

(FINAL)

**Notes of 41<sup>st</sup> Meeting of the Shipping Consultative Committee**

Date : 27<sup>th</sup> September 2013 (Friday)  
Time : 10:30 a.m. – 1:15 p.m.  
Venue : Conference Room A, Marine Department Headquarters, 24/F,  
Harbour Building

**Present**

<b>Chairman</b> Mr. K. F. CHICK	Assistant Director / Multi-lateral Policy
<b>Members</b> Mr. Arthur BOWRING	The Hong Kong Shipowners Association Ltd
Capt. LI Chi-wai	Hong Kong Seamen's Union
Capt. YU Chi-ming	Merchant Navy Officers' Guild – Hong Kong
Mr. Harry HIRST	Ince & Co.
Capt. Pradeep CHAWLA	Anglo-Eastern Ship Management Ltd
Capt. Savio FERNANDES	Bernhard Schulte Shipmanagement (HK) Ltd Partnership
Capt. Vibhas GARG	BW Fleet Management Pte Ltd
Mr. Oleksandr Bilokon	China International Shipmanagement Company
Capt. LU Jian-jian	Ocean Longevity Shipping & Management Co Ltd
Capt. Jay K PILLAI	Pacific Basin Shipping (HK) Limited
Mr. S. C. LAU	SITC Shipping Management (Shanghai) Co. Ltd
Mr. Pradeep RANJAN	Univan Ship Management Limited
Mr. Allen LI	China Shipping Group
Mr. DONG Qing-ru	COSCO (HK) Shipping Co. Ltd
Mr. SHUM Yee-hong	Goldbeam International Ltd
Mr. Dipak DASH	Maersk Shipping Hong Kong Limited
Capt. ZHOU Wei	Orient Overseas Container Line Ltd
Mr. Renato MIU	SINOTRANS Shipping Ltd
Capt. Carlos ANTAO	Seaspan Corporation
Capt. Sanjeev KUMAR	Wah Kwong Ship Management (HK) Ltd
Mr. Y. M. CHENG	Chief / Marine Accident Investigation and Shipping Security Policy
Mr. W. H. LEUNG	Chief / Maritime Policy
Mr. C. H. TSO	Chief / Technical Policy
Mr. M. Y. CHAN	General Manager / Ship Safety Branch
Mr. W. H. HO	Senior Surveyor of Ships / Marine Accident Investigation

Mr. Jammy N. W. NG                      Surveyor of Ships / Cargo Ships Safety

**Secretary** Ms Venus CHANG                      Executive Officer / Shipping & Multi-lateral  
Policy Divisions (1)

**In attendance**

Capt. Biju NARAYANAN    Wah Kwong Ship Management (HK) Ltd  
Capt. XU Chuang-xin                      “

**Absent with apologies**

Mr. David BEAVES                      Ince & Co  
Capt. Umesh LULLA                      Bernhard Schulte Shipmanagement (HK)  
Ltd Partnership  
Capt. ZUO Yuan-zheng                      SITC Shipping Management (Shanghai) Co.  
Ltd  
Capt. Vijay M SOMAN                      Wallem Shipmanagement Ltd  
Mr. LI Shu-dong                      SINOTRANS Shipping Ltd  
Mr. Sancho KIM                      CIDO Shipping (HK) Co Ltd  
Mr. CHEN Yan                      China Shipping Group  
Mr. Dilip K NAIR                      Fleet Management Ltd  
Mr. WANG Li-jun                      North China Group

**Opening remarks**

The **Chairman** welcomed all members to the meeting. He also took the opportunity to introduce new members and stand-in members. Mr. David BEAVES, Capt. ZUO Yuan-zheng, Mr. CHAN Yan, Mr. WANG Li-jun and Mr. Sancho KIM were new members to SCC yet were not able to attend themselves this time. Chairman welcomed Capt. Vibhas GARG, Mr. Oleksandr BILOKON, Capt. Vijay SOMAN, Mr. Dipak DASH and Capt. Carlos ANTAO who were new to SCC. Chairman also welcomed Capt. Jay PILLAI who joined the SCC again. Chairman then greeted the stand-in members, who were Mr. Harry HIRST, stand-in for Mr. David BEAVES; Capt. Savio FERNANDES, stand-in for Capt. Umesh LULLA; Mr. S. C. LAU, stand-in for Capt. ZUO Yuan-zheng; Mr. Allen LI, stand-in for Mr. CHEN Yan; and Mr. Renato MIU, stand-in for Mr. LI Shu-dong.

