

**For discussion
on 29 February and 2 March 2016**

EC(2015-16)18

ITEM FOR ESTABLISHMENT SUBCOMMITTEE OF FINANCE COMMITTEE

**HEAD 100 – MARINE DEPARTMENT
Subhead 000 Operational expenses**

**HEAD 92 – DEPARTMENT OF JUSTICE
Subhead 000 Operational expenses**

Members are invited to recommend to Finance Committee the retention of the following supernumerary directorate posts with effect from 1 June 2016 or with immediate effect upon approval of the Finance Committee, whichever is the later, up to 31 May 2019 –

Marine Department

1 Administrative Officer Staff Grade B
(D3) (\$180,200 - \$196,700)

1 Senior Principal Executive Officer
(D2) (\$154,950 - \$169,450)

1 Assistant Director of Marine
(D2) (\$154,950 - \$169,450)

Department of Justice

1 Deputy Principal Government Counsel
(DL2) (\$154,950 - \$169,450)

/PROBLEM

PROBLEM

2. Four existing supernumerary directorate posts, viz one Administrative Officer Staff Grade B (AOSGB) (D3), one Senior Principal Executive Officer (SPEO) (D2) and one Assistant Director of Marine (AD of M) (D2) in the Marine Department (MD), and one Deputy Principal Government Counsel (DPGC) (DL2) post in the Department of Justice (DoJ), will lapse on 1 June 2016. Retention of these posts is required to continue providing steer at the directorate level for the systemic reform in MD, and taking forward the outstanding marine-related legislative exercises.

PROPOSAL

3. We propose to retain four supernumerary posts with effect from 1 June 2016 or with immediate effect upon approval of the Finance Committee (FC), whichever is the later, up to 31 May 2019, as follows –

- (a) one AOSGB (D3), one SPEO (D2) and one AD of M (D2) supernumerary posts in MD to continue leading the Task Force on Reform (Task Force) to implement improvement measures for enhancing marine safety and strengthening MD's internal governance; and
- (b) one DPGC (DL2) supernumerary post in the Law Drafting Division (LDD) of DoJ to continue with the outstanding marine-related legislative amendments.

JUSTIFICATIONS**Task Force in MD and Legal Team in DoJ**

4. Subsequent to the vessel collision incident near Lamma Island on 1 October 2012, the Government appointed an independent Commission of Inquiry (CoI) to look into the incident and make recommendations to prevent recurrence. To follow up on the observations and recommendations arising from the CoI, the Secretary for Transport and Housing appointed and headed a Steering Committee on the Systemic Reform of MD (Steering Committee) in May 2013. A Task Force headed by one AOSGB (D3) titled Deputy Director (Special Duties) (DD(SD)), underpinned by one SPEO (D2) titled SPEO(SD), and one AD of M (D2) titled AD(SD) in MD, was set up in MD to service and support the Steering Committee. The three supernumerary posts are created up to 31 May 2016. At the same time, a supernumerary DPGC post (DL2) in LDD of DoJ was created for the same period to head a dedicated Legal Team in DoJ, comprising 12 non-directorate legal, clerical and secretarial grades officers, to support the

/Transport

Transport and Housing Bureau (THB) and MD to take forward legislative exercises for bringing marine-related local legislation in line with the latest requirements under various conventions of International Maritime Organization (IMO) and International Labour Organization.

Proposed retention of the directorate posts

5. Whilst considerable progress (details given under paragraphs 26 and 27 below) has been made in the work of MD's Task Force and DoJ's Legal Team, some essential tasks have yet to be completed. The work of the Task Force in the past three years has revealed the need to tackle some fundamental issues on internal governance, regulatory regimes and practices, and manpower and training of the two professional grades in MD, i.e. Marine Officer (MO) and Surveyor of Ships (SoS). These tasks were not envisaged when we put together the staffing proposals three years ago, such as review of the regulatory regime for pleasure vessels, staff appointment criteria and establishment arrangements, and implementation of an Enterprise Information Management (EIM) System in MD. These fundamental issues require more thorough studies, more extensive trade and staff consultations and more in-depth analysis before implementation arrangements could be finalised. As for the Legal Team, due to the technical nature and complexity of the marine-related international conventions, the time required for the legislative exercises has taken longer than originally conceived. In incorporating the provisions in international conventions into local legislation, we have to consider their practical enforcement implications, and examine the conventions and local laws carefully to forestall duplications, omissions and legal loopholes. In view of the complexity and diversity of the issues involved, it is necessary to retain the three supernumerary directorate posts in MD and the supernumerary directorate post in DoJ up to 31 May 2019 to continue providing the requisite leadership at the directorate level for steering and driving the implementation of the reform measures in MD and to clear the backlog of necessary legislative amendments.

Extension of the MD Task Force

6. MD has reviewed the progress of the Task Force and considered it necessary to retain it for three more years to continue with the work in enhancing marine safety, strengthening internal governance, implementing long-term manpower and training plans of the two professional grades in MD, and implementing the recommendations of the Steering Committee. As elaborated in paragraphs 7 to 13 below, the outstanding tasks mainly involve policy changes and legislative amendments, and fundamental review and long-term changes to the structure and establishment arrangement of the concerned grades. They all require thorough studies and extensive consultation. Also, the implementation of EIM System in MD, which commenced in March 2015, will take four years to

/complete

complete. The Task Force will not have sufficient time to accomplish these major outstanding tasks if it is retained for a shorter period.

Enhancing marine safety

7. The Task Force is now taking forward improvement measures which require legislative amendments and extensive consultation with the trade, notably installation of navigational and communication equipment on specified local vessels, provision of child and infant lifejackets on board, safety measures for major events at sea, introduction of a safety management system for local passenger vessels, and introduction of legislation against drink and drug boating. These measures will not be completed before May 2016 when the supernumerary directorate posts are due to lapse.

8. Separately, in the process of taking forward the systemic reform in the past three years and as supported by the international maritime experts^{Note} commissioned by MD, the Task Force has identified the need to undertake a more comprehensive review of the regulatory regime of local vessels, and the arrangements for plan approval and survey of local vessels. Directorate input is required to follow through these issues, which will entail policy changes and legislative amendments to bring the practices in Hong Kong in line with best international practices.

