

(FINALISED)

Notes of 42nd Meeting of the Shipping Consultative Committee

Date : 30th July 2014 (Wednesday)
Time : 10:30 a.m. – 12:35 p.m.
Venue : Conference Room A, Marine Department Headquarters, 24/F,
Harbour Building

Present

Chairman Mr. P. C. SO Assistant Director / Multi-lateral Policy

Members Capt. LI Chi-wai	Hong Kong Seamen's Union
Capt. YU Chi-ming	Merchant Navy Officers' Guild – Hong Kong
Mr. David BEAVES	Ince & Co.
Capt. Pradeep CHAWLA	Anglo-Eastern Ship Management Ltd
Capt. Umesh LULLA	Bernhard Schulte Shipmanagement (HK) Ltd Partnership
Mr. Kapil BERRY	BW Fleet Management Pte Ltd
Mr. Dilip K NAIR	Fleet Management Ltd
Capt. ZHU Xiao-dong	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
Capt. Chittur SUBRAMANIAN	Wallem Shipmanagement Ltd
Mr. WU Guang-ping	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
Prof. HUANG Tie-jian	SINOTRANS Shipping Ltd
Capt. Carlos ANTAO	Seaspan Corporation
Capt. Sanjeev KUMAR	Wah Kwong Ship Management (HK) Ltd

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

In attendance

Capt. C. X. XU	Wah Kwong Ship Management (HK) Ltd
Mr. Simon S. H. TSE	Chief / Marine Accident Investigation and Shipping Security Policy
Mr. Y. K. LAI	Chief / Maritime Policy
Mr. M. Y. CHAN	Chief / Technical Policy
Mr. C. H. TSO	General Manager / Ship Safety Branch
Dr. Stephen Y. K. LI	General Manager / Shipping Registry and Seafarers' Branch (Ag.)
Mr. Jammy N. W. NG	Senior Surveyor / Seafarers' Certification (Ag.)

Absent with apologies

Mr. Arthur BOWRING	The Hong Kong Shipowners Association Ltd
Capt. Vibhas GARG	BW Fleet Management Pte Ltd
Mr. Oleksandr BILOKON	China International Shipmanagement Company
Capt. CHEN Shui-liang	Ocean Longevity Shipping & Management Co Ltd
Mr. Pradeep RANJAN	Univan Ship Management Limited
Capt. Vijay SOMAN	Wallem Shipmanagement Ltd
Mr. CHEN Yan	China Shipping Group
Mr. Sancho KIM	CIDO Shipping (H.K.) Co Ltd
Mr. Richard WANG	North China Group

Opening remarks

The **Chairman** welcomed all members to the meeting. He also took the opportunity to welcome members who were new to the meeting including Mr. WU Guang-ping, Capt. ZHU Xiao-dong, Prof. HUANG Tie-jian, Capt. Chittur SUBRAMANIAN and Mr. Kapil BERRY to attend the meeting.

Agenda item 1 – Confirmation of the Minutes of the 41st Meeting held on 27th September 2013

2. A typo was noted in the para. 9 and should be corrected as “Regarding safety requirements under SOLAS, Loadlines and COLREG...” “COREG” should read as “COLREG”. The minutes of the last meeting was confirmed with the above said amendment.

Agenda item 2 – Legislation progress

3. The **Chairman** briefed members on the development of maritime related legislation. The Marine Department (MD) was fully aware of the industry's concern on the delays in drafting the local maritime legislation. Various focus groups on maritime legislation had been formed in order to speed up the process, with an aim to minimize the delays in drafting local maritime legislations that lagged behind with respect to various Conventions, including SOLAS, MARPOL and STCW etc. Each focus group was composed of members from the Department of Justice (DoJ), the Transport and Housing Bureau (THB) and MD. Members were expected to meet at least twice a month to discuss the drafting work of each piece of local maritime legislation for updated International Maritime Organisation (IMO) Convention requirements. To cope with the fast-changing trend of the IMO Convention requirements, MD has been preparing to put extra efforts and manpower resources on the local maritime legislation work in the coming years.