2. Before the start of the meeting, the **Meeting** noted that the Chairman would retire from the service starting from 4.10.2013. 3 Chiefs of the Multi-lateral Policy Division

(MPD) would take turns to be the head of the Division. **Mr. Y. M. CHENG** will be the first one acting as the Assistant Director (AD) until the new AD on board.

### **Agenda item 1 – Confirmation of the Minutes of the 40<sup>th</sup> Meeting held on 31<sup>st</sup> January 2013**

4. The minutes of the 40<sup>th</sup> SCC meeting was confirmed without amendment.

5. **Capt. Pradeep CHAWLA of Anglo Eastern Ship Management Ltd** thanked Marine Department (MD) for the prompt response and effort in responding to members' concern about MD's webpage. In addition to that, **Mr. C. H. TSO** briefed members about the matters of ECDIS, as stated in para. 32 of the last notes of meeting. MSIN 5/2013 had been issued about the enquiries and contact points for ECDIS and informed the industry of the designated emails address for ECDIS issues. **Members** were reminded that Seafarers' Certification Section was not responsible for ECDIS enquiries.

### **Agenda item 2 – VOS Presentation by Hong Kong Observatory**

6. **Mr. H. Y. MOK of Hong Kong Observatory** gave a presentation about the Voluntary Observing Ship (VOS) Programme to members. VOS was the international scheme which recruited ships plying the various oceans and seas of the world for taking and transmitting meteorological observations. The VOS involved international co-operation among members of World Metrological Organization (WMO). Equipment would be set up on board a ship to collect the weather data. Those data would be transmitted back to the Observatory for analysing purpose.

7. Various feedbacks had been received. **Members** noted that shipowners were held responsible for the cost of equipment set-up and calibration. Some existing VOS member expressed their concern about the onshore and other technical support to the VOS. The **Chairman** concluded that a MSIN would be issued covering VOS and questions raised by members.

### **Agenda item 3 –Legislation progress**

8. **Mr. W. H. LEUNG** informed the meeting that about 40 sets of local legislation were to be revised to be in line with the international Conventions, such as SOLAS,

MARPOL, STCW and MLC, 2006 etc. A special task force with representatives from MD, Department of Justice (DoJ) and Transport and Housing Bureau (THB) had been established recently with an aim to speeding up the mentioned legislative exercises, which were scheduled to be introduced to Legislative Council (LegCo) by 2015.

9. Regarding safety requirements under SOLAS, Loadlines and COLREG, there were a total of 10 sets of sub-legislation to be amended to give effect to the latest IMO requirements, which were to be introduced to LegCo in 2014. All revised Draft Drafting Instructions (DDI) for the revised regulations prepared in Direct Reference Approach (DRA) had been submitted to THB and DoJ for their consideration. MD has been working closely with DoJ for handling the local legislation by DRA since they were generally technical provisions.

10. Regarding the MARPOL's requirements, **Mr. W. H. LEUNG** said there were a total of 9 legislations to be amended in line with the international requirements. All revised DDI adopting DRA had been submitted to DoJ and THB. DRA had been adopted for ocean-going vessels (OGVs) only since IMO allowed flexibility for member State to determine requirements for local vessels to satisfy the individual International Conventions, such as the MARPOL and AFS conventions. Priorities of amendments of Annex II and III ranked lower than above thus legislation would be dealt with later.

