

PROVISIONAL LOCAL VESSELS ADVISORY COMMITTEE

Minutes of the 40th Committee Meeting

Date : 3 March 2006 (Friday)
Place : Conference Room 1405-1406, 14/F, Harbour Building
Time : 10 a.m.

Present

Chairman:	Mr. Roger TUPPER	Deputy Director of Marine, Marine Department (MD)
Member:	Mr. Steve CHOR	Representing Ferry Vessels' Operators
	<i>(on behalf of Mr. HO Chi-shing)</i>	
	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. CHENG Jui-shan, MBE	Representing Naval Architects
	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. OEI Jack-hsin	Hong Kong Police Force
	<i>(on behalf of Mr. Raymond NG)</i>	
	Mr. Michael LEE	GM/LVS, MD
	Mr. NG Kin-man	GM/Ops, MD
Secretary:	Ms. Shirley HO	ADS/C&G, MD

In Attendance

Mr. KEUNG Siu-fai	HK & Kln Floating Fishermen Welfare Promotion Association
Mr. KWOK Tak-kee	HK & Kln Motor Boats & Tugs Boats Asso. Ltd.
Mr. WONG Yiu-kan	HK Cargo Vessel Traders' Association Ltd.
Mr. HO Tak-yau	HK Fishery Alliance
Mr. WU Ka-shun	HK Shipping Staff Association
Ms. CHING Ngon-lai	Small Craft Workers Union
Mr. M Y CHAN	SS/LVS, MD

Absent with Apologies

Mr. SHUEN Wai	Representing Cargo Vessels Operators
Mr. Tony YEUNG Pui-keung	Representing Maritime Services Training Institutes
Mr. Martin CHU	Representing Ship Survey Industry

Presentation of Papers

Paper No. 7/2005 Follow-up	Mr. CHAN Fu	SSO/MISS, MD
Paper No. 8/2005 Follow-up	Mr. F P LEUNG	SSO/MISS, MD
Paper No. 1/2006	Mr. CHEUNG Chi-hoi Dr. Sam WONG Mr. YEUNG Yiu-wing Mr. Samuel KWAN Mr. Richard Colwill Mr. Ronald YIP Mr. Tony LI Tai Fai	Chief Engineer, HZMB HKPMO, HyD Senior Engineer, HZMB HKPMO, HyD Study Manager, Arup Senior Engineer, Arup Managing Director, BMT Senior Engineer, BMT SMO/P&D (3) (Ag), MD
AOB Information Note	Mr. Edward C K WONG Ms. Janice LUN Mr. M K CHAN	Senior Marine Parks Officer, AFCD Marine Parks Offr (E), AFCD SMO/P&D (1), 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. Steve CHOR, on behalf of Mr. David HO representing the Ferry Vessels Operations; and
 - (b) Mr. Jack OEI, on behalf of Mr. Raymond NG representing the Marine Police.
2. The Chairman told the meeting that Mr. Martin CHU, Mr. James SHUEN and Mr. Tony YEUNG were not able to attend the meeting and had sent apologies for absence.

II. Confirmation of Minutes of Last Meeting

3. It was agreed that the notes of the 39th meeting were confirmed subject to the following amendments-

Paragraph 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.)

III. Matters Arising From Minutes of Last Meeting

PLVAC Paper No. 7/2005 - Draft Code of Practice for Safe Means of Access to Vessels (September 2005) (Para. 25-28, Page 9, Minutes of the 39th Meeting)

4. Mr. CHAN fu briefed members that, having gathered members' comments on the PLVAC Paper No. 7/2005 at the last PLVAC meeting, a meeting was held between the Cargo-Vessel Traders' Association and the Marine Department in January 2006 to discuss and agree to the revised amendments to the draft CoP. Mr. CHAN Fu then presented the proposed amendments as contained in the supplementary paper and sought members' endorsement to the revised version of the CoP.
5. Mr. Vitus SZETO suggested that the notice "Safe Access Here" should display more warning messages, such as those conditions like "tyres surfaces should be remained dry and non-slippery" etc, to remind persons who would use the tyres as access.
6. Dr. CHENG Jui-shan was of the view that the rubber tyres would never be a safe access between two barges and the government would be vulnerable to criticism or legal liability if it was stated in the CoP that tyres could be considered as safe access, even with specified provisions and conditions.
7. Knowing that the rubber tyres should never be the first option of safe means of access to vessels, Mr. CHOI Kim-lui explained the difficulties that the industry was facing. He emphasized that the ship owners would not use tyres as an access if they had better practical choices because they were the persons bearing the responsibility and liability in the event of any accidents. However, using tyres as access to vessels occasionally was the only available and practical means of access for current barge operation.

8. The Chairman expressed his understanding on the different opinions from members. He confirmed that the general message the CoP should promulgate was “tyres should not be used as safe means of access”. Despite that, considering the difficulties faced by the industry, he asked Mr. CHAN Fu to further discuss with the members and the industry outside the meeting with a view to getting some wordings sufficiently specific to provide maximum safeguard that the access could have. He also requested Mr. CHAN Fu to check with DoJ about the legal liability that the CoP might carry.

