

**立法會**  
*Legislative Council*

LC Paper No. CB(4)740/17-18  
(These minutes have been seen  
by the Administration)

Ref : CB4/PL/EDEV

**Panel on Economic Development**

**Minutes of meeting**  
**held on Monday, 22 January 2018, at 10:45 am**  
**in Conference Room 1 of the Legislative Council Complex**

**Members present** : Hon Jeffrey LAM Kin-fung, GBS, JP (Chairman)  
Hon Alvin YEUNG (Deputy Chairman)  
Hon James TO Kun-sun  
Hon WONG Ting-kwong, GBS, JP  
Hon Starry LEE Wai-king, SBS, JP  
Hon WONG Kwok-kin, SBS, JP  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon Frankie YICK Chi-ming, SBS, JP  
Hon WU Chi-wai, MH  
Hon YIU Si-wing, BBS  
Hon Charles Peter MOK, JP  
Hon Kenneth LEUNG  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Dr Hon Elizabeth QUAT, BBS, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon Andrew WAN Siu-kin  
Hon Jimmy NG Wing-ka, JP  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai  
Hon CHAN Chun-ying  
Hon LUK Chung-hung  
Hon Jeremy TAM Man-ho

**Members absent** : Hon Paul TSE Wai-chun, JP  
Hon Dennis KWOK Wing-hang  
Hon Martin LIAO Cheung-kong, SBS, JP  
Hon CHUNG Kwok-pan  
Hon CHU Hoi-dick  
Dr Hon Junius HO Kwan-yiu, JP

**Public Officers attending** : Agenda items IV and V

Transport and Housing Bureau

Ms Angela LEE  
Deputy Secretary for Transport and Housing  
(Transport)5

Ms Louisa YAN  
Principal Assistant Secretary for Transport and  
Housing (Transport)10

Mr Henry MAK  
Assistant Secretary for Transport and Housing  
(Transport)10C

Marine Department

Mr YU Ying-wai  
Assistant Director / Multi-lateral Policy

Mr KWAN Kan-fat  
Chief / Maritime Policy

Mr LUI Kam-leung  
Senior Surveyor of Ships / Planning and Training

**Clerk in attendance** : Ms Shirley CHAN  
Chief Council Secretary (4)5

**Staff in attendance** : Mr Bonny LOO  
Assistant Legal Adviser 4 (Agenda items IV and V only)

Ms Shirley TAM  
Senior Council Secretary (4)5

Ms Lauren LI  
Council Secretary (4)5

Ms Zoe TONG  
Legislative Assistant (4)5

Miss Mandy LUI  
Clerical Assistant (4)5

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Action

**I. Confirmation of minutes of meeting**

(LC Paper No. CB(4)488/17-18 — Minutes of meeting held on  
27 November 2017)

The minutes of meeting held on 27 November 2017 were confirmed.

**II. Information papers issued since the last meeting**

(LC Paper No CB(4)397/17-18(01) — Administration's information  
paper on issues relating to the  
supply of centralized liquefied  
petroleum gas to public rental  
housing estates

LC Paper No CB(4)409/17-18(01) — Administration's response on  
the Member's Bill proposed by  
Hon LUK Chung-hung in his  
letters dated 11 October and  
15 November 2017 to amend  
the Electricity Ordinance (Cap.  
406) as set out in LC Paper  
Nos. CB(4)36/17-18(01) and  
CB(4)222/17-18(01)

- LC Paper No. CB(4)436/17-18(01) — Administration's paper on tables and graphs showing the import and retail prices of major oil products from December 2015 to November 2017
- LC Paper No CB(4)453/17-18(01) — Administration's response to the discussion on the "Report of the Transport and Housing Bureau's Investigation into Staff Conduct in the Marine Department in relation to the Vessel Collision Incident near Lamma Island on 1 October 2012"
- LC Paper No CB(4)464/17-18(01) — Letter from Hon LUK Chung-hung dated 8 January 2018 requesting for discussion of the Member's Bill proposed by him to amend the Electricity Ordinance (Cap. 406) (Chinese version only))

2. Members noted the above papers issued since the last regular meeting.

### **III. Items for discussion at the next meeting**

(LC Paper No. CB(4)486/17-18(01) — List of outstanding items for discussion

LC Paper No. CB(4)486/17-18(02) — List of follow-up actions)

3. Members agreed to discuss the following items at the next regular meeting scheduled for Monday, 26 February 2018 at 10:45 am –

- (a) Update on Hong Kong Disneyland Resort; and
- (b) Hong Kong Tourism Board Work Plan for 2018-2019.