4. **Meeting** noted that Mr. Arthur BOWRING had expressed his concerns on the legislation of Maritime Labour Convention, 2006 (MLC, 2006). The **Chairman** updated the members that the relevant Bill and the 3 Committee Stage Amendments (CSA) proposed by the Administration were passed by the Legislative Council (LegCo) on 6.11.2013. DoJ has then been working on the draft subsidiary regulations which set out the detailed requirements for implementing the Convention and planned to introduce 11 pieces of subsidiary legislation to LegCo for negative vetting in November 2014. DoJ had advised that all regulations should be finalised by September 2014 for a timely preparation of the Chinese version and also submitting them to LegCo by November 2014. It was also noted from the China Maritime Safety Administration (MSA) that China would ratify the Convention within this year, and hopefully with more detailed information to be released during the meeting between MD and MSA in mid-August 2014. A point was also brought to the attention of the meeting that the Mainland authority had authorised the China Classification Society (CCS) to issue the "Statement of Compliance" (SoC) to the ships flying flag of People's Republic of China as an interim measure prior to their ratification of the Convention. There was a similar arrangement locally in Hong Kong. MD had authorised Recognised Organisations (ROs) to issue the SoC to Hong Kong registered ships since March 2013 and it was observed that all Hong Kong registered ships had already been issued with it. MD would closely monitor the situation prior to the ratification by China.

5. **Dr. Stephen Y. K. LI of MD** supplemented that there would be a 12-month grace period once China had ratified the Convention for ships to change the SoC to the MLC,

2006 Certificate. MD wished to bring the minimum disruption to the ship's operation. No further comments received.

Agenda item 3 – New SOLAS Amendments

6. This subject was updated by **Mr. M. Y. CHAN of MD**. SCC Paper No. 161 with the Annex 1 to 5, which was sent to all members earlier the time, was briefed. MD, as a flag administration, was obligated to amend or make new local legislations in order to give effect to the latest international requirements locally. MPD was reviewing a total of 5 pieces of legislations for the moment, namely SOALS V, SOLAS VI & XII, SOLAS X, COLREG and Load Lines, through the means of the focus group meeting as mentioned by the Chairman. It was anticipated that there should be no difficulties for Hong Kong registered ocean-going ships to meet such update amendments or new requirements as the ROs were looking after the inspection and certification in accordance with the latest Convention standards. **Members** did not raise any comments to this agenda item.

Agenda item 4 – Implementation of MARPOL Annexes

7. **Mr. Y. K. LAI of MD** mentioned that the THB would consult LegCo's Panel on Economic Development (ED Panel) on the proposed amendments to 4 pieces of subsidiary legislation under Merchant Shipping (Prevention and Control of Pollution) Ordinance, Cap. 413 governing oil (Merchant Shipping (Prevention of Oil Pollution) Regulations, Cap.413A), garbage (Merchant Shipping (Prevention of Pollution by Garbage) Regulation, Cap. 413J), sewage (Merchant Shipping (Prevention of Pollution by Sewage) Regulation, Cap. 413K) and anti-fouling systems (new regulation under Cap. 413). The purpose of the legal amendments was to implement the MARPOL Annexes amendments and also the Anti-fouling Convention into our local legislation. The subsidiary legislation for anti-fouling system and for the garbage were new subsidiary legislation made under Cap. 413, since MARPOL Annex V had been completely revised and there were lots of amendments to be made. It would not be justified to only revise the subsidiary legislation. All these would be taken place in November 2014.

8. **Meeting** noted that THB would table the amendments to Merchant Shipping (Prevention of Air Pollution) Regulation, Cap. 413M in December 2014, for enactment of MARPOL Annex VI amendments for the prevention of air pollution at LegCo for negative vetting. The amendments would come into force after completing the negative vetting in 2015.