11. On the other hand, the revised local legislation for MARPOL Annex I, Annex IV and AFS Convention were expected to be introduced in LegCo in 2014. Apart from the details of the application of DRA to these legislations, MD had been discussing the categorization of ships with DoJ and THB. Due to the complexity, MD proposed to classify ships into international and non-international voyages for the legislation

12. The **Chairman** took the opportunity to advise members of DRA. By using DRA, it was not required to re-write the entire wording of the Convention in the proposed legislation but to provide direct reference to the technical requirements of the relevant Convention itself with the inclusion of definitions and penalty clauses in exercising the jurisdiction of the Administration in the proposed legislation.

#### **Agenda item 4 – New SOLAS Amendments**

13. **Mr. C. H. TSO of MD** presented **Appendix 2** to the meeting. He briefed members about a series of SOLAS amendments which had already come into force on 1.7.2013. He advised members to refer to Resolution MSC.282(86) for more details. Relevant MSINs had been issued in September 2012 and May 2013 to

remind the industry of the above-mentioned amendments.

14. **Meeting** noted that for those amendments to SOLAS, its associated Codes and the 1998 Load Lines Protocol were to be effective on 1.1.2014 and reference should be made to Resolution MSC.325(90), MSC.327(90), MSC.328(90) and MSC.329(90). Relevant MSINs had been issued in July and September 2013 to remind the industry of these amendments. Similar to other legislation, DRA would be adopted for incorporation of amendments to SOLAS, its associated Codes and the 1998 Load Lines Protocol into our local legislation.

#### **Agenda item 5 – Implementation of MARPOL Annexes**

15. **Mr. W. H. LEUNG** tabled **Appendix 3** and advised the meeting about the Annex I of MARPOL amendments adopted by MEPC 65, which would enter into force on 1.10.2014. The resolution MEPC.238(65) related to new amendments of Annex I and II of MARPOL, which would enter into force on 1.1.2015. He also gave a summary of the major amendments as stipulated in the Appendix 3.

16. In response to the question about the nature of the amendments of Condition Assessment Scheme (CAS) raised by **Capt. Sanjeev KUMAR of Wah Kwong Ship Management (HK) Ltd**, **Mr. W. H. LEUNG** said that the CAS was mandatory and Cat. II and Cat. III were applicable to single hull tanker only.

#### **Agenda item 6 – Maritime Labour Convention, 2006**

17. **Mr. Y. M. CHENG** spoke of the captioned subject and thanked for the constructive comments offered by the member towards the SCC Paper 155. He reported that the amendment Bill about Merchant Shipping (Seafarers) Ordinance to give effect to the MLC, 2006 in Hong Kong was gazetted on 5.4.2013 and introduced in the LegCo on 24.4.2013. Then there were 4 Bills Committee meeting held in May to July 2013 with a public consultation on 17.6.2013 to scrutinize the Bill. After that, it would followed by the 2<sup>nd</sup> reading at the LegCo for the subsequent adoption of the amendment Bill. Furthermore, 10 subsidiary legislation would be amended and another 2 would be repealed, with a subsidiary legislation to give effect to the detailed requirements of the MLC, 2006, which covered 14 items of the Declaration of Maritime Labour Compliance), were being drafted. The entire legislation exercise was planned to be completed by 2014.

18. **Mr. Y. M. CHENG** went on to introduce the interim measures prior to the

application of MLC, 2006 in Hong Kong. 9 ROs had been authorized to issue the “Statement of Compliance” (SoC) to Hong Kong registered ships on behalf of the HKSAR Government and shipowners and shipmanagers had been informed of this arrangement on 20.3.2013. It was reminded the application of issue of SoC by shipowners was on voluntary basis with an aim to facilitate the Hong Kong ships to visit ports of State Parties to the Convention before the ships could be issued with a formal certificate pursuant to enactment of such legislation locally, and extension of application of the Convention to Hong Kong by China.