Discussion on the "Report of the Transport and Housing Bureau's Investigation into Staff Conduct in the Marine Department in relation to the Vessel Collision Incident near Lamma Island on 1 October 2012" ("the Report")

4. Mr James TO expressed disappointment that during the previous arrangements made by the Administration in 2015 and 2017, very few members perused the redacted version of the Report after signing the confidentiality undertaking. To follow up on the Report, he considered that arrangements should be made by the Administration again to allow Legislative Council ("LegCo") Members to peruse the Report. He also suggested that LegCo Members be invited to sign the confidentiality undertaking immediately before they peruse and discuss the Report at a closed meeting of the Panel to be arranged, so that perusal and discussion of the Report by LegCo Members could be conducted simultaneously.

5. Mr YIU Si-wing opined that the Panel should continue to follow up on issues relating to the Report and those members who had perused the Report could offer views and make recommendations in this regard. He doubted the need for the Administration to make arrangements again for LegCo Members to peruse the Report.

6. Mr Holden CHOW was concerned about whether there were any new developments of the incident since April/May 2017 when the Report was last made available for LegCo Members' perusal. He considered that some LegCo Members might be interested to peruse the Report if similar arrangements could be made again by the Administration to allow LegCo Members to peruse the Report.

7. While agreeing that the Panel should continue to follow up on issues relating to the incident, Mr Frankie YICK held the view that the contents of the Report might not be the focal point of discussion on the subject matter. He also doubted the necessity for re-opening the Report for LegCo Members' perusal as he understood that the Police's investigation into the incident was still ongoing.

8. The Chairman drew members' attention to the quorum requirement for a closed Panel meeting suggested by Mr James TO. After considering members' views, the Chairman said he would convey Mr TO's request and suggestion to the Administration.

Discussion on the proposed Member's Bill to amend the Electricity Ordinance (Cap. 406)

9. The Chairman referred members to the letter from Hon LUK

Chung-hung (LC Paper No. CB(4)464/17-18(01)) requesting for early discussion and arrangement of a public hearing on the Member's Bill proposed by him to amend the Electricity Ordinance (Cap. 406). Members agreed that the subject matter should be discussed at a future meeting.

**IV. Proposed making and amending of the subsidiary legislation under Merchant Shipping (Safety) Ordinance (Cap. 369) and Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413) for implementation of the International Convention for the Prevention of Pollution from Ships, the International Convention for the Safety of Life at Sea and the International Convention for the Control and Management of Ships' Ballast Water and Sediments of the International Maritime Organization**

(LC Paper No. CB(4)486/17-18(03) — Administration's paper on incorporating in local legislation the latest requirements of the International Maritime Organization)

Presentation by the Administration

10. At the invitation of the Chairman, Deputy Secretary for Transport and Housing (Transport)5 ("DSTH5") briefed members on three legislative proposals which sought to incorporate in local legislation the latest requirements of three conventions of the International Maritime Organization ("IMO"), namely the International Convention for the Control and Management of Ships' Ballast Water and Sediments ("Ballast Water Management Convention"), the International Convention for the Safety of Life at Sea ("SOLAS"), and the International Convention for the Prevention of Pollution from Ships ("MARPOL"), relating to the management of ballast water, the carriage of dangerous goods and marine pollutants, and the carriage of radioactive materials. With the aid of the powerpoint presentation material, Principal Assistant Secretary for Transport and Housing (Transport)10 ("PAS(T)10") elaborated further on the three proposals. Details of the three legislative proposals were set out in LC Paper No. CB(4)486/17-18(03).

*(Post-meeting note: The powerpoint presentation material provided by the Administration was issued to members vide LC Paper No. CB(4)520/17-18(01) on 22 January 2018.)*

Discussion

*Ballast water management*

11. Noting that the related legislative proposal introduced new requirements on the ballast water management on all Hong Kong-registered ocean-going vessels ("OGVs"), Mr LUK Chung-hung enquired about the measures to ensure the local compliance with the new requirements, the enforcement actions to be taken by the Marine Department ("MD") and the related penalty.