PLVAC Paper No. 8/2005 - Draft Code of Practice for Using Protective Clothing and Equipment at Work on Vessels (Para. 29-33, Page 10, Minutes of the 39th Meeting)

9. Mr. F P LEUNG presented and sought members’ endorsement on the supplementary paper to PLVAC Paper No. 8/2005 which had highlighted the amendments to the draft Code of Practice for Using Protective Clothing and Equipment at Work on Vessels as proposed in the last meeting.
10. Mr. Vitus SZETO suggested and Mr. F P LEUNG agreed –
- (a) to specify in paragraph 6.2 that the wording “non-slippery soles” applied to surfaces in the presence of either water or oil; and
 - (b) to delete “ship-repairing” in the second sentence of paragraph 6.2.
11. Upon enquiry from Dr. CHENG Jui-shan , Mr. F P LEUNG confirmed that the various kinds of safety shoes mentioned in the CoP were available for purchase.
12. Mr. KWOK Tak-kee requested and Mr. F P LEUNG agreed to specify in the CoP the kinds of boats that would be restricted by the condition set out in paragraph 9.2.1.
13. As to members’ queries about the wordings such as “wet weathers”, “less than 1 metre” and “foreseeable risk of falling into the sea”, the Chairman said that, because the CoP was formulating something in relation to life and safety, the Marine Department would seriously consider the comments from the industries. He asked Mr. F P LEUNG to further discuss with the industries and try best to work out an agreed code to give guidance to both the employers and workers.

PLVAC Paper No. 11/2005 - Amendments to the Draft Code of Practice–Safety Standard for Class IV Vessels (2005 revised) (Para. 34, Page 11, Minutes of the 39th Meeting)

14. Mr. Michael LEE reported that completion of the fine-tuning of the Code was expected within March 2006. Members would be briefed of the progress at the next meeting.

PLVAC Paper No. 10/2005 - Amendments to the Draft Code of Practice–Safety Standard for Class I, II and III Vessels (2005 revised) (Para. 35-39, Page 11-12, Minutes of the 39th Meeting)

15. Mr. Michael LEE told members that several revised papers about the safety standard for different kinds of vessels, such as fishing vessels and kaito, were under preparation and would be circulated to members for comments in due course.

IV. Presentation of Papers

PLVAC Paper No. 1/2006 – Hong Kong Section of Hong Kong – Zhuhai – Macao Bridge and North Lantau Highway Connection

16. The Chairman welcomed the following representatives for attending the meeting and making the presentation of PLVAC Paper No. 1/2006 to the members –
- (a) Mr. CHEUNG Chi-hoi, Highways Department
 - (b) Dr. Sam WONG, Highways Department
 - (c) Mr. YEUNG Yiu-wing, Arup
 - (d) Mr. Samuel KWAN, Arup
 - (e) Mr. Richard COLWIL, BMT
 - (f) Mr. Ronald YIP, BMT
17. Mr. Tony LI briefly introduced the background. Then, Mr. CHEUNG Chi-hoi, Mr. YEUNG Yiu-wing and Mr. Ronald YIP jointly presented the details of the paper and invited comments from the members.

18. Mr. WONG Yiu-kan said that a net navigable height of 41m for the navigation bridge span at the western side of Airport Island and of 21.3m for the bridge span at the eastern side of Airport Island might not be high enough to cater for the local barges using these areas. Mr. Ronald YIP replied that, on the western side, there would be an alternative open channel in China waters in future for those barges of a height over 41m. Mr. Tony LI clarified that, according to MD's licensed vessel record as at January 2006, there were only two barges of such a height. Mr. YEUNG Yiu-wing supplemented that, on the eastern side, the bridge crossing was very constrained by the airport height restrictions. 21.3m was the optimal height balancing the different requirements and limitations.
19. The Chairman presumed and all members supported that, for local shipping, the land tunnel option for the eastern section of the North Lantau Highway Connection was preferred because the sea viaduct option would limit the vessels movement in that area and had a bigger impact to the marine traffic. Dr. Sam WONG thanked members for the committee's expression of preference. He told members that during the course of consultation other parties, such as the Islands District Council, had also expressed their preferences for the eastern section. Whilst the consultation was in progress, he would gather and balance all different views and draw a reasonable conclusion in the end.
20. Mr. CHOI Kim-lui reminded and Mr. Ronald YIP confirmed that the future marine traffic pattern, e.g. using of large barges, to facilitate the construction works that might possibly be required on the eastern side had to be taken into consideration in proposing the sea viaduct option.
21. Dr. Alan LAU opined that the paper should provide a more detailed analysis on the sea viaduct option and the land tunnel option. Members would have stronger opinions if they were better-informed of the impacts of the various options.
22. Mr. KEUNG Yin-man requested that more consideration should be given to minimize and soften the impacts on the operations of fishing vessels regardless of which option was to be adopted.
23. Mr. OEI Jack-hsin told the consultants that major marine police patrol and command launches could not navigate through the water channel sited between Hau Hok Wan and Tung Chung Wan near the southern part of the Hong Kong International Airport because of the air draught restriction, i.e. 10.55m, of the proposed bridge at the Airport Channel. He indicated that a navigable height of 12m to 13m might be

required instead and asked the consultants to further check and address the said concern. Mr. Ronald YIP replied that Marine Police had been consulted for the air draught restriction of the proposed bridge across the Airport Channel and no adverse comments were received.

