

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1657/03-04  
(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**

**Second meeting on  
Thursday, 25 March 2004, at 8:30 am  
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Miriam LAU Kin-yee, 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** : Mr Andy LAU  
Chief Council Secretary (1)2

**Staff in attendance** : Ms Connie FUNG  
Assistant Legal Adviser 3

Mr Joey LO  
Council Secretary (1)1

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**I Confirmation of minutes and matters arising**  
(LC Paper No. CB(1)1352/03-04 - Minutes of meeting held on 15 March 2004)

The minutes of meeting held on 15 March 2004 were confirmed.

**II Meeting with the Administration**  
(LC Paper No. CB(1)1351/03-04(01) - The Administration's response to issues raised at the meeting on 15 March 2004 and the draft "Code of Practice - Safety Standard for Class I, II and III Vessels" under the Merchant Shipping (Local Vessels) Ordinance (Cap 548)

LC Paper No. CB(1)1334/03-04(01) - Submission from the New World First Ferry Services Limited

LC Paper No. CB(1)1279/03-04(01) and (02) - Letters dated 4 March 2004 from Assistant Legal Adviser to the Administration

LC Paper No. CB(1)1279/03-04(03) and (04) - The Administration's replies dated 9 March 2004 and 11 March 2004 to the Assistant Legal Adviser

File Ref: MA 70/17, MA 70/13 - The Legislative Council Brief issued by the Economic Development and Labour Bureau on 27 February 2004)

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

3. The Subcommittee went through the two regulations section by section. The Subcommittee made various suggestions to improve the drafting of the two regulations. To this end, the Administration undertook to move a resolution at the Council meeting

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on 21 April 2004 to effect the necessary changes.

4. The Subcommittee also expressed concern about the safety implications if suitable typhoon facilities were not available for use by vessels with the length overall exceeding the permitted length overall specified for a typhoon shelter. The Administration advised that since the number of over-length vessels had been on the rise, new mooring areas would be actively explored so as to offer more choices of typhoon mooring arrangements for the operators of such vessels. The Administration undertook to report on the progress of the work within this legislative session to the Panel on Economic Services.

5. The Subcommittee agreed that a report would be submitted to the House Committee on 16 April 2004. The Chairman reminded that the deadline for giving notice to amend the two regulations was 14 April 2004.

**III Any other business**

6. There being no other business, the meeting ended at 10:30 am.

Council Business Division 1  
Legislative Council Secretariat  
3 May 2004

**Proceedings of the second meeting of the Subcommittee on  
Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation and  
Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation**

**Thursday, 25 March 2004, at 8:30 am  
in Conference Room A of the Legislative Council Building**

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
<i>Agenda Item I – Confirmation of minutes and matters arising</i>			
000000 – 000015	Chairman	Confirmation of minutes of the meeting held on 15 March 2004 (LC Paper No. CB(1)1352/03-04)	
<i>Agenda Item II – Meeting with the Administration</i>			
000016-001519	Chairman Admin Mr WONG Yung-kan	<u>Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation Clause 4(4)</u>  Granting of permission by the Director of Marine to allow over-length vessels of the New World First Ferry Services Limited to enter or remain in the Cheung Chau Typhoon Shelter.  Short-term and long-term solution to difficulties faced by other ferry operators in finding mooring spaces  Design of typhoon shelters	The Administration to note and follow-up as per paragraph 4 of the minutes.
001520-001924	Chairman Mr WONG Yung-kan Admin	<u>Draft “Code of Practice - Safety Standard for Class I, II and III Vessels”</u>  Paragraph 9.3, Chapter III B- Upper limit on total fuel oil carried by fishing sampan	
001925-002137	Chairman ALA3 Mr WONG Yung-kan	<u>Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation Section 55 - Immunity</u>  Legal basis of the immunity provision and the justifications for including such a provision in the regulation	
002138-003302	Chairman Admin ALA3	<u>Section-by-section examination Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation</u>  <u>Section 1- Section 4</u>  <u>Section 5</u> Determination of crew and passenger carrying capacity	