19. Concerning new ships or new management companies on ships where working hours records, wages allotment records etc would not be obtained in the compliance with the DMLC-Part I, ROs were authorized to issue the Interim SoC with a validity of 6 months to cater such needs on 23.7.2013. It was reminded that a full inspection for the issue of full-term SoC should be carried out prior to the expiry of the Interim SoC and the full-term SoC should not be issued if the Interim SoC was expired. As of the meeting date, MD had received confirmation of 7 ROs for acceptance of MD’s authorization on this arrangement and MD would check with the remaining 2 ROs. **Mr. Y. M. CHENG** pointed out that the master of the ship was required to demonstrate his understanding towards the requirements of the Convention as well as the master’s responsibilities on the implementation as far as reasonable and practicable, for the matters listed under the Hong Kong DMLC-Part I of the 15.3.2013. **Mr. Y. M. CHENG** supplemented that an FAQ letter had been issued to shipowners, shipmanagers and ROs regarding the compliance with the HK-DMLC-Part I.

20. **The Meeting** noted with the liaison between MD and Vocational Training Centre (VTC) on the setting up of 2 certified courses for ships’ cooks. One certified course was for existing ships’ cooks and another one was for those who would like to become a ship’s cook. The duration of the courses was 12 hours and 200 hours respectively.

21. **Mr. Arthur BOWRING of Hong Kong Shipowners’ Association** brought up a concern about Hong Kong ships having remark from the Right ship PTY Ltd. (ship vetting specialist) on “vessel cannot be user-approved” as China had not yet ratified the Convention causing the Convention could not be extended to Hong Kong. He had informed the Rightship PTY Ltd. of the voluntarily SoC issued to Hong Kong ships by the authorized organization that it should be equivalent to the Maritime Labour Certificate issued by the party State. However, the Rightship PTY Ltd. had yet to confirm if it was acceptable. He said the result of putting such a remark against Hong Kong ships would cause ships leaving the flag.

22. This issue echoed by **Capt. LU Jian-jian of Ocean Longevity Shipping & Management Co Ltd** and **Capt. Jay K PILLAI of Pacific Basin Shipping (HK) Ltd.**

**Capt. PILLAI** said that their company had sent all the documents relevant to the SoC to the ship to relieve the worries of the Port State Control officer (PSCO).

23. **Members** were advised to present the SoC issued by the ROs whenever questions were raised by the PSCO. Nonetheless, **Mr. Arthur BOWRING** emphasized that Hong Kong was not fulfilling the requirement of Resolution XVII of the Convention if Hong Kong still had not yet ratified it and Hong Kong ships would all be subject to detailed inspection at the port where it was a member State to the Convention. **Mr. Y. M. CHENG** supplemented that there were 51 out of total 185 member States ratified the Convention, it was reasonable for the PSCO to accept our SoC as comparable to the Maritime Labour Certificate at this early stage.

24. **Mr. M. Y. CHAN of MD**, as invited by the Chairman, offered his understanding towards Tokyo MOU as learned in the meeting in early this year. An IMO official attended the meeting and spoke to the PSCO to exercise flexibility as practical as possible during the early implementation of the Convention, given to the fact that the guidance was not well familiarized. **Mr. Arthur BOWRING** also mentioned about the Paris MOU, which made reference to the Resolution 7 and encouraged PSCO to be flexible during MLC, 2006 inspection. However, **Mr. BORWING** stated that there were already 4 ships being detained at Spain, Denmark and Canada under this Convention since the last August. And the companies had to arrange more seamen on board to fulfil PSCO's requirement. **Capt. Pradeep CHAWLA of Anglo-Eastern Ship Management Ltd** talked about the experience of their fleet and found that living condition on board a ship was the key area that PSCO focused on.

25. **Mr. Dipak DASH of Maersk Shipping HK Ltd** raised some questions in relation to the Convention. He touched on the definition of seafarers and requested for a reconsideration of armed guard on board a ship as seafarers. He took an example of the UK's definition which stated seafarers' normal place of work was on board a ship, but this did not apply to armed guards whose primary purpose was for anti-piracy. He also talked about the definition on financial security and insurance that appeared in A1.4 as monetary loss, A2.5 repatriation and A4.2 sickness and injury. The definition of monetary loss was too wide without a clear limitation, as a result shipowners / shipmanagers might be difficult to get covered by insurance.