9. **Members** had been given a copy of SCC Paper No. 162, 163 and 164 before the meeting, which contains information on the implementation of MARPOL Annexes amendments. As MARPOL Annexes amendments had already enforced globally, it was expected that Hong Kong shipowners would not have difficulties to comply with those MAPOL amendments. **Mr. Y. K. LAI** informed SCC members that IMO had adopted resolutions MEPC.246(66) and MEPC.248(66) in the last MEPC Committee meeting in April for the amendment of MARPOL Annex I, which involved with the IMO Instruments Implementation Code (III Code) and the carriage requirements for a stability instrument for oil tankers, respectively. A HKMSIN No. 27/2014 on the MARPOL Annex I amendment had been issued and was available on MD's website (<http://www.mardep.gov.hk/en/msnote/pdf/msin1427.pdf>). No particular comments rose from the floor.

Agenda item 5 – Maritime Labour Convention, 2006

10. Further to the agenda item 2, **Dr. Stephen Y. K. LI** supplemented that there had been 185 countries joined the MLC, 2006. Meanwhile, **members** were reminded to ascertain their ships were ready for the Convention and PSC inspection.

11. **Mr. Dipak DASH of Maersk Shipping HK Ltd** enquired about the definition of seafarers under MLC, 2006, in particular the armed guards on board a ship. The armed guard were deployed for a specific purpose and they were different from the normal crew on board. He suggested to take reference to the practice adopted by other administrations such as the United Kingdom and Singapore on dealing with this type of person on board a ship. **MD** took note of Mr. DASH's point and would response to it.

12. Similarly, the status of marine crew and project crew also drew concerns from **Capt. Pradeep CHAWLA of Anglo-Eastern Ship Management Ltd, Mr. Dilip NAIR of Fleet Management Ltd and Capt. LI Chi-wai of Hong Kong Seamen's Union**. Some of the crew members could get on and off the ship for various tasks such as repair on a temporary basis. They were not considered as seafarers in the past but the situation might have changed upon the implementation of MLC, 2006. Their comments were noted by the **Chairman** and MD would look into the issue.

Agenda item 6 – The STCW Convention 2010 – Manila Amendments

13. **Mr. Simon S. H. TSE of MD** told the meeting on the progress for the captioned.

MD had submitted the relevant Draft Drafting Instructions (DDI) to THB for consideration. The original plan was to divide this amendment exercise into 2 rounds. The first round covered amendments of the following:

- Merchant Shipping (Seafarers) (Certification of Officers) Regulation, Cap. 478J;
- Merchant Shipping (Seafarers) (Certificates of Proficiency in Survival Craft, Rescue Boats and Fast Rescue Boats) Rules, Cap. 478Z;
- Merchant Shipping (Seafarers) (Fees) Regulation, Cap. 478AB;
- Merchant Shipping (Seafarers) (Safety Training) Regulation, Cap. 478AC; and
- Administrative Appeals Board Ordinance, Cap. 442

The second round covered the following:

- Merchant Shipping (Seafarers) (Tankers – Officers and Ratings) Regulation, Cap. 478K;
- Merchant Shipping (Seafarers) (Disciplinary Offences on Board Ships) Regulation, Cap. 478N;
- Merchant Shipping (Seafarers) (Certification and Watchkeeping) Regulation, Cap. 478T;
- Merchant Shipping (Seafarers) (Engine Room Watch Ratings) Regulation, Cap. 478V;
- Merchant Shipping (Seafarers) (Navigational Watch Ratings) Regulation, Cap. 478W;
- Merchant Shipping (Seafarers) (Certificates of Competency AS A.B.) Rules, Cap. 478Y;
- Merchant Shipping (Seafarers) (Ro-Ro Passenger Ships – Training) Regulation, Cap. 478AD;
- Merchant Shipping (Seafarers) (Passenger Ships Other Than Ro-Ro Passenger Ships – Training) Regulation, Cap. 478AE; and
- Administrative Appeals Board Ordinance, Cap. 442

14. Recently the 2 rounds would be combined into one, as decided by THB, in order to avoid the possibility of amending the Cap. 442 twice. The drafting of the legislations for the entire set of amendments was scheduled to be submitted by September 2015.