Manpower and training

9. The Task Force has worked out a package of proposed measures to address the manpower shortage problems of the MO and SoS grades. The measures involve fundamental changes in entry requirements, creation of a training rank, and corresponding enhancement in training. As the measures will affect the appointment criteria and other established arrangements, more time is required to examine the relevant issues, deliberate and assess the on-going impact and sustainability of various options, and conduct staff consultation for formulating long-term proposals and implementation details. The tasks involved would not be straightforward. As pointed out by the international maritime

/experts

^{Note} MD commissioned a team of maritime experts based in the United Kingdom (UK) in September 2014 to provide advice on the reform with reference to the practices of other major comparable ports. These maritime experts have extensive experience in maritime authorities in UK and other jurisdictions. The consultancy covers port control, vessel survey and inspection, vessel equipment and installations, entry qualification requirements and training for MD's marine officers and surveyors, and means to enhance collaboration with the maritime industry with a view to facilitating MD's regulatory work. The consulting team submitted its final report in October 2015.

experts commissioned by MD, the shortage of sea-going or ship-building professionals is an industry-wide issue and other maritime jurisdictions are also tackling the issue through different means to meet modern-day demands.

10. In parallel, the Task Force will continue to roll out stop-gap measures to address the manpower shortage problems of the two professional grades in MD and evaluate their effectiveness, and work out longer-term measures to tackle the manpower supply problem in the light of the experience of other maritime jurisdictions and the observations of the international maritime expert. All these will be taken into account in formulating a long-term manpower strategy on the recruitment of the two grades.

11. Besides, it is of paramount importance that MD devise and enhance the training programmes for the two grades after making the changes to the entry requirements. The Task Force will draw reference to the international expert's observations and overseas experience, and work closely with the two grades and relevant professional institutions to thrash out the detailed arrangements.

Organisational Review on the Business Processes and Operational Procedures

12. To take forward implementation of a full range of improvement proposals drawn up and endorsed by the Steering Committee, the Task Force needs to undertake the following major tasks in the coming years –

- (a) continuing implementation of the improvement proposals of the Phase I review study such as automating the workflows of plan approval and survey of local vessels;
- (b) implementing an EIM System in MD in the coming three years;
- (c) taking forward implementation of ship safety and navigational safety improvement proposals made in the Phase II review, such as introducing a minimum threshold for quality assurance inspections of Hong Kong registered cargo ships and developing risk analysis tools for marine accident data to enhance marine safety precaution; and
- (d) convening and monitoring MD's Change Management Team in developing implementation schedules and change management plans in relation to the recommendations of the study.

/13.

13. Furthermore, organisation and methods studies and business process re-engineering studies will be conducted on selected operational functions of MD other than those covered in the Phase I and Phase II review to help the Department attain higher service performance in an efficient and effective manner.

Directorate support

Need for an AOSGB (D3) post

14. To ensure the smooth conduct of the review tasks, DD(SD), the AOSGB (D3), is required to continue to lead and drive a full range of complex tasks, which include updating and amending the existing regulatory regime for local vessels to ensure passenger and marine safety; reviewing the business processes, operational procedures and governance structure of MD; and devising comprehensive manpower and training strategy. These tasks, which involve formulation of practicable options, well-orchestrated trade and staff consultations and sound implementation strategies, are complex, at times contentious, and require top management steer and coordination. To ensure that the Task Force in MD is led by a sufficiently senior dedicated directorate officer who possesses the necessary leadership skills, administrative experience, strategic vision and political acumen to steer through these complicated tasks, we propose to retain the supernumerary AOSGB (D3) post of DD(SD) until 31 May 2019.

Need for an AD of M (D2) post

15. AD(SD), the AD of M, mainly assists DD(SD) in carrying out duties relating to the implementation of improvement measures to enhance passenger and marine safety. He will continue to oversee the implementation of the improvement measures relating to the provision of lifejackets for child and infant on board and introduction of a safety management system to local passenger vessels, etc. Taking into account the volume of work and the nature of the outstanding tasks which mostly relate to the formulation of legislative proposals, consultation with the trade, and professional vessel surveying practices, we propose to retain the supernumerary post of AD of M up to 31 May 2019 to lead and oversee their implementation.

Need for an SPEO (D2) post

16. SPEO(SD) oversees an Organisational Review Team to review and improve the business processes and operational procedures of MD, as well as a Manpower and Training Team to review manpower strategy and training matters with a view to addressing chronic recruitment difficulties and manpower shortage

/problems

problems of the professional grades in MD. It is envisaged that the workload of the two teams will be significant in the coming three years. They have to continue to work on the organisation and methods studies; implement the improvement measures through business process re-engineering and change management; and draw up and take forward the long-term manpower and training strategy in consultation with relevant staff unions and related consultative committees. It is necessary for the SPEO to continue to provide dedicated support to DD(SD) in driving the work of the respective teams, to work and liaise with the division heads and grade managers in MD, and to be heavily involved in consultation with stakeholders and staff unions on related issues. We therefore propose to retain the supernumerary SPEO post up to 31 May 2019.

Non-directorate support

17. While the Task Force in MD will maintain the present structure, the non-directorate posts will be reduced from 20 to 13 as some tasks arising from the systemic reform were completed and there is scope to minimise the size of the working teams and supporting staff. The 13 retained posts comprise one Administrative Officer, an SoS, three Executive Officers, three Management Services Officers and five secretarial and clerical grade officers. The existing and proposed organisation charts of the Task Force in MD are at Enclosure 1. The proposed duty lists of DD(SD), AD(SD) and SPEO(SD) are at Enclosure 2.

Encl. 1

Encl. 2

Continuation of DoJ Legal Team

18. Substantial outstanding marine-related legislative amendments work remains outstanding. It transpires from the exercise that adapting the international conventions into local law is more complex than originally envisaged. Considerable time and efforts have been devoted to ensure that the proposed amendments would be compatible with existing legislation and enforceable. Moreover, during the adaptation process, IMO continues to update its requirements, necessitating corresponding amendments to local legislation, thus generating new amendment exercises.

