

PROVISIONAL LOCAL VESSELS ADVISORY COMMITTEE

Formation of Local Vessels Advisory Committee

Purpose

The purpose of this note is to inform members that the Provisional Local Vessels Advisory Committee will be dissolved and the Local Vessels Advisory Committee will be established, subject to the operation of the Merchant Shipping (Local Vessels) Ordinance, (Cap. 548) (“LVO”) in 2006.

Background

2. Following the recommendations of the Local Craft Review, Marine Department (MD) established the non-statutory Provisional Local Vessels Advisory Committee (PLVAC) in June 1991, which constituted the primary consultative body between MD and the local vessels community. It was scheduled that the advisory role of the PLVAC would be noted by inclusion in the relevant Local Vessels Ordinance.

3. In July 1999, the Legislative Council enacted the LVO, which consolidated legal provisions relevant to local vessels scattered in various Ordinances and subsidiary legislation into a single piece of legislation dedicated for local vessels. In addition to making the regulatory regime more user-friendly to vessel owners and operators, LVO also updated marine legislation to meet the modern day operational requirements of the local shipping industry and enhanced the safety standards of local vessels.

4. To provide transparency and solicit views of the local shipping industry on the general regulation and control of local vessels, LVO provides to set up a Local Vessels Advisory Committee (LVAC). The Committee will be tasked to advise the Director of Marine on matters related to the performance or exercise of his functions or powers under the Ordinance.

Composition of LVAC

5. As stipulated in Section 4 of the LVO, the LVAC will consist of -
- (a) the Deputy Director of Marine who shall be the Chairman;
 - (b) two senior officers of the Marine Department appointed by the Director;
 - (c) a police officer nominated by the Commissioner of Police; and
 - (d) the following 12 non-official members appointed by the Director –
 - (i) a person who has expertise in the ship building and repairing industry;
 - (ii) a person who has expertise in naval architecture;
 - (iii) a person who has expertise in ship survey work;
 - (iv) a person who has expertise in the marine insurance industry;
 - (v) a person who has expertise in the field of seafarers' training;
 - (vi) a person who has expertise in the field of seafarers' associations;
 - (vii) a person who has expertise in cargo vessels' operations;
 - (viii) a person who has expertise in launch and excursion vessels' operations;
 - (ix) a person who has expertise in ferry vessels' operations;
 - (x) a person who has expertise in river trade cargo operations;
 - (xi) a person who has expertise in pleasure boating operations; and
 - (xii) a person who has expertise in the fishing industry.
6. In addition, the Director shall appoint an officer of MD to be the secretary of the LVAC.

Functions of LVAC

7. The LVO in its Section 5 has the following provisions -
- (1) *Without prejudice to any other provisions of this Ordinance, the Director may seek the advice of the Committee on any matter which is connected with or incidental to-*
 - (a) *the performance of his functions, or the exercise of his powers, under this Ordinance; or*
 - (b) *the general regulation or control of local vessels in Hong Kong.*

- (2) *The Committee shall advise the Director on any matter in respect of which its advice is sought under subsection (1).*

Establishment of Sub-committees

8. In accordance with Section 6 of the LVO, LVAC may establish subcommittees and appoint the members thereof, which may include persons who are not members of the LVAC, and the LVAC shall appoint a chairman for each subcommittee.

Current Situation

9. Restricted by the LVO, coverage of the future LVAC membership might not be wide enough to include all kinds of local vessels in the community. Despite that, representatives from different sectors in the local vessels industry are welcome to be observers in the future LVAC or members of the LVAC Subcommittees. MD will consult industry on membership of the future LVAC and will make necessary arrangements for its formation in due course.

Presentation

10. This information note is tabled at the 39th PLVAC meeting to be held on 2 December 2005 for members' attention.

*Marine Department
December 2005*