

PROVISIONAL LOCAL VESSELS ADVISORY COMMITTEE

Minutes of the 42nd Committee Meeting

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

Present

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| Chairman: | Mr. W K LEE | Deputy Director (Acting), Marine Department (MD) |
| Member: | 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. Tony YEUNG Pui-keung | Representing Maritime Services Training Institutes |
| | 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 |
| | Mr. Michael LEE | GM/LVS, MD |
| | Mr. NG Kin-man | GM/Ops, MD |
| Secretary: | Ms. Shirley HO | ADS/C&G, MD |

In Attendance

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| Mr. KWOK Tak-kee | HK & Kln Motor Boats & Tugs Boats Asso. Ltd. |
| Miss Creamy LAW | HK Cargo Vessel Traders' Association Ltd. |
| Mr. WONG Yiu-kan | HK Cargo Vessel Traders' Association Ltd. |
| Mr. WONG Miu-sang | Cargo Vessels' Operations |
| Mr. WU Ka-shun | HK Shipping Staff Association |
| Mr. CHEUNG Yau-kwong | Marine Excursion Association Ltd |
| Mr. TAM Mo-pun | Naval Architecture |
| Ms. CHING Ngan-lai | Small Craft Workers Union |
| Mr. LO Ngok-yang, Ken | Ship Building and Repairing Industry |
| Mr. K L LEE | AD/S(Ag), MD |

Absent with Apologies

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| Mr. SHUEN Wai | Representing Cargo Vessels Operators |
| Mr. Elden YAU | Representing Marine Insurance Industry |
| Dr. CHENG Jui-shan, MBE | Representing Naval Architects |
| Mr. Martin CHU | Representing Ship Survey Industry |

Presentation of Papers

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| Paper No. 3/2006 | Mr. M K CHAN Mr. Kelvin K W CHAN Mr. David LEUNG Ms. Jacinda CHOW Mr. Igor HO | SMO/P&D(1), MD STPlnr/Kln 1, PlanD Engineer/Kowloon, CEDD Study Consultant, City Planning-Maunsell Joint Venture (CPMJV) Engineering Consultant, CPMJV |
| Paper No. 4/2006 | Mr. C H TSO | C/MP, MD |
| Paper No. 5/2006 & Paper No. 6/2006 | Mr. C F LIU Mr. H C WONG Mr. K C LEUNG | SS/LVS(Ag), MD SSI/LVS, MD SSI/LVS, MD |

I. Opening Remarks

1. The Chairman welcomed all and told members that Mr. Martin CHU, Mr. James SHUEN and Mr. Elden YAU were not able to attend the meeting and had sent apologies for absence.
2. He extended particular welcome to the following guests, who will be designated as members of the future Local Vessels Advisory Committee (LVAC) –
 - (a) Mr. KWOK Tak-kee, representing Launch and Excursion Vessels' Operations;
 - (b) Mr. Ken LO, representing Ship Building and Repairing Industry;
 - (c) Mr. TAM Mo-pun, representing Naval Architecture; and
 - (d) Mr. WONG Miu-sang, representing Cargo Vessels' Operations.
3. Regarding the other members of the LVAC, the Chairman said that five existing PLVAC members, i.e. Mr. Martin CHU, Dr. Alan LAU, Mr. Danny WU, Mr. Elden YAU and Mr. Tony YEUNG would remain to serve on the LVAC. The following three new members were not able to attend the meeting owing to other important commitment –
 - (a) Mr. John HUI, representing Ferry Vessels' Operations;
 - (b) Mr. LAI Hoi-ping, representing Seafarers' Associations; and
 - (c) Hon. Mr. WONG Yung-kan, JP, representing Fishing Industry.

4. He also welcomed Miss Creamy LAW, who was attending the PLVAC meeting as observer for the first time.
5. The Chairman took the opportunity to thank all PLVAC members, particularly those who would not serve on the future LVAC, for their valuable opinions and supports given in the past years and wished them all the best in the future.