19. We have critically examined the staffing requirement to clear the legislative backlog. While THB will internally redeploy resources to provide the necessary policy and administrative support, the dedicated Legal Team under DoJ has to be retained up to 31 May 2019. The legislative tasks require considerable time, expertise and efforts of the whole Legal Team. A shorter extension would not be able to clear the backlog. The retention of the supernumerary DPGC (DL2) post is required to continue to lead the Legal Team, comprising two Senior

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Encl. 3
Encl. 4

Government Counsel (SGC) draftsmen from LDD, two advisory SGC from the Civil Division, one SGC from the International Law Division and seven supporting staff who will work closely together to vet legislative proposals in tandem with actual drafting. The DPGC post is needed to oversee and coordinate the advisory and drafting aspects. The organisation of the Legal Team is at Enclosure 3. The proposed duty list of the DPGC post, designated as Senior Assistant Law Draftsman (Marine Legislation), is at Enclosure 4.

ALTERNATIVES CONSIDERED

MD Task Force

Encl. 5

20. We have considered the feasibility of absorbing the residual work of the Task Force through internal deployment within MD. This option is not feasible as the existing directorate officers at D3 (the incumbent Deputy Director of Marine (DD of M)) and D2 (six incumbent AD of Ms) levels are fully engaged with their own duties in overseeing and implementing MD's day-to-day operations. They and other non-directorate staff are also fully occupied with implementing new measures adopted since the vessel collision incident at Lamma Island with a view to enhancing marine safety of local passenger carrying vessels. The work schedules of the existing DD of M and AD of Ms are set out in Enclosure 5.

DoJ Legal Team

Encl. 6

21. As for the legislative exercises, the alternative of staff redeployment within DoJ has been considered but found not feasible. Given the increasing work demands in recent years, the staffing situation in LDD (in particular at DPGC level) is already very tight. Other DPGCs are fully occupied with their respective professional work, directorate supervision and management functions. It is not possible to further stretch the manpower at DPGC level to absorb the additional work without adversely affecting the priority of marine legislation and the drafting process of other legislation required for implementing new policies. Details of the major responsibilities and current workload of the DPGCs in the two units of LDD are at Enclosure 6.

FINANCIAL IMPLICATIONS

22. The proposed retention of the four supernumerary directorate posts will bring about a notional annual salary cost at mid-point (NAMS) of \$8,211,000 as follows –

/Rank

Rank	NAMS (\$)	No. of posts
Supernumerary posts		
(a) Head 100 : MD		
AOSGB (D3)	2,290,800	1
AD of M (D2)	1,973,400	1
SPEO (D2)	1,973,400	1
(b) Head 92 : DoJ		
DPGC (DL2)	1,973,400	1
	8,211,000	4

The additional full annual average staff cost, including salaries and on cost, is about \$11,572,000.

23. The Task Force in MD and the Legal Team in DoJ will be supported by 13 and 12 non-directorate staff respectively, as mentioned in paragraphs 17 and 19 above. The total additional NAMS for these 25 posts will be \$18,984,540 and the full annual average staff cost, including salaries and staff on-costs, will be around \$27,524,000. We have included the necessary provision in the 2016-17 draft Estimates to meet the cost of this proposal and will reflect the resources required in the Estimates of subsequent years.

PUBLIC CONSULTATION

24. At its meeting on 26 January 2016, the Panel on Economic Development (ED Panel) considered and supported the above proposals.

BACKGROUND

25. At its meeting on 7 February 2014, FC approved the creation of three supernumerary directorate posts from February 2014 to 31 May 2016 to lead a Task Force in MD to service and support the Steering Committee. At the same meeting, FC also approved the creation of a supernumerary DPGC post (DL2) in LDD of DoJ for the same period to head a dedicated Legal Team in DoJ to support THB and MD to take forward relevant legislative exercises.

26. MD's Task Force has since made considerable progress in implementing a series of marine safety measures, working out a package of measure for the longer-term manpower development of MO and SoS and enhancing the business processes and work procedures of MD. Details of the progress made by the MD Task Force on the three priority areas are as follows –

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Encl. 7

- (a) ***Regulatory and operational issues:*** The Task Force has implemented a series of marine safety measures, most of which do not require legislative amendments, through administrative actions and amending relevant codes of practice and examination rules. A summary of the more major measures implemented and about to be implemented is at Enclosure 7;
- (b) ***Manpower strategy and training:*** The two professional grades of MO and SoS in MD have been facing chronic recruitment difficulties and manpower shortage problems. Having conducted a thorough examination of the existing manpower profile of the MO and SoS grades, the education and career ladders of the professions and the maritime manpower supply situation, and with reference to the practice of maritime authorities in other jurisdictions, the Task Force has worked out a package of proposed measures for the longer-term manpower development of the two professional grades. In the interim, MD has taken forward a number of stop-gap measures concerning relaxation of entry requirements; and
- (c) ***Organisational review on the business processes and work procedures of MD:*** The Organisational Review Team of the Task Force, which is seconded from the Efficiency Unit with expertise on business process re-engineering, organisation and methods studies, and change management, has undertaken an organisational review on the business processes and work procedures of MD in two phases. Phase I review on the licensing, certification and regulatory work for local vessels was completed in February 2014 and implementation of its recommendations is largely completed. Phase II review on measures to improve ship and navigational safety has also been completed in 2015.

27. As regards the updating of marine legislation, with the establishment of the dedicated Legal Team, a multi-disciplinary focus group approach has been adopted to take forward the legislative amendment exercises. Tripartite focus groups comprising different divisions of DoJ, MD and THB met frequently to tease out policy, drafting and implementation issues, thereby expediting the drafting process. So far, legislative amendment exercises for three sets of regulations relating to the International Convention for the Prevention of Pollution from Ships (MARPOL) and the International Convention on the Control of Harmful Anti-fouling Systems on Ships had been completed. The remaining legislative amendment exercises are in different stages of progress. During the past three years, the ED Panel was consulted on 18 sets of regulations for implementing the latest requirements relating to four international conventions, namely MARPOL, the International Convention for the Safety of Life at Sea, the Convention on the International Regulations for Preventing

/Collisions

Encl. 8

Collisions at Sea, and the Maritime Labour Convention (MLC). We will shortly submit 13 sets of regulations relating to MARPOL and MLC for Legislative Council's approval. The remaining 29 sets of regulations would be ready for introduction in batches within the coming two to three legislative sessions, with the first batch of 13 sets of amendments ready for tabling in the latter part of 2016. Progress of the various legislative exercises is set out at Enclosure 8.

