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Notes of Meeting of the 40th Shipping Consultative Committee

Date : 31st January 2013 (Thursday)
Time : 10:00 a.m. – 12:35 p.m.
Venue : Conference Room A, Marine Department Headquarters, 24/F,
Harbour Building

Present

Chairman Mr. K. F. CHICK	Assistant Director / Multi-lateral Policy
Members Mr. Arthur BOWRING	The Hong Kong Shipowners Association Ltd
Capt. Pradeep CHAWLA	Anglo-Eastern Ship Management Ltd
Capt. Umesh LULLA	Bernhard Schulte Shipmanagement (HK) Ltd Partnership
Mr. DONG Qing-ru	COSCO (HK) Shipping Co. Ltd
Mr. SHUM Yee-hong	Goldbeam International Ltd
Mr. TSANG Hing-fong	Hong Kong Seamen's Union
Ms Maggie CHEUNG	Mayer Brown JSM
Capt. YU Chi-ming	Merchant Navy Officers' Guild – Hong Kong
Capt. LU Jian-jian	Ocean Longevity Shipping & Management Co Ltd
Capt. ZHOU Wei	Orient Overseas Container Line Ltd
Capt. Lothair LAM	Parakou Shipping Ltd
Mr. Renato MIU	SINOTRANS Shipping Ltd
Capt. Peter YUK	Wah Kwong Ship Management (HK) Ltd
Mr. W. H. LEUNG	Chief / Maritime Policy
Mr. Y. M. CHENG	Chief / Marine Accident Investigation and Shipping Security Policy
Mr. C. H. TSO	Chief / Technical Policy
Dr. Stephen Y. K. LI	Senior Surveyor of Ships / Security & Quality Assurance
Secretary Ms Venus CHANG	Executive Officer / Shipping & Multi-lateral Policy Divisions (1)

In attendance

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Capt. Sanjeev KUMAR	Wah Kwong Ship Management (HK) Ltd
Capt. XU Chuang-xin	“

Absent with apologies

Capt. LI Chi-wai	Hong Kong Seamen's Union
Mr. Pradeep RANJAN	UNIVAN Ship Management Ltd.
Mr. LI Shu-dong	SINOTRANS Shipping Ltd
Mr. Dilip K NAIR	Fleet Management Ltd

Opening remarks

The **Chairman** welcomed all members to the meeting. He also took the opportunity to introduce 2 stand-in members, who were **Mr. Renato MIU** for **Mr. LI Shu-dong** of **SINOTRANS Shipping Limited** and **Mr. TSANG Hing-fong** for **Capt. LI Chi-wai** of **Hong Kong Seamen's Union**.

2. Before the start of the meeting, the **Chairman** shared the sad news with members that **Capt. P. H. LAM** of the **HKSOA** passed away peacefully on 14 January 2013. **Captain LAM**, who was commonly known as “Captain Daddy” among the 200 odd local cadets over the last 10 years, had guided them before the start of their career and encouraged them during their tough times. With his fatherly support, the number of school graduates joining the sea going career grew every year and resulted in fewer drop outs.

3. The **Chairman** proposed and members agreed to give a vote of thanks to the late **Capt. LAM** for all his great work and contributions to the training of young professionals for the shipping industry in Hong Kong.

Agenda item 1 – Confirmation of the Minutes of the 39th Meeting held on 27 April 2012

4. The minutes of the 39th SCC meeting was confirmed without amendment. Those items in the last notes of meeting that deserved further attention were follow-up in the ensuing paragraph.

5. **Mr. C. H. TSO** reported on the matters related to the missing MSINs and re-structuring of the layout of the webpage for easier access to information. The MSINs webpage had been reviewed and all missing MSINs were added. He

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welcomed feedbacks from the member on the contents of the new set up. The Departmental IT working group is still in the process of reviewing the structure of the MD website. When a new draft web structure has been developed, members of the committee will be invited to a working group to discuss its contents and user-friendliness.