(Post-meeting notes: The Marine Police and the Highways Department had exchanged views on the navigable height to be allowed in the Airport Channel. The Marine Police subsequently confirmed on 9 May 2006 his acceptance of the proposed navigable height of 10.55m at the Airport Channel.)

24. Mr. CHEUNG Chi-hoi thanked members for giving their comments and sharing their experience. He said that all the views collected would be taken into consideration when drawing a conclusion and making a recommendation for the project.

(Having another official engagement, Mr. Roger Tupper passed the chairmanship to Mr. Michael LEE and left the meeting at 12:05 a.m.)

V. Any Other Business

Information Note – Establishment of a Vessel Prohibition Zone in Tung Ping Chau Marine Park

25. Invited by the Chairman, Mr. Edward WONG presented in details the information note, which was sent to members a day before the meeting. He added that Agriculture, Fisheries and Conservation Department (AFCD) would be the enforcement arm to patrol and exercise effective control of the vessels movement in the vessel prohibition zone (VPZ) in Tung Ping Chau Marine Park (TPCMP).
26. Dr. CHENG Jui-shan gave full support to the proposed establishment of the said VPZ. Considering that the reasons for setting up the VPZ were very valid, Mr. CHOI Kim-lui, Mr. Danny WU and Mr. OEI Jack-hsin agreed with Dr. CHENG and supported a 24-hour VPZ instead of just from 1830 hours to 0630 hours. Mr. Edward WONG thanked for members' understanding and said that he would follow up to prolong the prohibition hours to 24 as suggested by members.
27. In reply to Mr. Michael LEE, Mr. Edward WONG confirmed that the necessities supply to Tung Ping Chau could be catered by Kaito or chartered boats, which exemption from the prohibition could be arranged if required.

28. Mr. KWOK Tak-kee enquired and Mr. Edward WONG responded that the area of the Marine Park was about 270 hectares. The proposal aimed to prohibit mainly the cargo vessels. Normal passenger boats would most likely be seen as pleasure vessels. Mr. CHOI Kim-lui suggested and Mr. Edward WONG agreed to add “and launches” behind “Pleasure vessels” in line 3 on page 3 of the information note.
29. In response to Mr. Vitus SZETO, Mr. Edward WONG clarified that all the works to be carried out within the Marine Park should be approved by the Country and Marine Parks Authority. Therefore, it would not be difficult to verify the work boats or barges associated with approved works which had exemption from the prohibition. For vessels to provide emergency services, a lenient approach would be adopted by AFCD.
30. Mr. Edward WONG confirmed to Mr. NG Kin-man that the proposal would not require additional resources, e.g. enforcement manpower, to AFCD because the AFCD staff had been all along exercising tight control and daily patrol within the TPCMP.
31. Mr. Michael LEE concluded that the meeting generally supported the proposed establishment of a VPZ in TPCMP. If AFCD had a revised proposal, a submission of a supplementary paper to PLVAC would be necessary.

Cargo Loading Safety of Wooden Cargo Vessels

32. Mr. Michael LEE recapped to members that, in February 2005, an MD Notice was issued to inform all owners, operators, agents and coxswains of local wooden cargo boats that all newly licensed wooden M2 vessels were required to comply with additional safety measures to ensure adequate stability and to observe safe loading practice. Owing to continued incidents, it was proposed that all existing wooden M2 vessels were also required to comply with those additional safety measures, e.g. submitting stability and cargo loading calculations followed by a rolling period test etc. Members had no objection to the proposal and Mr. Michael LEE said that he would followed up the matter and an MD notice would be subsequently issued to inform the relevant parties the new requirements.

(Post-meeting notes: MD Notice No. 63 of 2006 on Cargo Loading Safety of Wooden Cargo Vessels was issued on 18 April 2006.)

Merchant Shipping (Local Vessels) Ordinance, Cap. 548 (LVO)

33. Mr. Elden YAU asked and Mr. Michael LEE answered that the LVO was tentatively scheduled for coming into force in mid 2006. Mr. NG Kin-man added that there would be a 6-month grace period to arrange third party insurance after the operation of the LVO. All the relevant parties should have sufficient time to make bridge-over arrangements.

VI. Date of Next Meeting

34. There being no other business, the meeting ended at 12:45 p.m. The date of next meeting would be announced in due course.