ESTABLISHMENT CHANGES

28. The establishment changes in MD and DoJ for the past two years are as follows –

Establishment (Note)	Number of Posts			
	Existing (as at 1 February 2016)	As at 1 April 2015	As at 1 April 2014	As at 1 April 2013
MD				
A	22+(3)*	22+(6)	22+(6)	22
B	184	183	178	170
C	1 187	1 187	1 180	1 175
Total	1 393+(3)	1 392+(6)	1 380+(6)	1 367
DoJ				
A	88+(4)#	88+(4)	87+(5)	87+(3)
B	385	384	375	355
C	815	812	799	776
Total	1 288+(4)	1 284+(4)	1 261+(5)	1 218+(3)

Note:

A - ranks in the directorate pay scale or equivalent

B - non-directorate ranks, the maximum pay point of which is above MPS point 33 or equivalent

C - non-directorate ranks, the maximum pay point of which is at or below MPS point 33 or equivalent

() - number of supernumerary directorate posts

* - as at 1 February 2016, there was no unfilled directorate post in MD

- as at 1 February 2016, there was no unfilled directorate post in DoJ

CIVIL SERVICE BUREAU COMMENTS

29. The Civil Service Bureau supports the proposed retention of the four supernumerary directorate posts up to 31 May 2019 to continue to take forward the systemic reform of MD and the outstanding marine-related legislative amendments. The grading and ranking of the posts are considered appropriate having regard to the level and scope of responsibilities.

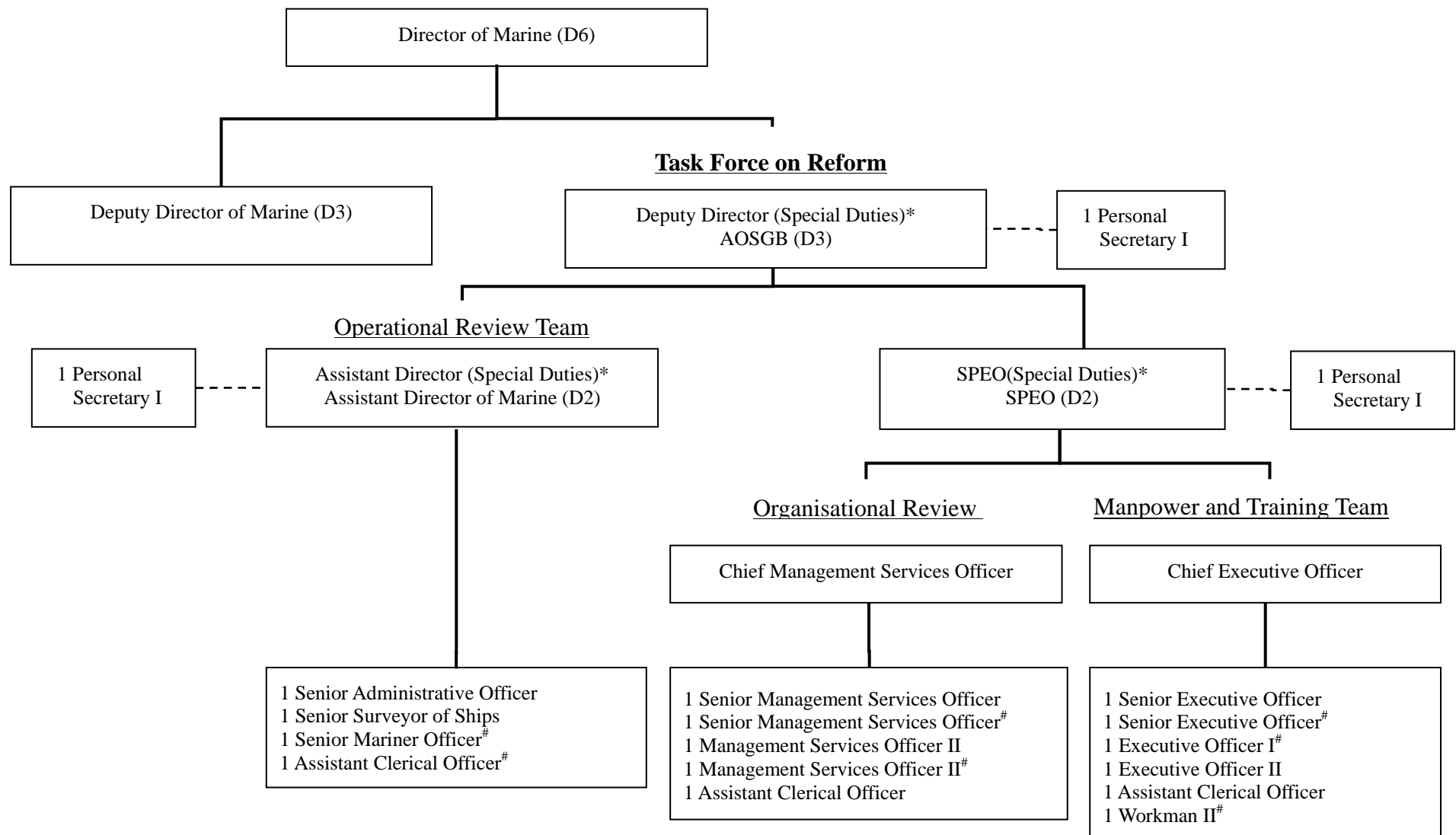
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**ADVICE OF THE STANDING COMMITTEE ON DIRECTORATE
SALARIES AND CONDITIONS OF SERVICE**

30. As the posts are proposed on a supernumerary basis, their retention, if approved, will be reported to the Standing Committee on Directorate Salaries and Conditions of Service in accordance with the agreed procedure.

Transport and Housing Bureau
February 2016

Existing and Proposed Organisation Chart of the Task Force on Reform in Marine Department



Legend

AOSGB - Administrative Officer Staff Grade B

SPEO - Senior Principal Executive Officer

* The three supernumerary directorate posts proposed for extension up to 31 May 2019

The seven non-directorate posts to lapse on 1 June 2016

**Proposed Job Description of
Deputy Director (Special Duties), Marine Department (MD)**

Rank : Administrative Officer Staff Grade B (D3)

Post : Deputy Director (Special Duties)

Responsible to : Director of Marine (D6)

Main Duties and Responsibilities –

1. To steer and oversee the progress of work of the Task Force in taking forward the outstanding legislative and administrative measures governing passenger safety matters as steered by the Steering Committee, including finalising detailed improvement proposals, working out a practicable way for implementation and monitoring their implementation.
2. To steer and oversee the Task Force in carrying out the implementation of various improvement proposals on re-engineering the business processes, operational procedures and information management as developed in the organisational review studies and the Enterprise Information Management Strategy study.
3. To provide policy input in working out a long term strategy in addressing the long standing vacancy situation of the grades concerned, and to provide policy input to the effort on formulating a detailed plan for implementation.
4. To provide policy input to and oversee progress in working out an enhanced training programme for the professional grades in the Department pursuant to making changes in the entry requirements.
5. To formulate staff engagement and stakeholders consultation strategies on related proposals and in the issues related to the review of the legislative and administrative measures governing passenger safety matters.
6. To lead a multi-disciplinary team of staff composing officers from MD, the Administrative Officer, the Executive Officer and the Management Services Officer grades in the Task Force.
7. To undertake any other duties as assigned by Director of Marine.

