

# **PROVISIONAL LOCAL VESSELS ADVISORY COMMITTEE**

## **Minutes of the 39<sup>th</sup> Committee Meeting (A Joint Meeting with Members of Port Operations Committee)**

Date : 2 December 2005 (Friday)  
Place : Conference Room 1405-1406, 14/F, Harbour Building  
Time : 9:30 a.m.

### **Present**

#### **Provisional Local Vessels Advisory Committee (PLVAC)**

Chairman:	Mr. Roger TUPPER	Deputy Director of Marine, MD
Member:	Mr. Paul CHENG (on behalf of 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
	Mr. Elden YAU	Representing Marine Insurance Industry
	Dr. Alan LAU Kwok-lam	Representing Pleasure Boating Operators
	Mr. Danny WU	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. 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

#### **Port Operations Committee (POC)**

Chairman:	Mr. S Y TSUI	Director of Marine, Marine Department (MD)
Member:	Mr. Albert WONG	Representing HK Cargo-Vessel Trader Association
	Mr. Peter CHEUNG	Representing HK General Chamber of Commerce
	Mr. Peter NG	Representing HK Liner Shipping Association
	Mr. K T KWOK	Representing Local Ferry Operators
	Mr. David BLOOMFIELD	Senior Engineer/District, Civil Engineering and Development Department (CEDD)
Secretary:	Mr. Frankie LAM	MO/PSA, MD

## **In Attendance**

Mr. WONG Yiu-kan	HK Cargo Vessel Traders' Association Ltd.
Mr. PANG Wah-kan	HK Fishermen's Association
Mr. LEUNG Kwok-yuen	HK Logistics Management Staff Association
Mr. Norman PANG	- ditto -
Mr. TSANG Chiu-ming	- ditto -
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. CHAN Fu	SSO/MISS, MD
Mr. F P LEUNG	SSO/MISS, MD
Mr. M Y CHAN	SS/LVS, MD

## **Absent with Apologies from PLVAC Members**

Mr. Tony YEUNG Pui-keung	Representing Maritime Services Training Institutes
Dr. CHENG Jui-shan, MBE	Representing Naval Architects

## **Presentation of Papers**

Paper No. 13/2005	Mr. Raymond LEE	District Planning Office, Planning Department (PlanD)
	Mr. Kelvin CHAN	Senior Town Planner, PlanD
	Mr. David LEUNG	Engineer, CEDD
	Mr. Derek SUN	Study Manager, City Planning and Maunsell Joint Venture (CPMJV)
	Mr. Igor HO	Engineering Consultant, CPMJV
	Ms. Canetti YU	Planning Consultant, CPMJV
	Mr. M K CHAN	SMO/P&D (1), MD
Paper No. 14/2005	Mr. H M TUNG	Chief, Technical Policy, MD

## **I. Opening Remarks**

1. The Chairman welcomed all to the meeting. He extended his welcome particularly to Mr. Paul CHENG who was attending the meeting on behalf of Mr. James SHUEN and the POC members who would participate in the discussion of the PLVAC Paper Nos. 13 and 14.

2. The Chairman told the meeting that, for PLVAC, Dr. CHENG Jui-shan and Mr. Tony YEUNG were not able to attend the meeting and had sent apologies for absence.
3. Because of the presence of the POC members, the Chairman started the meeting with the discussion items in the agenda before confirming the minutes of last meeting and going through the matters arising from the last minutes.

## II. Discussion Items

### *PLVAC Paper No. 13/2005 – Kai Tak Planning Review “Stage 2 Public Participation: Outline Concept Plans”*

4. The Chairman introduced the following representatives from PlanD, CEDD and CPMJV –
  - (a) Mr. Raymond LEE, District Planning Officer, PlanD
  - (b) Mr. Kelvin CHAN, Senior Town Planner, PlanD
  - (c) Mr. Mr. David LEUNG, Engineer, CEDD
  - (d) Mr. Derek SUN, Study Manager, CPMJV
  - (e) Mr. Igor HO, Engineering Consultant CPMJV
  - (f) Ms. Canetti Yu, Planning Consultant, CPMJV
5. Mr. Raymond LEE and Mr. Derek SUN gave a brief account of the PLVAC Paper No. 13/2005 and proposals in the three Outline Concept Plans (OCPs), namely ‘City in the Park’, ‘Kai Tak Glamour’ and ‘Sports by the Harbour’. Mr. M K CHAN drew members’ particular attention to the following marine implications of the OCPs –
  - (a) A cruise terminal provided with two to three berths for long term uses was planned near the tip of the ex-runway;
  - (b) A continuous waterfront promenade was planned along the whole coastline within the study area, by decommissioning Kwun Tong (KT) Public Cargo Working Area (PCWA);
  - (c) The Cha Kwo Ling (CKL) PCWA would be adversely affected by the provision of Trunk Road T2 and a Refuse Transfer Station; and