15. Taking the opportunity, **Dr. Stephen Y. K. LI** said that the Manila Amendments would be incorporated into the 2015 Determinations and it would be ready by early next year. The Certificate of Competency (CoC) would be ready in the new format, in accordance with the Manila amendment, at the end of 2014 with a validity period up to 5 years, while the existing one would be valid up to 1.1.2017. He reminded the meeting that under the new amendment, Deck officers would be required to have the endorsement of ECDIS or they would be refrained from operating ships with ECDIS. Likewise, Engineer officers would be required to obtain the qualification on high

voltage or MD would impose a restriction on working on vessels fitted with high voltage facilities when they revalidate their CoC.

16. Speaking of the security training, the **Meeting** noted that Hong Kong did not have the relevant legislation in place for the time being, therefore only SoC would be issued for officers possessing the qualifications of Designated Security Duty and Security Awareness. MD has been promulgating a circular illustrating the relaxation of the Hong Kong flag ships on these 2 areas until July 2015 and PSCO at other ports were requested not to consider this as deficiencies. On the other hand, Certificate of Proficiency would be issued to Ship Security Officer, as stipulated in the Hong Kong law.

17. Under the amendment, it was not necessary for ships to have an Electrical-Technical Officer (ETO) on board and the work of ETO could be spread among other engineer officers. If shipowners opted for an ETO on board a ship, they were welcome to contact MD and the details would be shown on the Minimum Safe Manning Certificate (MSMC).

18. Questions were raised from members regarding the ECDIS and ETO. **Capt. ZHOU Wei of Orient Overseas Container Line Ltd** commented that the ECDIS course available in China would not come with a proper training certificate after the completion of the course, he worried that this might invite questions from PSCO on their qualifications on ECDIS. It was replied that **MD** would verify if he/she could produce the training certificate and PSCO should be satisfied with the stamp on the CoC issued by MD. MD should be informed of if the opposite case happened. In response to Chairman's question on the MD approved ECDIS course, **Dr. Stephen Y. K. LI** mentioned that the ECDIS course organised by the Maritime Services Training Institute (MSTI) as well as by the countries on the "White List" were recognised by MD. Speaking of the high voltage course, those recognised by the countries on the "White List" would also be recognised by MD since there was no local course available.

19. Concerning the ETO, **Mr. Umesh LULLA of Bernhard Schulte Shipmanagement (HK) Ltd Partnership** asked if verification was needed when this post was not shown on the MSMC but indeed there was a technician on board a ship to carry out similar job as ETO. **Mr. C. H. TSO of MD** clarified that the duties of the ETO could be shared among all engineers on board and the choice of having an ETO on MSMC rested with the shipowners / ship management companies. To fill the gap, **Mr. Dipak DASH** suggested to review the course structure for marine engineer and to include relevant ETO subjects in the syllabus. The **Chairman** noted the comments and our Certification Section might make amendments if necessary.

Agenda item 7 –Briefing on matters of common interest to the shipping industry

20. The **Chairman** noted that there was some feedback from the industry on the early alert for IMO's initiatives, so he invited **Mr. M. Y. CHAN** to brief the meeting on the new measures introduced by the Multi-lateral Policy Division (MPD). Mr. CHAN inform the meeting on a suggestion to get the industry involved in the IMO meetings in order to allow stakeholders to be alert of the development of IMO's proposals in early stage was raised during a review early this year. After consultation with positive feedback, a standard procedure to distribute the programme, agenda and executive summary of IMO meetings' documents to all concerned parties, including members from Port Operations Committee, Maritime Industry Council and this Committee etc, had been implemented. Upon request, a full set of papers on a specified agenda item would be sent to different parties. The industry might offer their feedback to the MPD 2 weeks prior to the meeting. **Capt. Pradeep CHAWLA** appreciated this initiative and proposed to create a single email contact for a unison communication channel.

21. **Mr. Dipak DASH** asked about the statistics of MLC, 2006 related detention case on Hong Kong flag ship since it came into force last year. He was told that only 2 cases were recorded, yet those were not directly associated with the Convention. A list showing the detention details, covering from date, port and detention items, was available on MD's website with regular updates. **Capt. Jay K PILLAI** suggested to report on the defects in relation with MLC, 2006 found during PSC inspection on the website. **MD** would follow up on that.