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**Proposed Job Description of
Assistant Director (Special Duties), Marine Department (MD)**

Rank : Assistant Director of Marine (D2)
Post : Assistant Director (Special Duties)
Responsible to : Deputy Director (Special Duties)

Main Duties and Responsibilities –

1. To assist Deputy Director (Special Duties) [DD(SD)] in taking forward the outstanding legislative and administrative measures governing passenger safety matters as steered by the Steering committee, including finalising detailed improvement proposals, working out a practicable way for implementation and monitoring their implementation.
2. To assist DD(SD) in reviewing legislations, operational manuals and standards pursuant to the improvement measures to enhance marine safety.
3. To support DD(SD) in formulating staff engagement and stakeholders consultation strategies on related proposals and in the issues related to the planning and implementation of the legislative and administrative measures governing passengers safety matters.
4. To provide professional inputs on matters related to port and maritime sectors including directly heading and overseeing the operation of the Local Vessels Safety Section.
5. To supervise a team composing staff of the Administrative Officer and the Surveyor of Ships grades.
6. To undertake any other duties as assigned by DD(SD).

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**Proposed Job Description of
Senior Principal Executive Officer (Special Duties),
Marine Department (MD)**

Rank : Senior Principal Executive Officer (D2)

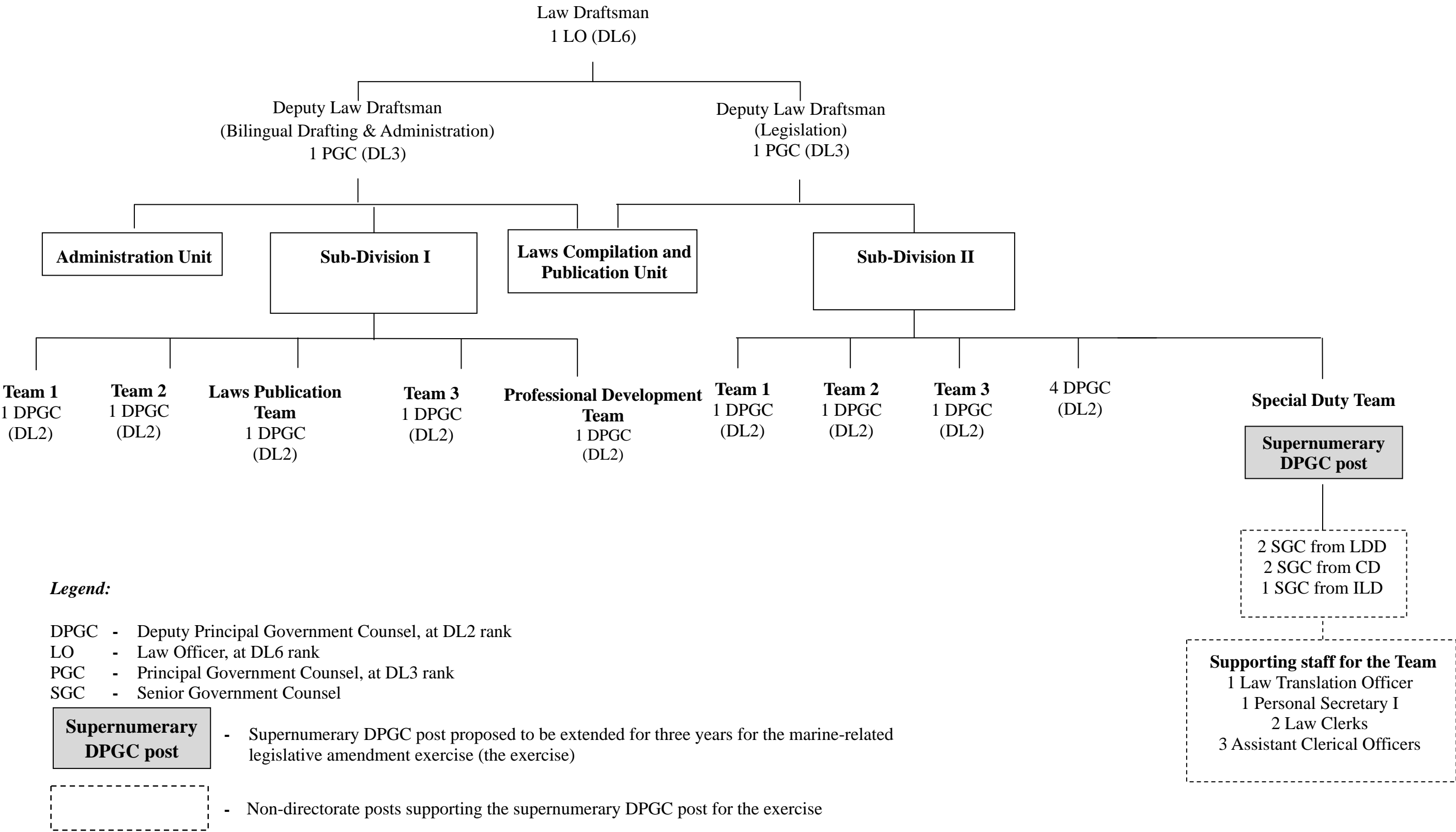
Post : Senior Principal Executive Officer (Special Duties)

Responsible to : Deputy Director (Special Duties)

Main Duties and Responsibilities –

1. To assist Deputy Director (Special Duties) [DD(SD)] in steering and implementing various improvement proposals on re-engineering business processes, operational procedures and information management as developed in the organisational review studies and the Enterprise Information Management Strategy study.
2. To assist DD(SD) in formulating and implementing human resources management strategy including drawing up a long term plan in addressing the long standing vacancy situation of the grades concerned.
3. To assist DD(SD) in developing and coordinating input in working out a strategic and enhanced training programmes for the professional grades in the Department pursuant to making changes in the entry requirements.
4. To support DD(SD) in formulating staff engagement and stakeholders consultation strategies on related proposals and in the issues related to the organisational review, recruitment problem and training.
5. To supervise the staff of the Executive Officer and Management Services Officer grades under his/her purview.
6. To undertake any other duties as assigned by DD(SD).