(d) A marina was proposed in the To Kwa Wan (TKW) Typhoon Shelter (TS) in OCP No. 1.

6. Regarding the TKW and KT TS and the KT and CKL PCWAs, members had the following views –

- (a) Mr. WONG Yiu-kan was pleased to learn that PlanD, having considered the public views collected during the Stage 1 Public Participation, would adopt the ‘no-reclamation scenario’ and retain the existing TKW and KT TS. However, he worried that barges and other large vessels might not be able to anchor to the KT TS and the future use of TS had to be inevitably changed if the proposed Central Kowloon Route (Kowloon Bay section) and Trunk Road T2 were to be built in the form of immersed tube tunnel on the seabed and construction of which would affect the normal operation of TS. As regards the two PCWAs, he pointed out that living of thousands of PCWA workers would be adversely affected if they were decommissioned. He urged that the workers’ interest should be taken care of and the existing facilities should be retained;
- (b) Mr. Danny WU commented that the heavy cargoes handled by KT and CKL PCWAs could not be absorbed by the other PCWAs if those two PCWAs were not retained and it would be very difficult for the government to arrange appropriate reprovisioning;
- (c) Mr. CHOI Kim-lui pointed out that the said two PCWAs handled heavy cargoes mainly from Shantou and Huizhou etc. and a suitable location for the reprovisioning in East Kowloon would be very important to the industry. In particular, environmental impact of the reprovisioning would be a prime concern of the stakeholders living or working in the East Kowloon and the government should take it into serious consideration;
- (d) Mr. HO Chi-shing doubted if it was worth sacrificing the PCWAs for building a waterfront promenade beside an industrial district. He was of the view that, next to a range of high industrial buildings, the promenade would most probably not be able to be fully utilized and appreciated by the residents or visitors;
- (e) Mr. KWOK Kam-tung emphasized that the existing TS space was very limited and he would not agree to any reduction in area in the future TKW and KT TS.

He strongly requested that the Kai Tak development plan should indicate clearly the designated sizes and usage of the two TS;

- (f) Considering the importance of mid-stream operations in Hong Kong, Mr. Peter NG requested PlanD to study carefully the value of the two PCWAs in East Kowloon and plan for the best for the cargo handling industry; and
- (g) Dr. Alan LAU suggested that PlanD should make district consultation to confirm the real need of the local residents of KT and see whether they would like to have a cross-district waterfront promenade for leisure or a retention of the PCWAs for living.

7. As to the proposed marina to be located next to the TKW TS in OCP No. 1, members made the following comments –

- (a) Mr. KWOK Tak-kee opined that the proposed marina could not practicably co-exist with the TKW TS because they accommodated very different types of vessels separately. Mooring of pleasure boats and fishing boats in the same water areas might cause a number of conflicts;
- (b) Mr. KWOK's view was supported by Mr. KEUNG Yin-man, Dr. Alan LAU, Mr. Danny WU and Mr. CHOI Kim-lui; and
- (c) Dr. Alan LAU added that he had paid a few site visits to TKW and considered the concept to moor the pleasure boats and other working or transportation vessels in the same zone impractical. As far as he understood, the pleasure boat operators had no plan to accept the proposal.

8. In reply to Mr. WONG Yiu-kan, Mr. Kelvin CHAN clarified that the relevant parts of the Central Kowloon Route (Kowloon Bay section) and Trunk Road T2 were proposed to be built in the form of immersed tunnel so as to adhere to the 'no-reclamation' approach. Since they were expected to be constructed in the seabed, they might not affect the normal operations of the TKW and KT TSs upon completion.