12. DSTH5 advised that upon knowing the commencement of operation of the Ballast Water Management Convention, MD had taken administrative measures to notify the local shipping industry of the new requirements under the Convention. All OGVs were required to undergo regular surveys by respective classification societies and such surveys would check whether the OGVs were in compliance with the latest international maritime conventions. This legislative exercise was meant to incorporate the requirements under the Ballast Water Management Convention into local legislation.

13. Referring to the occurrence of oil spillage incidents in Hong Kong waters caused by non-Hong Kong registered ships, Mr Christopher CHEUNG raised concern about the compliance situation of non-Hong Kong registered OGVs in Hong Kong waters with these new requirements. He also asked about the actions to be taken by the Administration against such non-compliance.

14. Sharing Mr Christopher CHEUNG's concern, Mr YIU Si-wing asked whether foreign ships from non-participating countries of the Ballast Water Management Convention were subject to the new requirements in Hong Kong waters.

15. DSTH5 explained that these new requirements would also apply to all non-Hong Kong registered OGVs navigating within Hong Kong waters and MD officers would monitor their compliance through Port State control ("PSC") inspections. For OGVs from non-participating countries of the Ballast Water Management Convention, as they would call at different ports, they were also keen on complying with such requirements to facilitate their operations. At the request of Mr Christopher CHEUNG, the Administration agreed to provide the number of ships entering Hong Kong waters in the past few years broken down by their places of registry.

*(Post-meeting note: The Administration's written response was issued to members vide LC Paper No. CB(4)653/17-18(01) on 26 February 2018.)*

16. Mr Holden CHOW raised concern about measures against illegal discharge of ballast water in Hong Kong which might lead to serious threats to the local marine environment. He also sought further information about the procedures of inspections and testing on ship's ballast water, in particular whether such inspections were conducted prior to the discharge of ballast water.

17. Assistant Director / Multi-lateral Policy of MD ("AD of MP") explained that under the Ballast Water Management Convention, OGVs were required to treat the ballast water with a ballast water treatment system approved by related classification societies before discharging the ballast water. The treatment system should incorporate various disinfection methods, such as ultraviolet irradiation, to cleanse the ballast water.

18. On enforcement, AD of MP said that MD would carry out PSC inspections of non-local ships calling at Hong Kong in accordance with the requirements of the Ballast Water Management Convention. During the inspections, in addition to examining the Ballast Water Management Plan and Ballast Water Record Book, MD officers could conduct testing on the ballast water samples taken from ships according to the standards and procedures set out in the Ballast Water Management Convention. Senior Surveyor of Ships / Planning and Training of MD ("SS/PT") supplemented that MD would also examine the itinerary of the ship to determine at which port the ship took the ballast water whilst unloading cargo.

19. Ir Dr LO Wai-kyok requested the Administration to provide the details of the control and management of ballast water of ships within Hong Kong waters, including the inspection and enforcement mechanism (e.g. when ballast water samples would be taken from the water tanks for testing purposes, what aquatic species, sediments or other pollutants/substances in the ballast water would be tested, how such tests were conducted and against what standards the samples would be tested etc.) to ensure compliance with the latest requirements of IMO so as to minimize any threat to the local marine ecosystems. Mr Frankie YICK also made a similar request.

*(Post-meeting note: The Administration's written response was issued to members vide LC Paper No. CB(4)653/17-18(01) on 26 February 2018.)*

20. Noting that the Ballast Water Management Convention aimed to prevent the spread of aquatic organisms from one region to another, the Chairman enquired whether the information of ballast water from different regions was available to the participating countries. In response, SS/PT said that various



IMO's guidelines had provided information covering the nature of ballast water in different regions and the standard treatment requirements.

21. Mr Jeremy TAM noted that the Ballast Water Management Convention had been adopted by IMO back in 2004. He was concerned about the delay in incorporating in the local legislation the said requirements. DSTH5 explained that according to IMO's decision, the Ballast Water Management Convention would come into force after ratification by at least 30 States and represented 35% of the world's merchant shipping tonnage. Consequently, the Ballast Water Management Convention only came into force in September 2017.