Existing and Proposed Organisation Chart of the Law Drafting Division of
the Department of Justice showing the Posts Proposed to be extended



**Duty List of the Proposed Supernumerary
Deputy Principal Government Counsel Post
in Law Drafting Division**

Rank : Deputy Principal Government Counsel (DL2)

Responsible to : Deputy Law Draftsman (Legislation)

Main Duties and Responsibilities –

1. To lead the dedicated legal team in the Department of Justice (DoJ), comprising counsel from the law drafting, civil law and international law streams, to assist the Transport and Housing Bureau (THB) to steer legislation required for the maritime-conventions-related project through the legislative process.
2. To advise THB and Marine Department on the drafting instructions for the legislative proposals.
3. To draft the more complex and/or controversial legislation involved in Chinese or English or both languages.
4. To supervise and vet the drafting work of non-directorate counsel deployed to work in the project.
5. To co-ordinate the advisory work of non-directorate counsel deployed to work in the project in relation to the draft legislation and liaise with the directorate counsel in other divisions of DoJ as regards the vetting of the advices.
6. To co-ordinate and supervise the work of supporting staff in relation to the project.
7. To assist in the preparation of various papers required in the legislative process including Executive Council Memoranda and Legislative Council Briefs.
8. To attend the meetings of the Executive Council and the Legislative Council committees in connection with the project.
9. To draft and vet amendments proposed for consideration and adoption by the Legislative Council.
10. To carry out such other duties as may be assigned.

**Schedule of Responsibilities of
the Existing Directorate Officers in the Professional Grades
in the Marine Department**

All the existing directorate officers at D2 or above in the professional grades in the Marine Department (MD) are fully engaged in their respective duties –

- (a) Deputy Director of Marine, assisted by six Assistant Directors of Marine, one Chief Treasury Accountant and one Principal Executive Officer, is committed in –
 - (i) coordinating departmental returns and responses to Bureaux, primarily the Transport and Housing Bureau, providing feedback with regard to the introduction of proposed legislation and new policy development, etc.;
 - (ii) formulating and implementing departmental initiatives and policies including implementation of international obligations and the local port development projects, etc.; acting as the Chairman of consultative committees such as Local Vessels Advisory Committee, Pilotage Advisory Committee and Port Area Security Advisory Committee;
 - (iii) undertaking general departmental administration, implementing civil service reform initiatives and various Government-wide initiatives;
 - (iv) overseeing the development of departmental information technology and electronic business systems for enhancement of operating efficiency and meeting the needs of the public as well as overseeing departmental internal audit, budget planning and control;
 - (v) overseeing human resource planning and management, including staff training and career development policy matters; acting as Departmental Complaints Officer and Ethical Officer;
 - (vi) overseeing the management and operation of individual Divisions within MD; and

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- (vii) overseeing the reviews/projects to be carried out by individual Divisions.
- (b) Marine Adviser, is committed in –
 - (i) attending all International Maritime Organization (IMO) meetings in the capacity of Permanent Representative of Hong Kong, China;
 - (ii) reporting the outcome and decisions of all IMO meetings to MD and suggesting recommendations and follow up actions on important maritime issues;
 - (iii) giving advice to MD with a view to ensuring its fulfillment of international obligations as a responsible flag and port administration; and
 - (iv) acquiring first-hand information and providing advice to MD and the work, direction and development of the IMO, International Transport Workers' Federation and other non-government bodies as well as other flag administrations on maritime matters that may affect Hong Kong.
- (c) Assistant Director/Port Control (AD/PC), assisted by two Principal Marine Officers, is committed in –
 - (i) delivering port services, setting policies for marine traffic and navigational safety in Hong Kong waters;
 - (ii) supervising the Operations Branch for the management of local vessels, typhoon shelters, carriage of dangerous goods and the provision of patrol services;
 - (iii) overseeing the delivery of licensing and port formalities services;
 - (iv) supervising the Vessel Traffic Services Branch for regulation of marine traffic and administering pilotage and port security matters;
 - (v) overseeing the management and operation of the Vessel Traffic Centre and Maritime Rescue Co-ordination Centre for the delivery of vessel traffic and search and rescue services; and

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- (vi) in addition to the above-stated duties, AD/PC has to oversee the vessel traffic system replacement project to be completed in Q4 2016. AD/PC will implement the reengineering of the vessel traffic services, formulate a new manpower plan and develop the necessary training to tide in with the commissioning of the new system. Furthermore, he has to review and improve the management of the private moorings in accordance with the recommendations made by the Audit Commission.
- (d) Assistant Director/Planning and Services (AD/PAS), assisted by two Principal Marine Officers and a Hydrographer, is committed in –
 - (i) setting directions and policies for marine development planning;
 - (ii) setting directions and policies for other port services including cross boundary ferry terminals, pollution control, public cargo handling facilities and hydrographic services;
 - (iii) monitoring the provision of services by the Planning and Services Division for efficiency and effectiveness and liaising with the industry and other relevant parties to bring in new initiatives where necessary to meet new demands;
 - (iv) overseeing matters relating to port security; and
 - (v) in addition to the above-stated duties, AD/PAS will have to oversee two large scaled review studies: the Review of the Demand and Supply of Sheltered Space and the Review of the Operation and Management of Public Cargo Working Areas (PCWA). The first Review launched in September 2013 for completion in mid 2016. The PCWA Review started in January 2014 for completion in early 2016. One of the main tasks of this review is to develop the options for re-allocating PCWA berths in 2016.
- (e) Assistant Director/Shipping (AD/S), assisted by three Principal Surveyors of Ships, is committed in –
 - (i) implementing international standards on safety, security and environmental protection on ships registered in Hong Kong and those using Hong Kong waters;