(Post-meeting notes: The Consultants advised after the meeting that there might be the need for designating a "no anchor zone" in the KT TS to protect the corridor.)

9. Mr. Raymond LEE explained that the marina and the continuous waterfront promenade along the coastline were proposed as per the comments collected from the Stage 1 Public Participation. He noted members' views on the TS and PCWAs concerned and would include them in the Stage 2 Public Participation Report. Further consideration would be given to Members' concern on the PCWAs and an efficient working harbour.
10. Mr. Peter NG expressed concern over the 'Shield Effect' that might be caused by the future high-rise buildings surrounding the Kai Tak Area. He worried if the air quality of Wong Tai Sin or Lok Fu Districts would be adversely affected accordingly. Mr. Derek SUN replied that, as part of the Kai Tak Planning Review, air ventilation assessments were being undertaken to examine such performance under different Outline Concept Plan and later on the more detailed Preliminary Outline Development Plan. The findings of the assessments would shed light on ways to improve the development layout to minimize the impact to the surrounding districts.
11. Other comments given by members were summarized below –
  - (a) Mr. KEUNG Yin-man questioned if the development of Kai Tak would overlap with that of West Kowloon Cultural District and waste government resources if it adopted a 'Leisure and Sports' approach;
  - (b) Mr. WU Ka-shun said that the land access to the Kai Tak area was seen to be well-planned and sufficient but opined that there seemed to be no planned sea transportation for use by people in other districts;
  - (c) Mr. NG Kin-man reminded that TS would be operated round the clock throughout the year. If there was any low density residential development around, PlanD should take into consideration the noise problem that might be caused by the TS; and
  - (d) Mr. Peter CHEUNG highlighted that, as the cruise terminal might bring to Hong Kong considerable financial benefit, PlanD should give due consideration in deciding its location and strike a balance among the interest of different stakeholders working in the affected areas.
12. Mr. M K CHAN reminded members that three public forums that might have marine implications would be held in the following week –

- (a) Afternoon of 6<sup>th</sup> December - 'Topical Forum' on Cruise Terminal
- (b) Afternoon of 8<sup>th</sup> December - 'Topical Forum' on Kai Tak Approach Channel
- (c) Afternoon of 10<sup>th</sup> December - 'District Forum' in Kwun Tong

(Mr. S Y TSUI joined the meeting at this juncture.)

- 13. Mr. Raymond LEE said that comments made by members at this meeting were noted and would be duly considered. He also invited members to participate in the forthcoming public forums to express their further comments. Together with the comments collected in other public engagement activities, they would be studied carefully by the consultants.
- 14. The Chairman thanked for the comments made by all PLVAC and POC members and believed that they would be very useful to PlanD, CEDD and the consultant. He reiterated that the two TS concerned were essential and their existence was about safety of life. He confirmed that the PCWA's facilities were absolutely required and the pleasure vessel industry was not interested in the proposed marina with a view that it was incompatible to have mooring of yachts and working boats in the same area. He requested PlanD and the consultants to study thoroughly the views collected during the Stage 2 Public Participation and work out a more practical development plan to sustain a working harbour as well as a vibrant and people friendly area around the Kai Tak site.

***PLVAC Paper No. 14/2005 – Proposed Amendments to The Freight Container (Safety) Ordinance, Cap. 506, and its Sub-legislation***

- 15. Mr. H M TUNG presented the details of the paper to all PLVAC and POC members. He explained that the amendments were proposed to put the legislation into operation to fully discharge Hong Kong's obligations under the international Convention for Safe Containers (CSC). He sought members' views and endorsement on the proposed legislative amendments.
- 16. The Chairman remarked that the proposal was very much a tidying up exercise and bringing its Ordinance up to date. Mr. Peter NG said that the amendments were already put in force by the international shipping companies. He realized that the proposed exercise was to make them official and legalized in Hong Kong. Mr. H M TUNG confirmed that Mr. NG's understanding was correct.

17. Without any comments from the members, the Chairman thanked all and concluded that members of POC and PLVAC supported the proposed amendments.

***China Maritime 2006 – Exhibition, Conference, Forums and Product Presentation Seminars***

18. The Chairman referred members to the brochures tabled at the meeting, which introduced the China Maritime Exhibition, Conference and Workshops to be taking place from 28<sup>th</sup> February to 2<sup>nd</sup> March 2006 at the Hong Kong Convention and Exhibition Centre. He invited all to read through the brochures and attend the functions if they could.
19. The Chairman concluded that the parts for the POC and the PLVAC ended. POC members left the meeting at this juncture.