*Carriage of dangerous goods and radioactive materials*

22. Mr LUK Chung-hung noted that Chapter VII of SOLAS provided an international standard for the carriage and safe transportation of dangerous goods for OGVs, and new criteria and documentation requirements would be introduced on carrying fireworks under this legislative exercise. He enquired further about the application of such criteria, in particular, whether the consignor, the consignee or the shipping company in relation to the carriage of fireworks would be held responsible in case of non-compliance.

23. AD of MP said that fireworks were explosive substances classified as class 1 dangerous goods under the International Maritime Dangerous Goods Code ("IMDG Code"). Ships carrying such dangerous goods should furnish the Director of Marine with a dangerous goods manifest not less than 48 hours prior to the arrival of the vessel. The clearance from the Mines and Quarries Division of the Civil Engineering and Development Department should be obtained prior to importation of explosives. In addition, the maximum allowable net explosives quantity of class 1 dangerous goods onboard a ship at any time within Hong Kong waters should not exceed 50 000 kg.

24. Mr Jeremy TAM noted that the related legislative proposal sought to, inter alia, require that packages carrying lithium batteries should be marked with a standardized notice indicating that they contained lithium batteries. Having regard to the requirements applicable to the carriage by air of lithium batteries, he asked if there were additional requirements applied on their carriage by sea.

25. PAS(T)10 replied that IMO classified lithium batteries into different types and had in place specific requirements on carrying them by sea in respect of storage and segregation. This legislative proposal aimed to implement new packing instructions on carriage of lithium batteries in the IMDG Code, including marking the packages with a standardized notice, packing the lithium batteries with non-flammable materials and in double layers.

26. The Chairman asked whether the relevant SOLAS requirements applied to passenger ships, on which the carriage of carrying dangerous goods might bring about a higher safety risk. In response, AD of MP said that as the dangerous substances classified under the IMDG Code could be carried on both passenger or cargo ships, both types of ships were subject to relevant SOLAS requirements.

27. Mr YIU Si-wing noted that IMO had set out different comprehensive requirements to regulate the carriage of dangerous goods and radioactive materials on ships. He enquired whether such requirements could be applied on onshore management of radioactive materials and dangerous goods. Concerning the alignment of local law with international standards, he also enquired about the timing of IMO adopting the new requirements under the High-Level Radioactive Wastes on board Ships ("INF Code").

28. DSTH5 said that the new requirements of INF Code were adopted by IMO in 2001. Given that there were no Hong Kong-registered ships carrying INF cargo and the usual voyage of such ships would not pass through Hong Kong waters, the Government had worked on other more pressing legislative exercises until now. The Government proposed to incorporate the mandatory requirements of the INF Code into local legislation to fulfil international obligation in case any such ship would be registered in Hong Kong or operate through Hong Kong waters in future. PAS(T)10 added that these legislative proposals sought to incorporate in local legislation the latest requirements of IMO on ships' operations and were not related to the onshore management of dangerous goods or radioactive materials.

*International maritime conventions*

29. Mr Frankie YICK noted that with the additional manpower resources approved by LegCo, the Government had been catching up on the delay to incorporate in local legislation the requirements of international maritime conventions. He enquired about the number of outstanding marine-related legislative exercises for the relevant international conventions.

30. DSTH5 said that among the backlogged cases as reported to LegCo in 2015, over two-thirds of them had been completed. As relevant conventions were under constant review by IMO in the light of the latest international developments and needs, the need for legislative amendments arose from time to time and the Government had adopted a two-tier approach to deal with the backlogged and new cases, with a view to complying with up-to-date international standards on maritime matters as timely as practicable.

31. In response to Mr Holden CHOW's enquiry, DSTH5 confirmed that there was a notification system among the port authorities to report the non-compliance and detention situation against the international maritime conventions in respective ports.

Conclusion

32. The Chairman concluded that the Panel was generally supportive of the three legislative proposals. He also requested the Administration to take note of members' views on relevant matters.

