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經濟發展及勞工局
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中區政府合署



**ECONOMIC DEVELOPMENT AND
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Mr. Andy Lau
Clerk to Bills Committee
Legislative Council Building
8 Jackson Road, Central
Hong Kong

By Fax: 2869 6794 (Total 5 Pages)

Dear Mr. Lau,

**Administration's response to issues raised at the meeting of
the Bills Committee on Merchant Shipping
(Local Vessels and Miscellaneous Amendments) Bill 2005
held on 13 July 2005**

We set out below the Administration's response to a number of issues raised at the last Bills Committee meeting.

(a) To consider ways to address the concern about the impact of the proposed system for delegation of survey work of local vessels by the Director of Marine to individual person, a person belonging to a class of persons or government authorities under the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) on the local shipping and repairing industries

2. At the Bills Committee Meeting on 13 July, there were concerns that with the new arrangement for survey of local vessels to be conducted by authorized surveyors, providers of ship repair

services in the Mainland may employ an authorized surveyor from Hong Kong to drive down the overall cost of undertaking survey and related repair works in the Mainland, thus reducing the competitiveness of Hong Kong's ship repair sector.

3. Under section 7 of the Merchant Shipping (Local Vessels) Ordinance (Cap.548), the Director of Marine may authorize a person who is not a public officer to be a surveyor for the surveys of local vessels. The Merchant Shipping (Local Vessels and Miscellaneous Amendments) Bill (the Bill) further proposes to add a new section 7A to Cap.548 so that the Director may recognize government authorities to carry out survey works for local vessels. Both provisions aim to provide ship owners and operators with a wider range of choices on vessel survey service and hence the flexibility of their operation. These provisions have the support of the Provisional Local Vessels Advisory Committee (PLVAC).

4. To ensure the quality of survey works conducted by authorized surveyors/recognised government authorities under the new regime, the Bill provides that the Director may carry out audit check on surveys and plans approved by authorized surveyors, and recognized government authorities.

5. The specific requirements for conducting vessel surveys by outside parties will be set out in Code of Practice to be issued by the Director. In addition, the detailed conditions of authorization and recognition will be set out in writing when the Director grants authorization and recognition. For instance, an authorized surveyor must not engage in any service that may result in a conflict of interest with the performance of vessel survey under Cap.548. It will be provided in subsidiary legislation that upon the completion of survey, the authorized surveyor is required to submit a survey report, in such form as the Director may specify and to be given by way of declaration, to the Director. The report should contain particulars of the vessel under survey, as well as other information that is relevant to the issue of the certificate applied for. It forms the basis on which the Director is to decide whether or not to approve the application.

6. To ensure smooth implementation, the new vessel survey

regime will be taken forward in four phases by type of vessels and survey works. The transition from the commencement of Cap. 548 and full implementation of new vessel survey regime will take about 2 years and will be reviewed in light of experience. The possible effect on the ship repair sector as mentioned in paragraph 2 will not be immediate, and players in that sector should have time to adjust to the new arrangements.

(b) To review the safety requirements and inspection of fishing vessels in consultation with the fishing industry

7. The Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (the Convention) prescribes the international safety requirements of fishing vessels. As members of the International Maritime Organization make good progress in subscribing to the Convention, the Convention is expected to commence internationally soon.

8. To uphold Hong Kong's status as an international maritime centre, we are committed to ensuring compliance of locally certificated fishing vessels with internationally accepted safety standards. It is also in the interest of these fishing vessels to meet such standards or they may not be allowed entry by adjacent jurisdictions which adopt the international standards under the Convention.

9. The safety requirements of vessels, including fishing vessels, will be prescribed in subsidiary legislation and the Code of Practice to be issued by the Director. These requirements have been drawn up in the light of the provisions in the Convention and after consultation with the industry through the PLVAC and its Working Group on Fishing Vessels which includes representatives from the fishing sector. Further to the Bills Committee Meeting held on 13 July, the Marine Department has also invited the Hong Kong Fisheries Development Association (HKFDA) to the meeting of the Working Group. The Department will continue to engage the fishing sector in devising the safety requirements for locally certificated fishing vessels.

(c) To review the provision of typhoon shelter facilities and the relevant regulations taking into account the demand side factors

10. The Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation, Cap. 548E was enacted in March 2004 after thorough consultation with the industry and endorsement of the Economic Services Panel of the Legislative Council. The Regulation empowers the Director to, among other things, prohibit local vessels from entering and remaining in a typhoon shelter if its overall length exceeds the permitted length of a typhoon shelter. The length restriction is necessary to ensure the safety of vessels operating in typhoon shelters and those moving in and out of them.

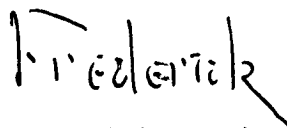
11. Typhoon shelters in Hong Kong are designed and built to protect local vessels from severe weather conditions, especially from typhoons. As most of these shelters were built decades ago, half of them are built for vessels of length up to 30.4 metres while the remaining ones may accommodate vessels of length up to 50 metres. Relaxing the length restriction may cause danger to users of the typhoon shelters because of the physical constraints of their size, configuration and fairway. It will also reduce the number of vessels that can be accommodated in the shelters. These considerations apply to all existing shelters, especially those which are popular places of stay for small vessels on normal days, such as the shelters at Aberdeen, Shau Kei Wan and Causeway Bay.

12. Overlength vessels may apply to the Director for permit to enter a typhoon shelter. The Director will consider such applications on a case-by-case basis in light of all relevant considerations, including the occupancy rate and constraints of the typhoon shelter, length and draft of the vessel, grounds for application and weather condition to ensure safety. For instance, where circumstances permit, an overlength fishing vessel may be permitted to deliver its catch to a fishery market inside a typhoon shelter upon application.

13. In addition to the above-mentioned permit arrangement, the Marine Department is also exploring room for relaxing the length restriction of relatively newer typhoon shelters with low utilization rate, such as the one at Hei Ling Chau. In considering any

possible relaxation, safety remains the priority consideration. Should new typhoon shelters be planned, they will be designed and built having regard to the latest size and needs of local vessels.

Yours sincerely,



(Frederick YU)

for Secretary for Economic Development and Labour

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