Agenda item 2 – New SOLAS Amendments

6. **Mr. C. H. TSO** tabled an **Appendix B** that contained all the latest SOLAS amendments to the Committee. Members' attention was drawn to a few of the latest amendments to SOLAS, namely SOLAS Regulation III/1.5, SOLAS Regulation III/4.4.7.6 and LSA Code that had come into force on 1 January 2013. In addition, amendment to SOLAS Regulation V/19.2.2.3.4 and SOLAS Regulation V/19.2.10.3 would come into force on 1 July 2013. **Mr. TSO** reminded the Committee that the relevant MSIN had been issued on September 2012 to inform the industry of these amendments.

7. The Committee was advised that the above mentioned amendments were incorporated into the local legislation through the use of a Direct Reference Approach (DRA). Members had no comment on the issue.

Agenda item 3 – Implementation of MARPOL Annexes

8. **Mr. W. H. LEUNG** presented **Appendix C** about the new MARPOL amendments adopted by MEPC 64. The Committee was informed that MEPC.225(64) related to the new amendments of International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (IBC Code) would enter into force on 1 June 2014. **Mr. LEUNG** also informed the meeting that there was no progress made in the local legislation since the last meeting as Transport and Housing Bureau (THB) and Department of Justice (DoJ) were busy finalizing the legislations of MLC, 2006 and STCW. Yet priority had been given to the legislation on the implementation of MARPOL Annex VI on air pollution. The target to submit the relevant paper to Legislative Council (LegCo) was to be at the end of this legislation session.

9. The **Chairman** supplemented that the legislation for MARPOL Annex VI would be divided into 2 parts. One part is for ocean-going vessels and another part for local vessels. The legislation would allow for the implementation of the latest amendments to MARPOL Annex VI through the use of DRA when the

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said international convention came into force. No comment was received from members.

Agenda item 4 – Maritime Labour Convention, 2006

10. **Mr. Y. M. CHENG** briefed members about the SCC Consultation Paper SCC/155, titled *Declaration of Maritime Labour Compliance – Part I and Guidelines on its Compliance*. He informed the Committee that the Convention would come into force by 20 August 2013 internationally. As at 31 January 2013, a total of 35 countries ratified the Convention which representing 68.2% world tonnage. There was no information on the time-table of China ratifying the Convention.

11. Hong Kong was preparing for the local legislation to give effect to the Convention. Consultation with the Committee on the implementation of International Labour Standards (CIILS) of the Labour Advisory Board was conducted on 16 November 2012. CIILS considered that it was important to implement MLC, 2006 in Hong Kong and showed their support to the THB and MD to proceed with the proposed legislative work. General support was obtained at the subsequent consultation with LegCo Panel on Economic Development on 11 December 2012. THB aimed to introduce the relevant Bill to LegCo in the coming few months.

12. **Mr. Y. M. CHENG** also informed the Committee that **Seafarers' Advisory Board (SAB)** had been consulted on the categories of persons excluded from the definition of seafarers. SAB agreed to the proposed categories of persons to be excluded, namely (a) a licensed pilot who worked as a pilot in the ship; (b) the owner who has assumed the responsibilities for the operation of the ship or a person (except the master) representing the owner; (c) an officer of law enforcement agencies carrying out law enforcement duties; (d) a person who worked on board the ship solely within a port of or at a port facility; or (e) person employed in a ship solely in connection with the construction, alteration, repair or testing of the ship, its machinery or equipment, and not directly in connection with the normal manning of the ship within the deck, engine room or catering department.

13. Members were also informed that it was not necessary to acquire insurance coverage for recruitment and placement service for Hong Kong shipowners if their recruitment was done by their own crew departments. Concerning the recruitment of seafarers from non-party countries, it was the responsibility of shipowners to confirm that the agency for the recruitment service had complied with the Standard A1.4.5 of MLC, 2006 requirement and ensure the seafarers from

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non-party countries employed through them were protected with the appropriate social protection from those countries in accordance with A4.5.2 of MLC, 2006.

[Post meeting note: It was agreed by the SCC that there is no restriction for shipowners to employ seafarers from non-ratifying countries with or without social securities.]

14. In response to the question from **Capt. ZHOU Wei** about the definition of leave time on shore, it was noted that rest time, as stated in the MLC, 2006, was defined as “time outside work” and the master and the chief engineer of the ship had the responsibilities to monitor the rest hours of seafarers on board. However, whether the way a seafarer spent his/her rest hours was a discipline issue was the decision of the employer.