II. Confirmation of Minutes of Last Meeting

6. It was agreed that the notes of the English version of 41st meeting were confirmed subject to the following amendments-

Page 3, line 3

To correct “Page39” to read as “Pages 3 and 4”.

Page 3, para.6, line 4

To delete the second sentence, i.e. “Mr. CHAN Fu confirmed that, according to the experience from the Marine Industrial Safety Industrial Safety Inspectors, though the tyres were bald, they were not slippery in dry weather”, and replace it by “Mr. CHAN Fu supplemented to Mr. Wong Yiu-kan’s response regarding the condition of the rubber tyres mostly used in the lighters that according to the experience from the Marine Industrial Safety Inspectors who had stepped on the tyres installed in the lighters, the rubber tyres were non-slippery, provided that the tyres were dry and non-greasy.”

Page 4, para. 10, line 3

To add “local” before “vessel”.

Page 5, para. 17, line 6

To add “in phase 1” after the first word “Saturdays”.

Page 6, para. 19, line 1

To amend “p.m.” to read as “a.m.”.

III. Presentation of Papers

PLVAC Paper No. 3/2006 – Kai Tak Planning Review - Stage 3 Public Participation: Preliminary Outline Development Plan

7. Mr. M K CHAN briefly introduced the background of the subject and invited the representatives from the Planning Department (PlanD) and the Study Consultant to give a joint presentation of the paper. Mr. Kelvin CHAN and Ms. Jacinda CHOW presented the details of the PLVAC Paper No. 3/2006 and sought members' comments on the draft Preliminary Outline Development Plan (PODP) for Kai Tak Development prepared under the Kai Tak Planning Review (the Study).
8. The Chairman told the meeting that the Harbour Cruise Bauhinia and the Hongkong & Yaumati Ferry Co. Ltd. had sent their comments on the PODP to PlanD. The Harbour Cruise Bauhinia opined in her letter that there was insufficient pick-up point for tourists joining the cruise especially in east and southeast Kowloon. She urged that opportunity should be taken to build berthing facilities not only for foreign-going vessels but also local vessels of medium size, i.e. 50 to 80 meters in length.
9. As to the comments made by the Hongkong & Yaumati Ferry Co. Ltd., Mr. David HO elaborated that, as a ferry operator, his concern was the height of the structure to be built across Kai Tak Point and Kwun Tong (KT) waterfront where the landing place was very close to the pier he operated his licensed ferry services, which required an air draught of approximately 19.7 meters. Mr. David HO also questioned if the planned cruise terminal had been designed to facilitate berthing of the newest largest cruises and additional space had been reserved for expansion if two berths were found insufficient in future. In reply, Mr. Kelvin CHAN told members that –
 - (a) If there would subsequently be a structure to be built over the channel across Kai Tak Point and KT waterfront, consideration would certainly be given to allow sufficient air draught for the marine traffic;
 - (b) According to the information provided by the Tourism Commission after research, the cruise terminal would be designed to facilitate berthing of the mega cruise ship in the industry; and

- (c) As to the number of berths, it was planned to cater for the medium term demand. In the long run, further forecast and study would be required to identify the need for further expansion.

10. Regarding the Typhoon Shelter (TS) and the Public Cargo Working Areas (PCWAs), the following members expressed views as below –

(a) Mr. WONG Yiu-kan

- (i) During the Stage 2 Public Participation, he had commented that it was not acceptable for Trunk Road T2 to be built in the form of immersed tube tunnel on the seabed of KT TS, because construction of which would not allow any anchoring and would surely affect the normal operation of KT TS. Despite his expression of objection, the same proposal about the Trunk Road T2 was retained in the PODP. It appeared that PlanD had not considered the TS users' concern. He suggested that, if the Trunk Road T2 had to be built thereat, it should be routed along the boundary of the TS with a view to minimizing the area of the "no anchor zone"; and
- (ii) The PODP outlined that the KT and the Cha Kwo Ling (CKL) PCWAs would be converted into a promenade in long term. He queried why the industry had not been informed and consulted about the proposal and worried that the public would be misled about its implementation.