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
003303-003600	Chairman Admin Mr WONG Yung-kan ALA3	<u>Section 6</u> Textual amendment to the Chinese text of section 6(3)(a)	
003601-003900	Chairman Admin ALA3	<u>Section 7 - Section 9</u>	
003901-004016	Chairman Admin ALA3	<u>Section 10</u> Textual amendment to section 10(4)(a)(v)	
004017-004047	Chairman	<u>Section 11 - Section 12</u>	
004048-004306	Chairman ALA3 Mr WONG Yung-kan	<u>Section 13</u> Definition of “length overall” to be added in section 2	
004307-004314	Chairman ALA3	<u>Section 14</u>	
004315-004540	Chairman Admin ALA3	<u>Section 15</u>	
004541-004355	Chairman Admin ALA3	<u>Section 16 - Section 18</u>	
004356-004600	Chairman Admin Mr WONG Yung-kan ALA3	<u>Section 19</u> Director of Marine to give reasons for his decision	
004601-004614	Chairman	<u>Section 20</u>	
004615-005540	Chairman ALA3 Mr SIN Chung-kai Admin	<u>Section 21</u> Granting of a new permission for a laid-up vessel	
005541-005555	Chairman	<u>Section 22</u>	
005556-005636	Chairman ALA3 Admin	<u>Section 23</u> Director of Marine to give reasons for his decision	
005637-005714	Chairman	<u>Section 24 - Section 25</u>	
005715-005818	Chairman ALA3 Admin SIN Chung-kai	<u>Section 26</u> Director of Marine to give reasons for his decision	

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
005819-010140	Chairman Mr WONG Yung-kan Admin	<u>Section 27 - Section 30</u>	
010141-010432	Chairman Admin ALA3	<u>Section 31</u> Appeal channel for parties aggrieved by the cancellation of certificate of ownership granted at owner's request	
010433-010620	Chairman Admin	<u>Section 32</u> Suspension of full licence, temporary licence after cancellation or suspension of certificate of survey	
010621-010712	Chairman Admin	<u>Section 33</u> Director of Marine to give reasons for his decision	
010713-010806	Chairman	<u>Section 34 - Section 35</u>	
010807-011054	Chairman Admin Mr WONG Yung-kan	<u>Section 36</u> Examples of contravention of conditions and restrictions	
011055-011112	Chairman	<u>Section 37</u>	
011112-011700	Chairman Mr WONG Yung-kan Mr SIN Chung-kai Admin	<u>Section 38</u> New numbering system of certificate of ownership number of the vessels	
011701-011750	Chairman	<u>Section 39</u>	
011751-012724	Chairman Admin Mr WONG Yung-kan Mr SIN Chung-kai	<u>Section 40</u> Whether there would be restrictions on display of vessel's name with connotations of obscenity, etc.	
012725-012958	Chairman Mr WONG Yung-kan Admin	<u>Section 41 - Section 47</u>	
012959-013258	Chairman Admin	<u>Section 48</u> Person under 16 prohibited from operating certain vessels	
013259-013350	Chairman ALA3	<u>Section 49 - Section 53</u> Textual amendments to section 49(2)	
013351-013420	Chairman ALA3	<u>Section 54</u> Textual amendments to section 54(1)	
013421-013620	Chairman ALA3	<u>Section 55</u> Amendments to the immunity provision	

Time Marker	Speaker	Subject(s)	Action required
		contained therein	
013621-013825	Chairman Mr WONG Yung-kan ALA3 Admin Mr SIN Chung-kai	<u>Section 56 - Section 57, and Schedules 1, 2 and 3</u>	
013826-013912	Chairman Admin	<u>Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation</u>  Section 1 - Commencement date	
013913-014450	Chairman ALA3	<u>Section 2 - Section 3</u>	
014451-014900	Chairman ALA3 Admin	<u>Section 4</u>  Whether there should be an appeal mechanism for parties aggrieved by the decision of the Director of Marine to prohibit a vessel from entering a typhoon shelter	
<i>Agenda Item III – Any other business</i>			
014901-0200046	Chairman Admin Mr SIN Chung-kai Mr WONG Yung-kan	Way forward and reporting to the House Committee	