15. **Capt. YU Chi-ming** expressed his concern about the validity of medical certificates. He stated that the validity period of medical certificate for seafarers over 18 years old in the MLC, 2006 was 2 years and was applicable to all seafarers without age limits. He enquired whether Hong Kong would align its current medical certificate validity period requirement of 1 year to 2 years as stipulated in MLC, 2006. The Committee had a thorough discussion on this issue. Members were inclined to maintain the existing requirement as an additional measure and protection to ensure the physical fitness of seafarers working on board Hong Kong registered ships.

16. **Capt. LU Jian-jian** enquired the reference to the term “crew agreement” that appeared in clauses 4.4 and 4.5 of the draft DMLC-I.

[Post-meeting notes: Regarding clauses 4.4 and 4.5 of DMLC-Part I, the “crew agreement” as referred by the 2 clauses are making reference to the same document. They were written to give effect to the Standard A2.1(c) and (d) of MLC, 2006.]

17. **Mr. Arthur BOWRING** commented that clause 4.8 of the guidelines about the financial security on seafarers’ repatriation has yet to be confirmed by the ILO and not yet been included in the Convention. The Convention has to be amended accordingly at a later stage. MD noted the comments given and would follow-up as required.

[Post Meeting Note: The SCC had no objection to the Guidelines on seafarers’ repatriation that “Shipowners are suggested to note the IMO Assembly Resolution A.930(22). For the time being, shipowners are required to ensure the compliance by providing financial security from P&I Clubs until a clear form of financial security is determined by ILO.”]

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18. **Mr. Arthur BOWRING** noted that judging from the content perspective, DMLC Part I should be included in the Hong Kong legislation. In this regard, he proposed that the legislation had to maintain some flexibilities, otherwise repetitive legislation amendment works might be required in the future. The **Chairman** responded that the content of the DMLC-Part I would be written in our legislation to bring it in line with the Convention and certain flexibilities would be built-in to avoid frequent amendment in future.

19. **Mr. Y. M. CHENG** took the opportunity to inform the Committee that the SCC paper was to seek the views from member on whether the guidelines were clear and useful to shipowners. It was imperative that these guidelines were made available to recognized organizations as soon as possible so that they could issue the Statement of Compliance prior to the global enforcement of MLC, 2006 in August 2013.

[Post Meeting Note: All the nine ROs were authorised by MD on 18 March 2013 to issue Statement of Compliance based on the SCC agreed DMLC-Part I and Guidelines .]

20. **Mr. Arthur BOWRING** commented on the definition of seafarers and the excluded categories, and concern that amendments to legislation would be frequent when the industry found it necessary to exclude certain categories from the definition from time to time. **Capt. Pradeep CHAWLA** shared this view with **Mr. BOWRING** that a flexible process to amend the legislation was important otherwise it might discourage ships to fly the Hong Kong flag.

21. **Mr. Y. M. CHENG** responded that MD understood the concern of the industry. The current definition was drafted to strike a balance between the legal and industrial concerns. The excluded categories had been endorsed by the SAB. The **Chairman** commented that all legislation had to be cleared by the law draftsman before tabling them to LegCo.

22. Considering that additional time would be required for members to digest the content of the paper, it was agreed to extend the consultation period to after Lunar New Year.

[Post-meeting notes: An email had been sent on 1.2.2013 that members were welcome to give their comments to MD on or before 18.2.2013.]

Agenda item 5 – The STCW Convention 2010 – Manila Amendments

23. The **Chairman** briefed members about the SCC Paper / 156 on the STCW

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Regulation VI/6 on security related training. Regarding ship specific training, it required the trainer to be familiarized with the ship and this person might not necessary be the ship's Ship Security Officer (SSO). In any case, the training record should appear in the security log book and no certificate was required to be issued.

24. Certificate of proficiencies (CoP) was to be issued to seafarers who had completed the relevant approved trainings. As the standard of competency of SSO also covered the training requirements of designated security duties and security awareness trainings, an SSO is not required to be training again and issued with a CoP while assigned to carry out designated security and security awareness duties. Likewise, a seafarer trained for designated security duties is not required to be trained and issued with a CoP when assigned to carry out security awareness duties.

