. M Y CHAN undertook to reflect the industry's concern to the bureau and follow up with the bureau further.

33. As enquired by Dr. Alan LAU, Mr. Vitus SZETO and Mr. Tony YEUNG, Mr. M Y CHAN made the following clarifications respectively –

- (a) Surveying was not required for any Class IV vessels not engaged in chartering and carrying not more than 60 passengers;
- (b) In the Code and also the regulation, the special bracket, i.e. < >, was used to denote the standard applicable to the new licensed vessels; and
- (c) The lifeboat used by the training school would most likely be categorized as Class II vessel, which was not for excursion purposes.

PLVAC Paper No. 10/2005 – Amendments to the Draft Code of Practice–Safety Standard for Class I, II and III Vessels (2005 revised)

34. Mr. Michael LEE went through the paper with members in details. He reported that the Technical Sub-committee and the Fishing Vessels Working Group under this Committee, relevant owners and operators associations were consulted on the proposed amendments to the draft Code. Some fishing vessel owners and associations held different views on some of the amendments in Annex N of the Code. Further working group meetings would be held and revision to the Code would be made in coming months. The outcome would be reported back to the Committee in due course.

35. Mr. Vitus SZETO suggested that the 18 amendments introduced to this Code should be gone through item by item to see if members would have any further views on those items. Mr. KEUNG Yin-man proposed that meetings with the fishermen's associations on this paper should be arranged. When all their views had been sought

and coordinated, the paper could be finalized and put up for discussion at a special PLVAC meeting. The Chairman agreed that this was a heavy document, which contained a lot of important information. He concluded that a special PLVAC meeting would be held after Mr. Michael LEE had sought specific comments from the fishermen's associations and revised the paper as necessary.

V. Any Other Business

Circulation of PLVAC Papers No. 1/2005 to 5/2005

36. The Chairman summarized that, during the period from May to July 2005, the following five PLVAC papers had been circulated to members for information, comments and endorsement –

- (a) Carrying Capacity of Open Deck Pleasure Vessels
- (b) Amendments to “Finalized Version of Code of Practice – Safety Standard for Class I, II & III Vessels (Draft, Nov. 2004)
- (c) Restricted Area at Rambler Channel: Amendment to the Fifth Schedule, Shipping and Port Control Regulations, Cap. 313 (SAPCR)
- (d) New Licensing Requirement for High-Power Open Deck Pleasure Vessels
- (e) Measures to Enhance the Competitiveness of Hong Kong Port and the Maritime Industry

37. The Chairman thanked for the members' comments given to the papers and said that follow up action had been taken to address members' concern.

Closure of Waters off the Hong Kong Convention and Exhibition Centre

38. The Chairman referred members to a map tabled at the meeting. The map showed members a closed area off the Hong Kong Convention and Exhibition Centre concerning the Sixth Ministerial Conference of the World Trade Organization held from 13 to 18 December 2005. He explained that, to safeguard the public safety and public order of the Conference venue and its environs, a closed area was to be set up under the Public Order Ordinance. MD Notice would be issued to alert all parties

concerned on the date and time of the closure.

(Post-meeting notes: The closure would be on a 24-hour a day basis from 1800 hours on 12 December 2005 until 0500 hours on 19 December 2005.)

39. There being no other business, the meeting ended at 1 p.m.

VI. Date of Next Meeting

40. The date of next meeting would be announced in due course.