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- (ii) monitoring the safety assessments of foreign-going ships and river trade vessels;
 - (iii) overseeing the examination, certification, welfare and discipline of Hong Kong registered seafarers and seafarers working on Hong Kong registered ships;
 - (iv) overseeing the operation and promotion of the Hong Kong Shipping Register;
 - (v) ensuring maritime industrial safety; and
 - (vi) preparing the implementation of the Maritime Labour Convention, 2006 for Hong Kong registered ocean going ships and foreign flag ships visiting Hong Kong.
- (f) Assistant Director/Multi-lateral Policy, assisted by three Principal Surveyors of Ships, is committed in –
- (i) developing relevant legislations, policies and standards in line with international conventions;
 - (ii) liaising and coordinating the participation in IMO and the International Labour Organization activities and other international maritime forums for the benefit of the continuous development of the maritime industry in Hong Kong;
 - (iii) monitoring the development of the mandatory member states audit scheme at IMO and making appropriate arrangements and preparation for the IMO Audit;
 - (iv) keeping the Hong Kong shipping industry informed of the latest development of maritime conventions and facilitating their compliance with the requirements;
 - (v) overseeing shipping casualty investigation and the associated statistics; and coordinating the participation in the meetings of Marine Accident Investigator's International Forum (MAIIF) and Marine Accident Investigator's Forum Asia (MAIFA) for the improvements on investigation skills/information exchange and cooperation among maritime administrations;

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- (vi) liaising and working closely together with the relevant Government departments/Bureau on environmental issues affecting the maritime industry and the port of Hong Kong;
 - (vii) liaising and working together with the PRC maritime authorities to formulate and implement plans to tackle issues with respect to safety of ships, seafarer related matters, shipping security and prevention of pollution by ships; and
 - (viii) liaising with other maritime administrations to formulate and conclude the undertaking for mutual recognition of certificates of competency for seafarers.
- (g) Assistant Director/Government Fleet (AD/GF), assisted by a Principal Surveyor of Ships, is committed in –
- (i) overseeing the procurement, operation, crewing and maintenance of government vessels;
 - (ii) administering the overall operation of the Government Fleet Division with a view to providing a cost-effective and efficient marine transport and vessel maintenance services to government departments;
 - (iii) reviewing and setting policies on maintenance, security and safety of government vessels and Government Dockyard (GD) premises;
 - (iv) introducing environmental protection measures to government vessels and GD premises; and
 - (v) in addition to the above-stated duties, AD/GF is also heavily involved in the following –
 - (I) A Re-structuring of the Technical Inspectorate Grades: the current Technical Inspectorate Grades, which consist of Mechanical Inspector, Electrical Inspector and Ship Inspectors (SIs) with three different disciplines (i.e. Machinery, Electrical and Hull & Deck) are complicated and does not allow efficient deployment of valuable human resources. Furthermore, due to lack of supply from the market, MD needs to develop its own internal training system to train up sufficient SIs with Hull & Deck knowledge

/and

and expertise to carry out the respective jobs. The restructuring and development of the training scheme require heavy involvement of AD/GF.

- (II) Modernisation and Re-organisation of GD: the GD has been moved to its current location and operating in the existing mode for over 20 years. There is an urgent need to have a thorough review of its existing operation mode with renewal of its plants and equipment to meet current and future challenges. This is another major project that requires AD/GF's steer and heavy involvement.

**Major Responsibilities and Current Workload of the
Deputy Principal Government Counsel (DPGC)
in the Law Drafting Division (LDD) of the Department of Justice**

Major responsibilities

- There are currently a total of 12 DPGC in LDD, including five in Sub-Division I and seven in Sub-Division II. The 12 DPGC are responsible for drafting the more complex and/or controversial Government legislation, on top of supervising the work of junior counsel and Law Translation Officers, with special focus on the English text and Chinese text of draft legislation (including Bills and subsidiary legislation) respectively. They also undertake the duties of advising the Government on legislative proposals and assisting in preparing Executive Council Memoranda dealing with proposed legislation. Moreover, they provide professional service and incidental legal advice in relation to proposed legislation during the legislative process.
- Besides work relating to legislative drafting, the 12 DPGC have to undertake administrative duties such as conducting briefing for visitors, assisting in staff recruitment, serving in various departmental or divisional committees/working groups, conducting training sessions for junior drafters, etc.
- In the case of the Sub-Division I, two of the DPGC in the Sub-Division are also responsible for crucial functions for the Division, on top of the abovementioned duties : (i) Senior Assistant Law Draftsman (Laws Publication) oversees the publication of the Laws of Hong Kong and the establishment of Verified Legislation Information System which is an electronic database of legislation with legal status to be implemented in 2016-17 at the earliest and the DPGC is working in full steam on the project; (ii) Senior Assistant Law Draftsman (Professional Development) is heavily involved in various training initiatives (mainly involving the organisation of in-house legislative drafting training in the form of seminars and workshops by senior drafting counsel in the Division and counsel of other divisions) in support of the training and development of counsel as one of the key areas pursued by LDD in recent years.

/Current

Current workload

- The drafting workload of the LDD has been substantially and steadily increasing over the years, with the number of pages of draft legislation (including bills and subsidiary legislation) having increased by over 170% since 2004. The pressure on the Division arising from the increasing urgent and complicated legislative work has also been on the rise. It is envisaged that this trend will continue. The DPGC under the two units are fully-engaged by their drafting and vetting work. The current resources at the directorate level have been stretched to the limit.
- Taking into account the large number of legislation required for the marine-related legislative exercise in question, it is simply not practicable for the existing establishment of DPGC in LDD to absorb the workload without the proposed supernumerary DPGC post, on top of the existing workload of over 7 520 pages of bilingual texts of bills and subsidiary legislation gazetted on an annual basis on average in 2012 to 2014.

**Summary of Improvement Measures Implemented or
Soon To Be Implemented to Enhance Marine Safety**

Navigational safety

- (a) Enhancing look-out by crew on local passenger vessels carrying more than 100 passengers and high-speed craft with effect from November 2014.

Handling emergency situations

- (b) Requiring the provision of a muster list on local passenger vessels carrying more than 100 passengers with effect from May 2014.
- (c) Improving the signage and directives relating to lifejackets with effect from March 2014.
- (d) Requiring fitting watertight-door alarms in wheelhouse with effect from May 2014.
- (e) Specifying a standard for the attachment of seats to the deck with effect from March 2015.