***Formation of Local Vessels Advisory Committee (LVAC)***

20. The Chairman briefed members of the contents of the information note on “Formation of LVAC” tabled at the meeting. He highlighted that the statutory LVAC would be established pursuant to Section 4 of the Merchant Shipping (Local Vessels) Ordinance (LVO) when it came into operation in, probably, the first quarter of 2006. Sub-committees might be formed under the LVAC and members thereof could be non-LVAC members.
21. The Chairman told the meeting that the preparation work for appointment of LVAC members was in the pipeline and the relevant sectors would be consulted on the nomination of representatives to sit on the LVAC. There might be new faces coming in and old faces remaining in the committee. The PLVAC Secretary would get in touch with the existing members and the relevant sectors in the weeks ahead.
22. Members had no questions on the information notes. The Chairman thanked members for their invaluable comments and time contributed to the PLVAC in the past years.



### III. Confirmation of Minutes of Last Meeting

23. The notes of last meeting held on 30 September 2005 were confirmed without any amendments.

### IV. 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. 4, Page 3, Minutes of the 38<sup>th</sup> Meeting)*

24. Mr. Michael LEE reported that internal consultation with DoJ about the wordings and interpretation was in progress. The amendment paper on the subject was not yet ready for submission to this Committee for discussion. Members would be consulted again when there was remarkable progress.

*PLVAC Paper No. 7/2005 - Draft Code of Practice for Safe Means of Access to Vessels (September 2005) (Para. 16-23, Page 7, Minutes of the 38<sup>th</sup> Meeting)*

25. Mr. Michael LEE told members that revisions to the Code of Practice (CoP) for Safe Means of Access to Vessels had been made as per the comments given by members in paragraphs 18 to 22 of the minutes of last meeting. A supplementary paper on the subject highlighting the amendments was tabled at the meeting for members' endorsement. Mr. CHAN Fu went through the supplementary paper with members and explained every detail of each amendment.
26. Mr. CHOI Kim-lui said that he had strong reservation on the deletion of the statement in respect of using the huge sized rubber tyres as safe means of access in paragraph 4.3.2 (ii) of the CoP. He need circulate the supplementary paper to members of his representing sector for comments after the meeting and would revert to MD separately if they had any views.
27. The Chairman suggested and members supported that, in order not to hold up the endorsement of the CoP, those parts of which discussion was on the way and finalization was to be made, if any, would be surrounded by a box in the CoP to indicate their status. All other remaining parts would be considered as endorsed by the members. On that base, MD would put a box around the "large sized rubber

tyres as safe means of access” in the subject CoP until the feedback from Mr. CHOI Kim-lui was received and a finalization was agreed.

28. The Chairman departed for another meeting and passed the chair to Mr. Michael LEE.

***PLVAC Paper No. 8/2005 - Draft Code of Practice for Using Protective Clothing and Equipment at Work on Vessels (Para. 24-27, Page 8, Minutes of the 38<sup>th</sup> Meeting)***

29. Mr. F P LEUNG thanked for members’ invaluable comments made in the last meeting for the PLVAC Paper No. 8/2005 and reported that corresponding amendments had been proposed to address members’ concern. He referred members to and gave the details of the supplementary paper on the subject highlighting the proposed amendments with respect to head protection and safety footwear, which was tabled at the meeting for members’ endorsement.
30. As the Chairman recommended at last meeting that efforts could be made for a design of safety footwear suitable for Hong Kong industrial environment, Mr. F P LEUNG had done a search and found that, among the safety shoes products recommended by the Occupation Safety and Health Council (OSHC), there were safety shoes without steel soles. He confirmed that, according to the information provided by the OSHC, the said shoes were comparatively soft and made in compliance with the European EN345 standard. Mr. Michael LEE said that interested members might contact Mr. F P LEUNG for more information about the said shoes if they considered the shoes fit for their work needs.
31. In response to Mr. HO Chi-shing, Mr. F P LEUNG suggested and members agreed to insert “(or materials with the same capability)” between the words “steel” and “soles” on the second last line of the revised paragraph 6.2 of the subject CoP.
32. Mr. Vitus SZETO and Mr. Paul CHENG had contrary views on the need of safety shoes with steel heads for the workers of their respective industry. Mr. F P LEUNG replied that the wordings made in paragraph 6.2, i.e. “A safety footwear ... have adequate protection against impact for the toes”, were already very flexible to suit needs of workers in different industries.
33. Mr. Michael LEE concluded that the CoP would be revised as what agreed and members’ endorsement were sought on this subject.