25. Members were also informed that MD was the only authority to approve the trainings in Hong Kong. And only those seafarers who were trained and certificated by a party to the Convention would be accepted to work on Hong Kong registered ships.

26. Capt. Sanjeev KUMAR asked whether computer-based training (CBT) would be accepted for security training. **Mr. Y. K. LAI** commented that the security-awareness and designated security duties trainings had been developed into IMO model courses and conducted by the **Maritime Services Training Institute in Hong Kong**. In view of the establishment of these courses, CBT might not be accepted by MD as substitute to these trainings. Members should also note that the designated security duties and security-awareness trainings should be conducted ashore whilst the security-related familiarization training should be conducted on board.

Agenda item 6 – SCC Paper 154 – Review on the Composition of the Shipping Consultative Committee and Criteria for Appointment of Members

27. The **Chairman** introduced members to the SCC Paper/154. The membership size for shipowners and ship management companies was proposed to increase from 12 to 20 to ensure that members in the SCC will continue to represent about 50% of the Hong Kong registered fleet size. The representatives from other sectors in the industry such as HKSOA, law firm and trade unions will remain unchanged. For these 20 members, half of which will be selected from shipowners and the other half from ship management companies i.e. members will be required to be selected from two lists, one for shipowners and the other for ship management companies. These

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two new lists will be compiled in the same criteria as set previously but the information will be coming from different sources.

28. Members generally agreed with the proposal. Taking the opportunity, **Capt. Pradeep CHAWLA** brought up the idea on whether the recognized organizations should become members in the SCC Meeting. He was informed that MD already had another forum to meet the ROs to discuss implementation issues. Including ROs in SCC would make it too large to accommodate.

Agenda item 7 – Any Other Business

29. **Mr. C. H. TSO** tabled a document about ECDIS training with members. IMO had clarified that ECDIS training should consist of both generic and type-specific training. The generic training was general classroom training which should follow the IMO Model Course 1.27. Type-specific training was for navigation officers to familiarize with the ECDIS equipment on board their vessel prior to taking charge of a navigation watch.

30. Members were also informed that IMO had issued STCW.7/Circ.18 encouraging ECDIS manufacturers to provide training resources for type specific training to their ECDIS equipment, which could be in the form of a CD or DVD. MD had issued MSIN No.82/2012 in September 2012 to provide guidance to Hong Kong registered ships intending to employ ECDIS to meet the carriage requirements under SOLAS. Furthermore, major international industry groups had also produced comprehensive guidance clarifying the requirements of competency in relation to ECDIS.

31. Despite that there was no requirement for masters and officers serving on ships fitted with ECDIS to meet the ECDIS training requirements before 1 January 2017, members should note that if ECDIS was indicated on the SEC to replace paper charts completely, all navigation officers on board must complete both generic and type specific ECDIS trainings, or otherwise encounter problems with PSC inspections. With respect to operating anomalies identified within ECDIS (SN.1/Circ/312), shipowners and ship managers are encouraged to report any anomalies during the operation of their ECDIS equipments and ENCs to MD .

32. **Capt. LU Jian-jian** enquired whether CBT would be accepted for ECDIS trainings. **Mr. C. H. TSO** confirmed that CBT can be used for both generic and type specific trainings as IMO did not limit the mode of training. In case a PSCO doubted the effectiveness of CBT, a live demonstration by the navigation officers on

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the use of ECDIS should ease his/her concern.

33. **Capt. Pradeep CHAWLA** shared that it was difficult to persuade the masters, especially the senior masters, to switch from paper charts to ECDIS. He suggested MD to provide a single contact point to deal with enquiries on the use of ECDIS. **Mr. C. H. TSO** would follow up on this issue.

[Post-meeting notes: An email address has been established to answer queries from the industry on the use of ECDIS. The email address is: hkmd_ecdis@mardep.gov.hk]

34. **Dr. Stephen Y. K. LI** spoke of a new FSQC inspection regime after ship detention. He was requested by the **Chairman** to present a paper on the subject in the appropriate forum.

35. There being no other business, the meeting was adjourned at 12:35 p.m. The date of the next meeting would be announced in due course.

Secretariat
Multi-lateral Policy Division
Marine Department
May 2013