26. In response to the above, **Mr. Y. M. CHENG** explained that armed guard on board a ship was indeed a career took place at different ships with a break ashore. The MLC, 2006 itself did not provide a definite meaning on this and it was subject to the flag administration to determine. **Mr. Arthur BOWRING** noted that Hong Kong indeed did not allow armed guards on board a ship or they had to be licensed by Hong Kong Police Force for carrying weapons on ships, but there is no restriction for having

security consultants serving on board Hong Kong flag ships. Talking about the UK, **Mr. BOWRING** said that their condition of armed guards was to be equivalent to the minimum condition as stated in the MLC, 2006. Discussion took place with a few points made in the meeting. **Members** requested MD to review the definition from the business-friendly point of view as well as maintain certain flexibility as changes might be required over the time with knowledge of this issue accumulated. The **Chairman** concluded that comments and feedback from the industry had been heard and members would be kept informed of it.

27. The Meeting then continued with the discussion of protection required to be established by a Recruitment and Placement Agency pursuant to MLC, 2006 Standard A1.4, para. 5(c)(vi). **Mr. Arthur BOWRING** affirmed that the system of protection was to be provided by the agency and not the shipowners. However, the administration was requested to make clear what kind of evidence that shipowners should present to MD to confirm that agencies located outside ratified countries complied with the Convention's requirement. **Members** were asked to refer to the guidance note sent by MD on 15.3.2013 for fulfilling the administration's requirement on this issue. **Mr. Y. M. CHENG** added a note that the monetary loss should not be set as "unlimited". The shipowners should produce necessary documents to prove that the manning agents where situated at non-member State were adequately protected financially. It was also noted that the agencies needed to be verified by the ROs, in order words passing the ROs' audit, with a regular examination system.

28. Some updates on ships' cooks from ILO Meeting had been offered by **Mr. Arthur BOWRING**. There were requirements for the cooks on board a ship: 1) less than 10 people on board; 2) equal or more than 10 people on board and 3) a seafarer to replace the original cook on board a ship for short period of time. Locally, MD required to have a ship's cook on board a ship where the prescribed manning of the ship was 10 or more. **Mr. BOWRING** supplemented that the Convention itself did not actually require a ship's cook on board. He added that ILO had now developed a model course for these cooks serving on a ship with 10 persons or more on board. If the original cook needed to be replaced for the reason of, for example, illness, a person who had been instructed of or received the relevant training in certain areas such as hygiene, could be stand in as ship's cook for a maximum period of one month as stipulated in the Convention. The report of the ILO meeting, when released, would be passed to VTC to ascertain if their courses would align with the ILO's requirement.

## **Agenda item 7 –The STCW Convention 2010 – Manila Amendments**



29. The **Chairman** reported that the drafting of the Certificate for Electrical Technical Officer and Ratings had been completed, and the Certificate of Proficiencies for seafarers on various training requirement was to be finalized in October 2013. However, there was some time to go for accomplishing the rest of the amendments.

30. Concerning the lack of ECDIS course locally. Requirement of ECDIS on board was mandatory yet the course was not widely available in Hong Kong, mainly because of the absence of human resources at Maritime Services Training Institute (MSTI). The **Chairman** extended the request to Shipping Division of MD to explore the possibilities to assist MSTI in this regard.

### **Agenda item 8 – Briefing on matters of common interest to the shipping industry**

31. There were a few issues which deserved the attention from the members. The LSA Code amendment of securing and donning requirements of lifejackets that did not require typing of knots, which entered into force on 1.1.2010, would only be applicable to ships constructed on or after the said date. However, the above requirement should be complied with when the lifejackets on board the ships were replaced with the new ones. Concerning the portable extinguisher on board the lifeboat, MD accepted the use of 2.5kg portable dry chemical powder type of fire extinguisher equipped in the lifeboat would suffice to fulfil the requirement of the LSA Code.