***PLVAC Paper No. 11/2005 - Amendments to the Draft Code of Practice–Safety Standard for Class IV Vessels (2005 revised) (Para. 30-33, Pages 9-10, Minutes of the 38<sup>th</sup> Meeting)***

34. Mr. Michael LEE said that the paper was discussed at last meeting and members' concern were noted and followed up. Members did not have further comments to make and formally endorsed the amendments specified in the PLVAC Paper No. 11/2005.

(Dr. Alan LAU, Mr. Martin CHU, Mr. HUNG Bing and Miss CHING Ngon-lai left the meeting at this juncture.)

***PLVAC Paper No. 10/2005 – Amendments to the Draft Code of Practice–Safety Standard for Class I, II and III Vessels (2005 revised) (Para. 34-35, Page 10, Minutes of the 38<sup>th</sup> Meeting)***

35. Mr. M Y CHAN tabled a supplementary note on “Amendments to the Draft Code of Practice – Safety Standard for Class I, II and III Vessels (2005 revised)” (mainly for Annex N). He went through the note item by item and explained every detail of each item. Mr. Michael LEE pointed out that a working group meeting with the fishermen associations to seek their views on the amendments was originally scheduled for 1 December 2005 but upon request from the working group members, it was rescheduled for 12 December 2005. As the views on Annex N from both the working group and technical sub-committee would be collected and coordinated later, members were requested to endorse the PLVAC Paper No. 10/2005 first, except Annex N, to make the future consultation simpler. Proposed amendments to Annex N would be consolidated and submitted to this committee for further comments and endorsement in the next few months.
36. Mr. CHOI Kim-lui expressed concern over the difficulties faced by the barge operators to comply with the new environmental requirements and requested assistance from the MD. Mr. Michael LEE responded that the requirements were made in accordance with the international standard and policy. MD would be pleased to discuss with the relevant associations and offered assistance if possible.

37. As regards the new type of Class III vessel, i.e. sampan fitted with Petrol Outboard Engine, as stipulated in Annex N-4(C), members had the following active discussion –
- (a) Mr. CHOI Kim-lui commented that its entry into Hong Kong waters or Victoria Harbour should be restricted in view of its power, F. O. storage system and ship construction that might cause safety problem to the harbour. Mr. KEUNG Yin-man and Mr. PANG Wah-kan shared Mr. CHOI's view.
  - (b) Mr. Raymond NG pointed out that a fishing vessel might not require such a high power engine for doing its living. He requested MD to consider setting an upper limit for restricting the power so as to benefit the fishing industry and at the same time discourage illegal marine activities.
  - (c) Mr. KWOK Tak-kee opined that the enforcement arms, e.g. MD and Marine Police, were already facing difficulties in monitoring and controlling the activities of high-speed P4 vessels, which had been changed from its original purpose. MD should take it into consideration when approving this new type sampan fitted with Petrol Outboard Engine.
  - (d) Mr. CHEUNG Yau-kwong enquired and Mr. Michael LEE replied that this new type of vessel was approved for fishing.
  - (e) Mr. Vitus SZETO was of the view that Hong Kong pursued market economy. Too many limitations to the activities of vessels might have certain impact on the image of Hong Kong and the operation of free economy.
38. Mr. Michael LEE said that members' different views were noted and MD was open-minded over the issue. He would follow up with the working group to study if the activities of boats of this type should be limited within the Hong Kong waters or the power of which should be reduced to minimize the risks that might affect the other port users.
39. Members had no other questions and agreed to endorse PLVAC Paper No. 10/2005 except Annex N, which would be revised and submitted to members for approval in early 2006.

**V. Any Other Business**

40. There being no other business, the meeting ended at 12:20 p.m.

**VI. Date of Next Meeting**

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