(b) Mr. Danny WU

The existing TS space was insufficient in east Kowloon and the Government should consider providing more TS space for sake of vessel safety during typhoon season; and

(c) Mr. CHOI Kim-lui

To build the Trunk Road T2 in the form of immersed tube tunnel would pose dangers not only to the vessels sheltered in the KT TS but also the T2 Trunk Road itself because the anchor moved unexpectedly on the seabed during typhoon or strong wind season. He supported Mr. WONG's suggestion that the T2 Road should be re-aligned for the sake of marine safety.

11. Mr. Kelvin CHAN, Mr. David LEUNG and Mr. Igor HO noted the comments and responded as follows –

- (a) During the design stage of Trunk Road T2 construction, due deliberation

would be given to its alignment and construction method with a view to minimizing the adverse impact, i.e. the ineffective anchorage zone, to the KTTS; and

- (b) The landfall of Trunk Road T2 would be accommodated at the current CKL PCWA and connected to Tseung Kwan O - Lam Tin Tunnel. Given that the construction of T2 would affect the operation of CKL PCWA in either the short or long run, numerous discussions had been made between the Government departments and the industry. Continuous efforts would be strived for a win-win solution.
- (c) Regarding the KT PCWA, the draft PODP had shown the long-term planning intention for redeveloping the area into a waterfront promenade. At this point, there was no programme from the relevant bureau to close the PCWA. Relevant bureau/department would consult the industry and concerned parties on the PCWA issue at implementation stage.

- 12. Mr. Kelvin CHAN answered Mr. Vitus SZETO that the consultants had proposed viewing platforms as a design concept alongside the waterfront area of the Kai Tak Approach Channel, where small boats would not be able to gain access thereto.
- 13. The Chairman learnt that there would be exhibition venue for aviation-related exhibits and outdoor display of old aircrafts and other memorable objects of the old Kai Tak Airport at the southwest tip of the runway park. He suggested the Planning Department to consider building the Hong Kong Maritime Museum, which was at present situated in Murray House, thereat as well. Mr. Kelvin CHAN welcomed the suggestion. He pointed out that the draft PODP had reserved open space and GIC sites which could be considered for provision of the subject museum. The proposal could be explored in the feasibility study and implementation stages.
- 14. The Chairman requested the PlanD to duly consider the views collected at the meeting and do consultation on those proposals which would affect the industry at appropriate time.

PLVAC Paper No. 4/2006 – Implementation of MARPOL Annex VI on Local Vessels

- 15. Mr. C H TSO presented the details of the paper and invited members to comment on

the proposed implementation of MARPOL Annex VI on locally certificated vessels.

16. Upon enquiries from members, Mr. C H TSO and Mr. Michael LEE made the following response –
- (a) MARPOL Annex VI was applicable to new installations on or after 19 May 2005 and majority of which was environmentally friendly enough to meet the requirements. For the minority, special consideration on NOx emission might be given to diesel engines of less than 2000 rpm. According to the record, there were only about 40 new installations. If unfortunately an unqualified engine was installed, the Marine Department (MD) would be very willing to help measure the NOx emission level and try to suggest a practical solution;
 - (b) To tie in with the international operation of MARPOL Annex VI on 19 May 2005, MD Notice No. 71 of 2005 was issued on the same day to clarify certain points in the application of MARPOL Annex VI on locally licensed vessels so as to facilitate ship owners, ship operators and agents to operate their vessels in compliance with the relevant requirements. The requirements had been included into the relevant Code of Practice and would become statutory after the Merchant Shipping (Local Vessels) Ordinance (LVO) had come into force;
 - (c) Whether the requirements applied to the river trade vessels depended on the arrangements set out by the mainland. MD would continue to communicate with the mainland at the bi-annual meetings with Beijing MSA with a view to upholding the marine safety standard;
 - (d) The engines of power output more than 130kW installed on or after 19 May 2005 should normally have been certified and if it was not the case, the ship owner was encouraged to contact the engine manufacturer to obtain the necessary type approval certificates;
 - (e) For certification of engines for local vessels, one simple way was to test the NOx emission measurement under the NOx Technical Code by some handy testing devices. MD would consider equipping with such devices so that on board testing could be conducted for a more efficient surveying or certification.