32. In response to some countries such as the UK and Denmark accepting the equivalent arrangement for vessels trading in Sea Areas A1, A2 and A3 with notification to IMO of such arrangement, MD had no objection to accept Immarsat Fleet 77 as equivalent to the direct-printing telegraphy part of an MF/HF radio installation in the mentioned areas (SLS.14/Circ.492)

33. Concerning the type-specific ECDIS familiarization training, **Meeting** noted that neither the STCW nor the ISM Code required ECDIS type-specific training to be approved by the flag administrations, thus MD would not approve any ECDIS type-specific training. **Members** were advised to take note with the “Industry Recommendations for ECDIS Familiarization” for guidance for this subject.

34. **Mr. C. H. TSO** mentioned about the Fall Preventive Devices (FPDs) for lifeboats. Para. 2.1.9 and 2.2.8 in the Annex of Guidelines for the use of FPDs (MSC.1/Circ.1327) stipulated that fall preventer locking pins, strops or slings should not be used for any other purpose and should be fitted to the lifeboats at all times. However, it was noted that the use of FPDs could be at discretion of the master in accordance with para. 2 of the said Guidelines. MD was of the view that at all times

means inclusive of abandon ships situations, since accidental release of the lifeboat during launching in emergency situation might occur, hence FPDs should be fitted to the lifeboat on every occasion unless special conditions warranted their dismantling, for example the FPD was outside the lifeboat on certain types of ships (e.g. oil, gas, or chemical tankers) during ship abandon situation.

35. SOLAS 2002 amendments in SOLAS Chapter II-1, Part A-1, Regulation 3-6, para. 4 specified the requirements of Ship Structure Access Manual. **Mr. C. H. TSO** reminded that this was applicable to oil tankers of 500 gross tonnages and over as well as to bulk carriers of 20,000 gross tonnage and over, both constructed on or after 1.1.2006.

36. **Mr. W. H. LEUNG** spoke about the reception barge for MARPOL waste of Class 1, Category 5, with flash point below 23°C, the Environmental Protection Department (EPD) had informed MD that the barge was at the last stage of outfitting. Subject to approval of the inert gas system and the final safety survey, it was expected the barge would be completed by the end of 2013. With a view to expediting the delivery of the barge, a meeting would be arranged between the Local Vessels Safety Section and EPD to solve the problems concerned.

#### **Agenda item 9 – Any Other Business**

37. **Chairman** briefed members about the changes of meetings of IMO. Some sub-committees had been re-arranged into one. The tentative IMO meeting's schedule is available at IMO's website (<http://www.imo.org/MediaCentre/MeetingSummaries/Documents/122-Preliminary.pdf>), there might be some implication to the follow up works to be carried out by MD and the shipowners in view of the revised schedule.

38. **Mr. W. H. HO of MD** presented 2 accident cases on board Hong Kong ships and highlighted the lesson learnt. One was composite boiler explosion and another one was an elevator accident, in total claimed 5 lives and injured 7 people.

39. **Capt. Jay PILLAI** shared about the views of the issue of ship detention and such matters at some China's ports. After some deliberation, **members** suggested to have an email to receive the related feedback from the industry.

40. **Mr. C. H. TSO** reported to members about the revamp of the MD's website as discussed in the last meeting. With the help of the Information Technology Management Section of MD and inputs from the SCC members, a demonstration

had been presented earlier the time and this project had been completed with a new interface launched in August 2013. **Mr. Dipak DASH** offered an advice of adding a link to access the circulars of Cargo Ships Safety Section.

41. On behalf of all the members, **Mr. W. H. LEUNG** extended the heartfelt gratitude to the Chairman, who was the last time to chair the meeting before his retirement, for his contribution and constructive advice to the Committee.

42. There being no other business, the meeting was adjourned at 1:15 p.m. The date of the next meeting would be announced in due course.

**Secretariat**  
**Multi-lateral Policy Division**  
**Marine Department**  
**January 2014**