22. Issue of discharging waste to port reception facilities in accordance with MARPOL Annex I was discussed. **Capt. Jay K PILLAI** shared their difficulties on discharging the waste properly where the terminal at the port of call did not have the reception facilities. **Meeting** learnt that they should report to MD if the port did not equip with the reception facilities as mentioned in the MARPOL Convention and MD would reflect this to IMO.

23. **Capt. Sanjeev KUMAR of Wah Kwong Ship Management (HK) Ltd** put forward a suggestion to the administration on providing guidance to shipowners or ship management companies on complying with the ECA. His point was noted by the meeting.

24. **Mr. C. H. TSO** advised the members of the new procedures for processing exemption of equipment and dispensation of manning requests launched by the Cargo Ship Safety Section (CSS) in May 2014. A new email address

(exemption@mardep.gov.hk) has been established since June 2014 for application of exemption / dispensation exclusively. Meanwhile, applicants should also complete an application form in fillable PDF format to facilitate the processing of such request. MD had issued a circular letter on this subject on 20.6.2014 (http://www.mardep.gov.hk/en/pub_services/pdf/exem_disp140620.pdf). In May and June, MD recorded 173 and 146 exemption applications, respectively. CSS has been committed to fulfil the needs of shipowners and ship managing companies and the quality objectives of the Quality Management System. The new arrangement was welcomed by members. **Mr. Dipak DASH** recommended to put an official header with logo on the top of the approval email to ascertain the authenticity of the email. This request would be entertained upon applicant's request. In addition, **members** were advised to inform both Recognised Organisations and the flag Administration should there was any situation happened on board that deserved both parties' attention. If it was beyond Hong Kong's office hours, shipowners / ship management companies should contact the Vessels Traffic Centre (VTC) for assistance.

25. The **Meeting** was glad to note that The United States Coast Guard had continued granting the QUALSHIP 21 status to Hong Kong registered ships. **Mr. C. H. TSO** asked for the cooperation of all shipowners / managing companies in keeping up the good work.

26. The news of the merging of Det Norske Veritas (DNV) and Germanischer Lloyd (GL) starting from December 2013 was brought up in the meeting. The new DNV GL would be responsible for all the certificates issued by DNV and GL and they remained valid until the expiry date. DNV GL would still be recognised by MD statutorily.

27. **Members** were invited to note that the CIC Inspection on STCW hours of rest would be commenced on 1.9.2014. Details would be released by the MD in due course.

28. There was some deliberations on the selection criteria by different ship inspection regimes, say the age of the ship, and which would create a knock-on effect when the ship was at the next port of call, where the PSCO would take reference to the inspection result in the previous port. **MD** had taken notes of the comments from members and would reflect the feedback to the IMO and other relevant platforms, e.g. Tokyo MOU.

Agenda item 8 – Any Other Business

29. Concerning the issue of ballast water management, **Mr. Y. K. LAI** said that the

relevant Convention has not yet entered into force globally, and the local legislation was in progress and hopefully it would be enacted in line with the global launch date. Should any ship wish to visit the country that has implemented the Convention unilaterally, the ship should meet the ballast water requirement. **Members** were also advised of starting preparatory work for this Convention. Updates on this subject after meeting with China MSA would be released to keep all members posted.

30. **Meeting** was told that the legislation on mandatory using low sulphur fuel for ocean going vessels visiting Hong Kong was under the purview of Environmental Protection Department and which was expected to be entered into force in 2015.

31. **Dr. Stephen Y. K. LI** mentioned the SCC Paper No. 160, namely Issue of Hong Kong Full Term Licenses to Holders of Hong Kong Temporary Licences. Holders of Lithuania, Montenegro and Portugal would be granted for full term Licences as these countries had passed the 2 years' observation period. Jamaica and Ethiopia were currently on the observation list and short term Licences would be issued for the time being.

32. 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
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