

立法會
Legislative Council

LC Paper No. CB(1)1352/03-04
(These minutes have been seen
by the Administration)

Ref: CB1/SS/4/03

**Subcommittee on
Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation and
Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation**

**First meeting on
Monday, 15 March 2004, at 2:30 pm
in Conference Room B of the Legislative Council Building**

- Members present** : Hon Miriam LAU Kin-ye, JP (Chairman)
Hon SIN Chung-kai
Hon WONG Yung-kan
- Public Officers
Attending** : Mr Raymond FAN
Deputy Secretary for Economic Development and Labour
(Economic Development)
- Ms Alice LAU
Principal Assistant Secretary for Economic Development
and Labour (Economic Development)
- Ms Betty CHEUNG
Senior Government Counsel
Department of Justice
- Ms Lonnie NG
Senior Government Counsel
Department of Justice
- Mr F L CHEUK
Acting General Manager/Operation
Marine Department
- Mr Y N CHAN
Senior Marine Officer/ Legislation & Prosecution
Marine Department

Clerk in attendance : Ms Debbie YAU
Senior Council Secretary (1)1

Staff in attendance : Ms Pauline NG
Assistant Secretary General 1

Ms Connie FUNG
Assistant Legal Adviser 3

Mr Joey LO
Council Secretary (1)1

Action

I Election of Chairman

Mr SIN Chung-kai, member of the Subcommittee who had the highest precedence among the members present, presided over the election of the Chairman of the Subcommittee and invited nominations for the chairmanship.

2. Ms Miriam LAU was nominated by Mr WONG Yung-kan and the nomination was seconded by Mr SIN Chung-kai. Ms LAU accepted the nomination.

3. There being no other nominations, Ms Miriam LAU was elected Chairman of the Subcommittee. Ms LAU then took over the chair.

II Meeting with the Administration

(File Ref: MA 70/17, MA 70/13

- The Legislative Council Brief issued by the Economic Development and Labour Bureau on 27 February 2004

LC Paper No. LS51/03-04
(issued vide LC Paper No.
CB(2)1582/03-04)

- Legal Service Division Report dated 4 March 2004

LC Paper No. CB(1)1094/01-02(05)

- Information paper provided by the Administration for the Economic Services Panel meeting held on 25 February 2002

LC Paper No. CB(1)1380/01-02

- Minutes of meeting of the Economic Services Panel meeting held on 25 February 2002

Action

- LC Paper No. CB(1)1279/03-04(01) - Letters dated 4 March 2004
and (02) from Assistant Legal Adviser
to the Administration
- LC Paper No. CB(1)1279/03-04(03) - The Administration's replies
and (04) dated 9 March 2004 and 11
March 2004 to the Assistant
Legal Adviser
- LC Paper No. CB(1)1307/03-04(01) - Submission from the Hong
(*tabled and issued on 17 March 2004*) Kong & Kowloon Motor
Boats & Tug Boats
Association Limited)

4. The Subcommittee deliberated (index of proceedings attached at **Annex A**).

Issues which required follow-up actions/consideration by the Administration

5. The Subcommittee requested the Administration:
- (a) to incorporate the safety measures in relation to carrying of crew and passengers in the "Code of Practice - Safety Standard" and the proposed Merchant Shipping (Local Vessels) (Safety Survey) Regulation and to consult the industries before finalizing the draft;
 - (b) to consider permitting local vessels with the length overall exceeding the permitted length overall specified for a typhoon shelter to use the typhoon shelter under specific circumstances;
 - (c) to provide information on the proposed ways to moor, during typhoons, those local vessels which are not permitted to enter typhoon shelters because they have exceeded the permitted length overall of typhoon shelters or they are carrying dangerous goods; and
 - (d) to consider deleting section 55 of the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation having regard to the registration and licensing scheme applicable to motor vehicles, or if it is decided that such is to be provided, to consider incorporating the provision in the Local Vessels (Miscellaneous Provisions) Bill.

Date of next meeting

6. Members agreed that the next meeting of the Subcommittee would be held on 25 March 2004, at 8:30 am.
7. Members also agreed to extend the scrutiny period of the Regulations from 24 March 2004 to 21 April 2004 to allow more time for scrutiny. Members noted that the Chairman would move a resolution at the Council meeting on 24 March 2004.

Action

III Any other business

8. There being no other business, the meeting ended at 4:35 pm.

Council Business Division 1
Legislative Council Secretariat
24 March 2004

**Proceedings of the first meeting of the Subcommittee on
Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation and
Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation
Monday, 15 March 2004, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Election of Chairman</i>			
000000 – 000200	Mr SIN Chung-kai Mr WONG Yung-kan Ms Miriam LAU	(a) Election of Chairman (b) Members noted the submission from Hong Kong & Kowloon Motor Boats & Tug Boats Association Ltd. (LC Paper No CB(1)1307/03-04(01)).	
<i>Agenda Item II – Meeting with the Administration</i>			
000201 - 005206	Chairman Administration Mr WONG Yung-kan	<u>Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation Section 5 - Restrictions on vessels of Classes II and III</u> (a) Number of crew/ passengers permitted to be carried by a Class II vessel and the criteria used by Director of Marine in determining such number in granting the licence. (b) Definition of crew and passengers. (c) Safety concerns regarding Class II vessels and "Code of Practice - Safety Standard". (d) Classification of vessels and definition of special purpose vessel. (e) Enforcement against the owner/ operator of a vessel which carried more passengers than the number specified as licence condition.	The Administration to note and follow-up as per paragraph 5(a) of the minutes.
005207 - 010210	Administration Chairman	<u>Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation Section 6 - Restrictions on Class IV vessels</u> (a) Pleasure vessels used for transportation purpose. (b) Whether the new provisions under section 6 could prevent a Class IV vessel from being used for pleasure/transportation purposes by individuals who had boarded the vessel by presenting tickets.	
010211 - 010900	Chairman Administration Mr WONG Yung-kan	<u>Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation Section 21 - Grant of permission for a laid-up vessel</u>	

Time Marker	Speaker	Subject(s)	Action required
		Whether the granting of permission for laid-up vessels would encourage owners to lay up their vessels.	
010901 - 013240	Chairman Administration Mr WONG Yung-kan	<u>Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation</u> <u>Section 4 - Use of typhoon shelters</u> Use of typhoon shelters by local vessels with length overall exceeding the permitted length overall specified for typhoon shelters and by local vessels carrying dangerous goods under specific circumstances, and ways to moor them outside typhoon shelters during typhoons.	The Administration to note and follow-up as per paragraphs 5(b) and 5(c) of the minutes.
013241 - 020213	Chairman Assistant Legal Adviser 3 Administration	<u>Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation</u> <u>Section 55 - Immunity</u> (a) Legal basis and need for granting immunity to Government and public officers from liabilities under section 55. (b) Whether the certificate of ownership was a proof of title.	The Administration to note and follow-up as per paragraph 5(d) of the minutes.
<i>Agenda Item III – Any other business</i>			
020214-020638	Chairman Administration Mr WONG Yung-kan Mr SIN Chung-kai	(a) Date of next meeting. (b) Members agreed to move a motion to extend the scrutiny period of the Regulations.	