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經濟發展及勞工局
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7 October 2005

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

By Fax: 2869 6794 (Total 3 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 20 September 2005**

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

a) **To clarify how the Director of Marine would exercise his power under the new section 63A and whether the local fishing industry would be unduly affected as a result of restriction imposed by the Director regarding the operation areas for local fishing vessels**

2. The new section 63A(2) provides that the Director of Marine may endorse on a certificate that a vessel is not fit to operate safely beyond the waters of Hong Kong or in such other waters in respect of a survey performed on that local vessel. When the new regulatory regime under the Merchant Shipping (Local Vessels) Ordinance, Cap 548 (LVO) come into force, the plying limits and safety standards of different types or classes of local vessels will be

set out in Codes of Practice (COP) to be issued by the Director of Marine (the Director).

3. The Director will consult the industry through the Local Vessels Advisory Committee (LVAC) and its subcommittees (such as the Fishing Vessel Working Group and Technical Subcommittee) when developing the COP. As stipulated in the LVO, the LVAC shall comprise of experts from the local maritime industry. The consultation mechanism provided in the LVO will ensure that the views and concerns of the industry are taken into account in formulating the COP, whilst at the same time safeguarding navigational safety in Hong Kong waters.

(b) Revise the Chinese version of the definition of “crane” under clause 2(c)

4. The Administration propose to amend the Chinese version of the definition of “crane” in clause 2(c) and 37(b) of the Bill as follow-

“起重機” (crane)指備有機械設備用以提升和降下負荷物與用以運輸懸吊中的負荷物的任何裝置；亦指在該裝置操作中使用的所有鏈條、纜索、轉環或其他滑車(計至並包括吊鉤)，但不包括 —

(a) 在固定軌道或繩纜上行走的吊重滑車；

(b) 藉著引帶或平台藉以移動負荷物的堆疊機或輸送機；或

(c) 移動或挖掘泥土或礦物而沒有裝置抓斗的裝置；”

The proposed new version is the same as the existing one in section 37 of Cap. 548 except that “懸吊中的負荷物的裝置” is amended to “懸吊中的負荷物的任何裝置”. The words “任何” are added to achieve consistency with the English text wherein “**any** appliance” is used.

(c) Review the composition of the Provisional Local Vessels Advisory Committee

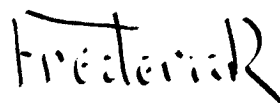
5. The Provisional Local Vessels Advisory Committee (PLVAC) was established in 1991 to advise the Director on matters relating to the management, control, operations, and standards of safety of local vessels, including marine activities associated with or affecting local vessels. The composition of the PLVAC is designed to bring in a wide representation from different sectors related to local vessels. With the commencement of the LVO, the functions currently performed by the PLVAC will be taken over by the LVAC.

6. The composition and functions of the LVAC are stipulated in Part II of the LVO to enhance transparency. Chaired by the Deputy Director of Marine, the LVAC shall also include two representatives from the Marine Department, one representative from the Hong Kong Police Force, and 12 non-official members from different professions or trades related to local vessels. The Director will invite nominations from relevant professional bodies and trade associations to ensure a broad and balanced representation in the LVAC. The composition and operation of the LVAC will also be reviewed from time to time.

(d) Provide new typhoon shelters or expand the existing facilities, having regard to the latest size and needs of local vessels

7. As discussed at the last meeting of the Bills Committee held on 20 September 2005, we would take into Member's views and concern in the planning and construction of new typhoon shelters and expansion of existing ones. Safety of all typhoon shelters will remain our primary consideration.

Yours sincerely,



(Frederick YU)

for Secretary for Economic Development and Labour

c.c.

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