

立法會
Legislative Council

LC Paper No. CB(1)298/13-14
(These minutes have been seen
by the Administration)

Ref : CB1/BC/6/12

**Bills Committee on Merchant Shipping (Seafarers)
(Amendment) Bill 2013**

**Minutes of second meeting
held on Monday, 17 June 2013, at 5:30 pm
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon WONG Kwok-kin, BBS (Chairman)
Hon Alan LEONG Kah-kit, SC
Hon Steven HO Chun-yin
Hon Frankie YICK Chi-ming
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu

Members absent : Hon Cyd HO Sau-lan
Hon SIN Chung-kai, SBS, JP

Public officers attending : Agenda Item II
Transport and Housing Bureau

Ms Jenny CHAN
Principal Assistant Secretary (Transport) 10

Mr Jason LAM
Assistant Secretary (Transport) 10A

Marine Department

Mr Y M CHENG

Chief, Marine Accident Investigation & Shipping
Security Policy

Mr S F WONG

General Manager, Shipping Registry & Seafarers

Department of Justice

Ms Mabel CHEUNG

Senior Government Counsel

Ms Carmen CHAN

Government Counsel

**Attendance by
invitation**

: Agenda item II

Hong Kong & Kowloon Trades Union Council

Mr LEE Kwok-keung

Chairman

Hong Kong Seamen's Union

Mr LI Chi-wai

Chairman

Individual

Mr YANG Kaiqiang

Hong Kong Seamen's Union

Orient Overseas Container Line Ltd

Mr FOK Fuk-yin

Fleet Personnel Manager

Merchant Navy Officers' Guild – Hong Kong

Mr YU Chi-ming

Vice President

UNIVAN Ship Management Limited

Mr John Gigimon KALAMBATTU
General Manager – Coordination & Planning

Fleet Management Limited

Captain Pankaj Kumar Singh
Superintendent

The Hong Kong Shipowners Association Limited

Mr Arthur BOWRING
Managing Director

Anglo-Eastern Ship Management Ltd.

Captain Vikrant MALHOTRA
Senior QHSE Manager

Clerk in attendance : Mr Derek LO
Chief Council Secretary (1)5

Staff in attendance : Mr Timothy TSO
Assistant Legal Adviser 2

Mr Noel SUNG
Senior Council Secretary (1)5

Ms Michelle NIEN
Legislative Assistant (1)5

Action

- I Confirmation of minutes**
(LC Paper No. CB(1)1229/12-13 —Minutes of meeting on 15 May 2013)

The minutes of the meeting held on 15 May 2013 were confirmed.

II Meeting with deputations and the Administration

2. The Chairman welcomed deputations/individuals and the Administration to the meeting. He said that the purpose of the session was for the Bills Committee to receive the views of the public on the Bill. The Secretariat had circulated the written submission received so far to members for perusal. Each deputation/individual would be given five minutes to present their views. He reminded the deputations/individuals that when addressing the Panel during the meeting, they were not covered by the protection and immunity under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and their written submissions were also not covered by the said Ordinance.

3. The Bills Committee received views from the deputations attending the meeting (index of proceedings attached at **Appendix**).

III Meeting with the Administration

Follow-up to issues arising from the meeting on 15 May 2013

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| LC Paper No. CB(1)1213/12-13(02) | — List of follow-up actions arising from the discussion at the meeting on 15 May 2013 |
| LC Paper No. CB(1)1213/12-13(03) | — Administration's response to issues raised at the meeting on 15 May 2013 |
| LC Paper No. CB(1)1252/12-13(01) | — Hon TANG Ka-piu's letter dated 5 June 2013 |
| LC Paper No. CB(1)1284/12-13(01) | — Letter from Assistant Legal Adviser to the Administration dated 6 June 2013 |
| LC Paper No. CB(1)1284/12-13(02) | — Administration's response to the letter from Assistant Legal Adviser as set out in LC Paper No. CB(1)1284/12-13(01)) |

Relevant papers previously issued

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|----------------------------------|---|
| (LC Paper No. CB(3)472/12-13 | — The Bill |
| LC Paper No. CB(1)1033/12-13(01) | — Marked-up copy of the Bill prepared by the Legal Service Division |
| File Ref: PML CR 8/10/150/8 | — The Legislative Council Brief |

	issued by the Transport and Housing Bureau
LC Paper No. LS44/12-13	—Legal Service Division Report on the Bill
LC Paper No. CB(1)1033/12-13(02)	—Paper on Merchant Shipping (Seafarers) (Amendment) Bill 2013 prepared by the Legislative Council Secretariat (background brief))

4. The Bills Committee deliberated (index of proceedings attached at **Appendix**).

Follow-up actions required of the Administration

5. The Bills Committee requested the Administration to a written response to the following:

- (a) the issues raised by the deputations at the meeting, including, among other things, request for legislation on the right to collective bargaining, introduction of minimum wage for seafarers and cadets, protection for seafarers who fell sick, or died on board or while on duty, clarification of the notice period for termination of crew agreements, and allowing non-permanent residents to register as seafarers; and
- (b) the various issues raised in Mr TANG Ka-piu's letter (LC Paper No. CB(1)1252/12-13(01)).

