

立法會
Legislative Council

LC Paper No. CB(1)162/05-06
(These minutes have been seen
by the Administration)

Ref: CB1/BC/10/04

Bills Committee on Merchant Shipping
(Local Vessels and Miscellaneous Amendments) Bill 2005

Meeting on
Wednesday, 12 October 2005, at 9:00 am
in Conference Room B of the Legislative Council Building

- Members present** : Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Hon CHAN Kam-lam, SBS, JP
Hon SIN Chung-kai, JP
Hon WONG Yung-kan, JP
- Public Officers Attending** : Miss Janice TSE
Deputy Secretary for Economic Development and Labour
(Economic Development)
- Mr R F TUPPER
Deputy Director of Marine
- Ms Alice LAU
Principal Assistant Secretary for Economic Development
and Labour (Port, Maritime and Logistics)
- Mr K L LEE
Acting Assistant Director (Shipping)
Marine Department
- Mr Y N CHAN
Senior Marine Officer (Legislation and Prosecution)
Marine Department
- Ms Marie SIU
Senior Government Counsel
Department of Justice

Ms Amy CHAN
Government Counsel
Department of Justice

Clerk in attendance : Mr Andy LAU
Chief Council Secretary (1)2

Staff in attendance : Miss Anita HO
Assistant Legal Adviser 2

Ms Anita SIT
Senior Council Secretary (1)9

Action

- I Confirmation of minutes**
(LC Paper No. CB(1)2351/04-05 - Minutes of meeting held on
20 September 2005)

The minutes of the meeting held on 20 September 2005 were confirmed.

- II Meeting with the Administration**
(LC Paper No. CB(1)2387/04-05(01) - A letter dated 7 October 2005 from
the Administration in response to the
issues raised at the Bills Committee
meeting held on 20 September 2005)
- the Bill; and
- marked-up copy of the Bill)

The following papers were tabled at the meeting –

- (a) letter dated 7 October 2005 from the Administration responding to the
issues raised at the meeting on 20 September 2005; and
- (b) draft Committee Stage amendments (CSAs) to be moved by the Secretary
for Economic Development and Labour.

*(Post-meeting note: The above papers were issued vide LC Paper No. 39/05-06
dated 12 October 2005.)*

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

Action

3. The Administration was requested to provide the current membership list of Provisional Local Vessels Advisory Committee (PLVAC) and those of its working groups.

4. The Bills Committee completed the clause-by-clause examination of the Merchant Shipping (Local Vessels and Miscellaneous Amendments) Bill 2005 (the Bill) and examined the draft Committee Stage amendments to be moved by the Administration. The Bills Committee would report its deliberation to the House Committee on 4 November 2005.

5. The Administration advised that it was seeking legal advice on the need to make further amendment(s) to section 7(6) of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) (LVO) and a decision would be taken on this shortly. Should such amendment(s) be required, the Administration would notify the clerk and the legal advisor of the Bills Committee well before 4 November 2005.

III Any other business

6. There being no other business, the meeting ended at 10:45 am.

Council Business Division 1
Legislative Council Secretariat
27 October 2005

**Proceedings of the second meeting of Bills Committee on
Merchant Shipping (Local Vessels and Miscellaneous Amendments) Bill 2005
Wednesday, 12 October 2005, at 9:00 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Confirmation of minutes</i>			
000000 – 000204	Chairman	Confirmation of minutes of the meeting held on 20 September 2005 (LC Paper No. CB(1)2351/04-05)	
<i>Agenda Item II – Meeting with the Administration</i>			
000205 – 001154	Chairman Admin Mr SIN Chung-kai Mr WONG Yung-kan Mr CHAN Kam-lam	Opening remarks The Bills Committee noted that the remaining five pieces of subsidiary legislation pertinent to the implementation of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) would be introduced to the Legislative Council (LegCo) after the enactment of the Bill. The subsidiary legislation would be subject to the negative vetting of LegCo.	
001155 – 003135	Chairman Admin Mr WONG Yung-kan	Administration's response to issues raised at the meeting on 20 September 2005 (LC Paper No. CB(1)2387/04-05(01)) Mr WONG urged the Administration to review the restriction on open deck fishing vessels with a length below 8 metres which prohibited the vessels from operating anywhere outside the waters of Hong Kong The Bills Committee alerted the Administration of the need to ensure a broad and balanced representation in the future Local Vessels Advisory Committee (LVAC). The Administration advised that for specific subjects affecting a particular industry or sector, the Administration would enlist the participation of relevant professional and trade associations in the relevant working groups set up under the LVAC. This was also the approach currently adopted for matters under the auspices of Provisional Local Vessels Advisory Committee (PLVAC). The Administration was requested to provide the current membership list of PLVAC and those of its working groups	The Administration to take action accordingly

Time marker	Speaker	Subject(s)	Action required
003136 – 005200	Chairman Admin Mr WONG Yung-kan ALA2	Clauses 13 to 19 In response to Mr WONG's concern, the Administration advised that there was no plan to add a requirement on local wooden fishing vessels that they would be required to submit plans for certification and licensing purposes.	
005201 – 005347	Chairman Admin	Clauses 20 and 21	
005348 – 005731	Chairman Admin	Clauses 22 to 28	
005732 – 005819	Chairman Admin	Clauses 29 and 30	
005820 – 010210	Chairman Admin Mr WONG Yung-kan	Clauses 31 to 33	
010211 – 010318	Chairman Admin	Clauses 34 and 36	
010319 – 010649	Chairman Admin	Clauses 37, 38, 39 and 40	
010650 – 011321	Chairman Admin ALA2	Clauses 41 to 50 On adding the provisions on "typhoon shelter" to the Shipping and Control Regulations (Cap. 313 sub. leg.), the Administration advised that appeals against decisions of the Director of Marine, where applicable, would be made to the Chief Executive. But under the LVO and its subsidiary legislation appeals would be made to the Administrative Appeals Board.	
011322 – 012743	Chairman Admin	Clause 51	
012544 –	Chairman Admin Mr WONG Yung-kan	Draft CSAs to the Bill	
013736 – 014047	Chairman Admin	The Administration indicated that further amendment(s) might be made to section 7(6) of the LVO. Report to the House Committee	
<i>Agenda Item III – Any other business</i>			
014048	Chairman	Close of meeting	