Manning

- (f) Review of the minimum safe manning scale for ferry vessels and launches. The revised minimum safe manning scale has been effective since November 2014.

Training and examination of coxswains

- (g) Candidates for Coxswain Grade 3 Certificate required to complete a recognised maritime course and the required in-service training with effect from January 2015
- (h) Candidates for Coxswain Grade 1 Certificate and Pleasure Vessel Operator Grade 1 Certificate to be required to pass a navigation simulation assessment as a condition for granting relevant certificates of competency to operate large-size local passenger vessel or pleasure vessel which is let for hire. Requirement expected to be effective in Q3 2016.

/Medical

Medical fitness of coxswains

- (i) Guidelines to be issued in Q3 2016 on periodic medical examinations of coxswains of local passenger vessels carrying more than 100 passengers.

Third party risks insurance

- (j) Legislative amendments to increase the third party risks insurance coverage for local vessels to be introduced into Legislative Council in Q2 2016.

Progress of Marine-related Legislative Exercises

International Convention	Local Legislation	Progress
1 International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and 1997 relating thereto (MARPOL)	Merchant Shipping (Prevention of Pollution By Garbage) Regulation (Cap. 413J)	Completed on 13 May 2015. The Regulation came into operation on 1 July 2015.
	Merchant Shipping (Prevention of Pollution By Sewage) Regulation (Cap. 413K)	Completed on 8 July 2015. The Regulation came into operation on 1 November 2015.
	Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A)	Drafting in progress. Updated Panel on Economic Development (ED Panel) on 16 December 2014. To be tabled at Legislative Council (LegCo) around April 2016.
	Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413M)	Drafting in progress. Updated ED Panel on 24 June 2013. To be tabled at LegCo around February 2016.
	Merchant Shipping (Control of Pollution By Noxious Liquid Substances In Bulk) Regulations (Cap. 413B)	Relevant Provisions of the International Convention being examined.
	Merchant Shipping (BCH Code) Regulations (Cap. 413D)	
	Merchant Shipping (IBC Code) Regulations (Cap. 413E)	

International Convention	Local Legislation	Progress
	Merchant Shipping (Safety)(Dangerous Goods And Marine Pollutants) Regulation (Cap. 413H)	
2 International Convention on the Control of Harmful Anti-fouling Systems on Ships 2001	Merchant Shipping (Control of Harmful Anti-fouling System on Ships) Regulation (Cap. 413N)	Completed on 13 May 2015. The Regulation will come into operation on a date appointed by the Secretary for Transport and Housing.
3 International Convention for the Safety of Life at Sea 1974 (SOLAS) ¹	Two pieces of new subsidiary legislation under the Merchant Shipping (Safety) Ordinance (Cap. 369) ²	Drafting in progress. Updated ED Panel on 27 July 2015. To be tabled at LegCo around June 2016.
	Merchant Shipping (Safety) (Life-saving appliances) Regulations (Cap. 369AY)	
	Merchant Shipping (Safety) (Minimum Safe Manning Certificate) Regulation (Cap. 369AS)	
	Three pieces of new subsidiary legislation under the Merchant Shipping	Focus groups formed. Drafting at different stages.

¹ It is planned that the ED Panel will be consulted in April 2016 for the legislative proposals for implementing other chapters of SOLAS, including –

- (1) Chapter VI Carriage of Cargoes
- (2) Chapter X High Speed Craft

² The two pieces of new subsidiary legislation are to implement SOLAS –

- (1) Chapter IV: Radiocommunications
- (2) Chapter V: Navigation Safety

International Convention	Local Legislation	Progress
	(Safety) Ordinance (Cap. 369) ³ Merchant Shipping (Safety) (Gas Carriers) Regulation (Cap. 369Z)	
4 Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREG)	Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations (Cap. 369N)	Drafting in progress. Updated ED Panel on 27 July 2015. To be tabled at LegCo around June 2016.
5 Maritime Labour Convention, 2006 (MLC)	One piece of new subsidiary legislation under the Merchant Shipping (Seafarers) Ordinance (Cap. 478) Merchant Shipping (Seafarers) (Allotments) Regulation (Cap. 478A) Merchant Shipping (Seafarers) (Health and Safety: General Duties) Regulation (Cap. 478C) Merchant Shipping (Seafarers) (Hours Of Work) Regulation (Cap. 478D)	Drafting in progress. Updated ED Panel on 11 December 2012. Tentatively aim at tabling at LegCo around March 2016.

³ The three pieces of new subsidiary legislation are to implement SOLAS –

- (1) Chapter II-1: Construction and Survey
- (2) Chapter II-2: Fire Safety
- (3) Chapter VII-C&D: IGC and INF Ship Safety

International Convention	Local Legislation	Progress
	Merchant Shipping (Seafarers) (Crew Accommodation) Regulation (Cap. 478I)	
	Merchant Shipping (Seafarers) (Medical Examination) Regulation (Cap. 478O)	
	Merchant Shipping (Seafarers) (Official Log Books) Regulation (Cap. 478P)	
	Merchant Shipping (Seafarers) (Repatriation) Regulation (Cap. 478Q)	
	Merchant Shipping (Seafarers) (Safety Officials and Reporting of Accidents and Dangerous Occurrences) Regulation (Cap. 478R)	
	Merchant Shipping (Seafarers) (Medical Stores) Regulation (Cap. 478X)	
	Merchant Shipping (Seafarers) (Fees) Regulation (Cap. 478AB)	
6 International Convention on Load Lines, 1966	Merchant Shipping (Safety) (Load Lines) Regulations (Cap. 369AD)	Focus groups formed. Drafting at different stages.

International Convention	Local Legislation	Progress
	Merchant Shipping (Safety) (Deck Cargo) Regulations (Cap. 369AE)	
	Merchant Shipping (Safety) (Load Lines) (Length of Ships) Regulations (Cap. 369AF)	
7 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW)	Merchant Shipping (Seafarers)(Certification of Officers) Regulation (Cap. 478J)	Focus group formed. Will consult ED Panel in April 2016, with a view to introducing them to LegCo in batches in late 2016 and 2017.
	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)	

International Convention	Local Legislation	Progress
	Merchant Shipping (Seafarers) (Certificates of Competency as A.B.) Rules (Cap. 478Y)	
	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)	
	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)	
	Administrative Appeals Board Ordinance (Cap. 442)	