(Post-meeting note: The Administration's response was issued to members vide LC Paper CB(1)1396/12-13 on 26 June 2013.)

IV Any other business

6. There being no other business, the meeting was adjourned at 7:00 pm.

**Proceedings of the second meeting of
Bills Committee on Merchant Shipping (Seafarers) (Amendment) Bill 2013
on Monday, 17 June 2013, at 5:30 pm
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda Item I – Confirmation of minutes			
000131 – 000207	Chairman	Confirmation of minutes of meeting on 15 May 2013 (LC Paper No. CB(1)1229/12-13)	
Agenda Item II – Meeting with deputations and the Administration			
000208 – 000620	Chairman	Opening remarks	
000621 – 001121	Hong Kong & Kowloon Trades Union Council	Presentation of views	
001121 – 001132	Hong Kong Seamen's Union	No view was presented	
001133 – 001330	Mr YANG Kaiqiang	Presentation of views	
001331 – 001338	Orient Overseas Container Line Ltd	No view was presented	
001339 – 001354	Merchant Navy Officers' Guild – Hong Kong	No view was presented	
001355 – 001408	UNIVAN Ship Management Limited	No view was presented	
001409 – 001419	Fleet Management Limited	No view was presented	
001420 – 001902	The Hong Kong Shipowners Association Limited	Presentation of views (LC Paper No. CB(1)1213/12-13(01))	
001903 – 001945	Anglo-Eastern Ship Management Association	Presentation of views	
001946 – 003409	Chairman Administration	The Administration responded to the views expressed by the deputations, including requests for legislation on the right to collective bargaining, introduction of minimum wage for seafarers and cadets, protection for seafarers who fell sick, or died on board or while on duty, clarification of the notice period for termination of crew agreements, and allowing non-permanent residents to register as seafarers, etc.	
003410 – 003858	Chairman Mr TANG Ka-piu Administration	Discussion on proposed legislation for collective bargaining, and allowing non-permanent residents to register as seafarers	

Time marker	Speaker	Subject(s)	Action required
003859 – 004058	Chairman Mr POON Siu-ping Administration	Discussion on introduction of minimum wage for seafarers (including cadets) and permitting non-permanent residents to register as seafarers	
004059 – 004159	Chairman Mr TANG Ka-piu Administration	Discussion on Mr TANG's letter (LC Paper No. CB(1)1252/12-13(01))	
004200 – 004733	Chairman Mr LI Chi-wai Administration	Discussion on protection of seafarers who died of illness on board or while on duty	
004734 – 005246	Chairman Mr LEE Kwok-keung Administration	Discussion on the right of collective bargaining	
005247 – 005726	Chairman Mr Arthur Bowring Administration	Discussion on the right of collective bargaining and proposed minimum wage for seafarers	
005727 – 005848	Chairman Mr LEE Kwok-keung Administration	Discussion on minimum wage for seafarers	
005849 – 005953	Chairman Mr Arthur Bowring	Discussion on minimum wage for seafarers	
005954 – 010100	Chairman	The Chairman thanked the deputations for attending the meeting and said that they might still put in their further submissions after the meeting if necessary	

Agenda Item III – Meeting with the Administration

010101 – 011547	Chairman Administration	Discussion on issues raised at the first meeting, including on-board medical care, medical certification, hours of work and rest, qualifications of seafarers, seafarers' employment agreements, on-board complaint procedures, vessels plying between Hong Kong and Macau and river trade vessels and entertainment cruise	
011548 – 011942	Chairman Mr Alan LEONG Administration	In response to Mr Alan LEONG's enquiry about the legislative procedures for implementing the requirements of the Maritime Labour Convention, 2006 (the Convention), the Administration remarked that the detailed requirements of the Convention would be implemented through introduction of subsidiary legislation in the future	
011943 – 012953	Chairman Mr TANG Ka-piu Administration	Discussion on registration of seafarers in respect of persons having committed certain criminal offences, on-board complaint procedures and entertainment cruise	

Time marker	Speaker	Subject(s)	Action required
912799 – 013012	ALA Administration Mr Frankie YICK	<p>ALA enquired whether the existing empowering provisions in the Merchant Shipping (Seafarers) Ordinance (Cap. 478) were wide enough to provide for all the Amendment Regulations and a new Regulation to be made as stated in LC Paper No. CB(1)1213/12-13(03) for implementing the requirements of the Convention. The Administration confirmed that the existing empowering provisions were sufficient.</p> <p>As regards the "direct reference approach", the Administration was requested to consider including in the relevant Legislative Council Brief for subsidiary legislation to be made in the future the detailed explanation of the provisions in the subsidiary legislation where the "direct reference approach" was adopted, and providing extracts of the requirements in the Convention (where appropriate) as appendices to the Legislative Council Brief for Members' reference. Members agreed to this suggestion and the Administration accepted the proposed arrangement</p>	
013013 – 013233	Chairman Mr TANG Ka-piu	Meeting arrangement	