(f) It would be easier for MD to advise whether the shipboard engines met the requirements if the ship owners could provide the batch certificates and technical documents of those engines.

17. Members were told that it was in fact difficult to buy a non-environmentally friendly marine engine in the market nowadays. The Chairman said that MD would inform and consult the members again if and when more details about the implementation of MARPOL Annex VI on local vessels were available.

PLVAC Paper No. 5/2006 – Amendments to the “Code of Practice – Safety Standard for Class I, II and III Vessels (July 2006 revised)” and

PLVAC Paper No. 6/2006 – Amendments to the “Code of Practice – Safety Standard for Class IV Vessels (July 2006 revised)”

18. Mr. C F LIU gave a brief account of the latest amendments made to the “Code of Practice – Safety Standard for Class I, II and III Vessels” and the “Code of Practice – Safety Standard for Class IV Vessels” and sought members’ comments.

19. In response to Mr. Vitus SZETO’s questions about Paper No. 5/2006, the Chairman and Mr. Michael LEE explained that –

(a) The “Cement Tank” mentioned in row 11 of Item 4 on Page II-13 of the paper referred to a tank containing cement but not made by cement. Mr. C F LIU would review if the term could be amended to express the meaning more clearly;

(b) Mr. C F LIU would consider revising para. 9.4.1 of Item 9 on Page IIIB-3 of the paper so as to ensure that the water stored in those water tanks would be suitable for drinking;

(c) Para. 9.3 of Item 10 on Page IV-9 of the paper (or para. 2.1.1 of Item 4 of Paper No. 6/2006) was an existing requirement. Mr. C F LIU would check if it was necessary to remain it in the Code of Practice or if positive, to state clearly the spirit of the requirement, i.e. for the sake of the stability of a vessel.

20. Mr. C F LIU replied Mr. KWOK Tak-kee that the use of toughened safety glass for window (para. 1.3 of Item 11 on Page V-1 of Paper No. 5/2006) was an existing requirement applicable to all vessels carrying passengers and crew. Para. 1.4 was just a supplementary note to para. 1.3.
21. The Chairman concluded that the Department would follow up the parts in question as agreed and members endorsed the two papers without further views.

IV. Any Other Business

Transition from PLVAC to LVAC in December 2006

22. Mr. K L LEE briefed members of the tentative schedule for transiting the PLVAC to LVAC in December 2006. He told members that five sub-legislation would be submitted to the LegCo for negative vetting the earliest October and the LVO was scheduled for operation in mid December 2006. As all the Codes of Practice (CoPs) need go through an LVAC consultation and come into force on the same operation date of the LVO, MD would arrange for the following on the same Friday, i.e. normally a gazette day, in December –
 - (a) The first LVAC meeting to endorse the CoPs;
 - (b) Gazette of the appointment of LVAC members; and
 - (c) Gazette of the operation of all the CoPs concerned.
23. Mr. K L LEE added that all the CoPs endorsed by the LVAC would be uploaded onto MD website for information by the public.

Freight Containers (Safety) Ordinance (Cap 506)

24. Mr. Michael LEE informed the meeting that the relevant legislation procedures for the operation of Freight Containers (Safety) Ordinance (Cap 506) had been completed. The Ordinance would come into force in mid October as scheduled. Members and the industry would be informed of the details of its implementation later.

V. Date of Next Meeting

25. The Chairman said that this meeting would most probably be the last PLVAC meeting before its dissolution. If views from PLVAC members were required on special subjects before formation of the LVAC, PLVAC papers would be circulated to members for endorsement or comments as usual. He expressed his gratitude for the invaluable contributions made by the PLVAC members throughout the past years. There being no other business, the meeting ended at 12:50 p.m.