**V. Proposed making and amending of the subsidiary legislation under Merchant Shipping (Safety) Ordinance (Cap. 369), Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413) and Merchant Shipping (Seafarers) Ordinance (Cap. 478) for implementation of the International Code for Ships Operating in Polar Waters of the International Maritime Organization**

(LC Paper No. CB(4)486/17-18(04) — Administration's paper on incorporating in local legislation the requirements of the International Code for Ships Operating in Polar Waters of the International Maritime Organization)

Presentation by the Administration

33. At the invitation of the Chairman, DSTH5 briefed members on the legislative proposal to incorporate the mandatory requirements of the International Code for Ships Operating in Polar Waters ("Polar Code") adopted by IMO in local legislation. The requirements would apply to all Hong Kong-registered ships operating in polar waters. With the aid of the powerpoint presentation material, PAS(T)10 further briefed members on the requirements relating to safety of ship operation, protection of marine environment and seafarer competence set out in the Polar Code and the relevant legislative proposal. The Administration planned to introduce the legislative proposal into LegCo by end 2018. Details were set out in LC Paper No. CB(4)486/17-18(04).

(*Post-meeting note:* The powerpoint presentation material provided by the Administration was issued to members vide LC Paper No. CB(4)520/17-18(02) on 22 January 2018.)

## Discussion

### *The legislative proposal*

34. Ir Dr LO Wai-kwok was supportive of the legislative proposal. He considered it necessary for Hong Kong to incorporate the requirements set out in the Polar Code given the increasing number of ships navigating in polar waters worldwide.

35. In response to Ir Dr LO Wai-kwok's enquiry, DSTH5 advised that currently there were no Hong Kong-registered ships operating in polar waters. Nonetheless, a shipping company had indicated to the Administration that it was building a ship which would operate in polar waters, and that the company planned to register the ship in Hong Kong. According to the Polar Code, ships constructed on or after 1 January 2017 and intended to operate in polar waters would need to apply for a polar ship certificate from their respective flag administrations. The Administration would keep in view the latest developments, and ensure that all ships registered in Hong Kong would comply with IMO's requirements.

### *Discharge restrictions*

36. Mr Jeremy TAM noted the discharge restrictions set out in the Polar Code which, inter alia, prohibited the discharge of noxious liquid substances ("NLS") into polar waters. He enquired if the Polar Code had expressly set out a list of NLS, and if so, whether the list would be incorporated in the relevant local legislation. Given the IMO's requirement that ships operating in polar waters should have effective means to remove and prevent snow and ice accumulation, Mr TAM further enquired whether any restrictions would be imposed on the use of de-icing and/or anti-ice fluids, which might be regarded as NLS according to the Polar Code, to remove snow and ice by a ship operating in polar waters.

37. PAS(T)10 advised that similar to the implementation of other international conventions of IMO in local legislation, direct references would be made to the relevant parts of the Polar Code in this legislative proposal pursuant to section 112B(i) of the Merchant Shipping (Safety) Ordinance (Cap. 369), section 3A(i) of the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413) and section 134(3A)(a) of the Merchant Shipping

(Seafarers) Ordinance (Cap. 478). The direct reference approach would enable timely implementation of the latest international requirements in local legislation, in particular those that were technical in nature. Ships would have to comply with the requirements relating to the use of the de-icing and/or anti-ice fluids set out in the Polar Code.

38. PAS(T)10 elaborated that the means to remove and prevent snow and ice accumulation were ship-specific and were not limited to the examples given in the Administration's paper. Regardless of the means adopted by ships, including the use of de-icing and/or anti-ice fluids, they should comply with the relevant requirements of IMO including the ones concerning the protection of marine environment of the Polar Code that were implemented through MARPOL.

39. Mr Holden CHOW supported incorporating the mandatory requirements of the Polar Code in local legislation for safe ship operation and environmental protection in polar waters. Mr CHOW referred to the discharge restrictions under the Polar Code, and was concerned about the details and effectiveness of the relevant inspection and enforcement work.

40. DSTH5 advised that in the local context, MD would conduct inspections to ensure that Hong Kong-registered ships had complied with the relevant requirements of IMO in respect of construction of ships and qualifications of seafarers. When ships were operating in overseas waters, port authorities of IMO's member States would take appropriate actions to ensure ships' compliance with IMO's requirements.

### Conclusion

41. The Chairman concluded that the Panel was generally supportive of the legislative proposal.

### **VI. Any other business**

42. There being no other business, the meeting ended at 12:16 pm.