

ITEM FOR ESTABLISHMENT SUBCOMMITTEE OF FINANCE COMMITTEE

HEAD 100 – MARINE DEPARTMENT
Subhead 000 Operational expenses

HEAD 92 – DEPARTMENT OF JUSTICE
Subhead 000 Operational expenses

HEAD 158 – GOVERNMENT SECRETARIAT :
TRANSPORT AND HOUSING BUREAU
(TRANSPORT BRANCH)
Subhead 000 Operational expenses

Members are invited to recommend to Finance Committee the following proposals to facilitate the taking forward of systemic reform of the Marine Department and the marine-related legislative amendments –

Marine Department

(a) the creation of the following three supernumerary directorate posts in the Marine Department from February 2014 to 31 May 2016 –

1 Administrative Officer Staff Grade B
(D3) (\$158,850 - \$173,350)

1 Senior Principal Executive Officer
(D2) (\$136,550 - \$149,350)

1 Assistant Director of Marine
(D2) (\$136,550 - \$149,350); and

/(b)

- (b) an increase in the ceiling placed on the total notional annual mid-point salary value of all non-directorate posts in the permanent establishment of Head 100 from \$461,070,000 by \$12,480,540 to \$473,550,540 in 2013-14.

Department of Justice

- (c) the creation of the following one supernumerary directorate post in the Department of Justice from February 2014 to 31 May 2016 –

1 Deputy Principal Government Counsel
(DL2) (\$136,550 - \$149,350); and

- (d) an increase in the ceiling placed on the total notional annual mid-point salary value of all non-directorate posts in the permanent establishment of Head 92 from \$582,052,000 by \$8,089,560 to \$590,141,560 in 2013-14.

Transport and Housing Bureau (Transport Branch)

- (e) an increase in the ceiling placed on the total notional annual mid-point salary value of all non-directorate posts in the permanent establishment of Head 158 from \$77,568,000 by \$753,720 to \$78,321,720 in 2013-14.

PROBLEM

We need to strengthen the directorate structure and establishment of the Marine Department (MD) for supporting the work of the Task Force on Reform in MD in enhancing maritime safety, strengthening its internal governance and taking forward recommendation of the Steering Committee on Systemic Reform of

Marine Department (Steering Committee). It is also necessary to strengthen the directorate and staffing support of the Law Drafting Division of the Department of Justice (DoJ) for heading a legal team to provide the necessary legal support to the Transport Branch of the Transport and Housing Bureau (THB(TB)) and MD in taking forward outstanding marine-related legislative amendment exercises. For the latter purpose, there is also a need to provide additional staffing support to THB(TB).

PROPOSAL

2. We propose to –
 - (a) create three supernumerary directorate posts, namely, 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 MD, from February 2014 to 31 May 2016; and increase the establishment ceiling placed on the total notional annual mid-point salary (NAMS) value of all non-directorate posts in the permanent establishment of Head 100 from \$461,070,000 by \$12,480,540 to \$473,550,540 in 2013-14 for creating 20 time-limited non-directorate posts;
 - (b) create one supernumerary directorate post of Deputy Principal Government Counsel (DPGC) (DL2) in DoJ, from February 2014 to 31 May 2016; and increase the establishment ceiling placed on the NAMS value of all non-directorate posts in the permanent establishment of Head 92 from \$582,052,000 by \$8,089,560 to \$590,141,560 in 2013-14 for creating 12 time-limited non-directorate posts; and
 - (c) increase the establishment ceiling placed on the NAMS value of all non-directorate posts in the permanent establishment of Head 158 from \$77,568,000 by \$753,720 to \$78,321,720 in 2013-14 for creating one time-limited non-directorate post in THB(TB).

JUSTIFICATION

Task Force on Reform in MD

Need for the Dedicated Task Force

3. Following the setting up of the Steering Committee in May 2013 which is tasked to take forward the recommendations of the Commission of Inquiry (CoI) appointed by the Chief Executive (CE) after the collision of two vessels near

/Lamma

Lamma Island on 1 October 2012, we consider it necessary to create dedicated posts for setting up a task force in MD to service and support the work of the Steering Committee, and to assist Director of Marine (D of M) to take forward the recommendations of the Steering Committee. Taking into account the views of the Steering Committee, the systemic review will focus on three areas, namely (i) operational issues such as safety standards and work practices; (ii) manpower strategy and training; and (iii) organisational structure and operational work processes of MD. Two working groups within MD have been formed since the third quarter of 2013 to follow up on (i) and (ii) respectively. The Efficiency Unit has commenced the review on (iii) and the task will be handed over to the Task Force after the creation of the proposed posts.

4. The Task Force will also undertake research, engage stakeholders as well as provide dedicated secretariat support on agenda setting, coordination and preparation of papers and reports for discussion by the Steering Committee during the Committee's two-year term up to early May 2015. As follow-up actions will still be required after May 2015, including seeing through the implementation of improvement measures endorsed by the Steering Committee, carrying out post-implementation reviews on the management study recommendations, conducting management audit and preparation of legislative amendments, the Task Force should continue to operate up to May 2016.

Proposed Structure of the Task Force on Reform

5. To assist D of M to follow up on the deliberations and suggestions of the Steering Committee and coordinate the efforts within MD in taking forward the wide range of activities, we propose that the Task Force be headed by an AOSGB (D3) designated as Deputy Director of Marine (Special Duties) (DD(SD)) and underpinned by an SPEO (D2) designated as SPEO(SD) and an AD of M (D2) designated as AD(SD). The three directorate officers will be supported by a team of 20 non-directorate staff to provide professional and administrative support. All the posts in support of the work of the Task Force are proposed to be created for about 28 months from February 2014. The proposed organisation chart is at Enclosure 1 and the organisation chart of MD incorporating the proposed Task Force is at Enclosure 2.

Encl. 1
Encl. 2

Need for Dedicated Directorate Support

Need for an AOSGB (D3) post

6. We consider it necessary to create an AOSGB (D3) post (DD(SD)) as head of the Task Force who will report directly to D of M. The reform tasks cover a myriad of highly complex and contentious issues, with impact on a very wide spectrum of work ranging from marine policy, maritime operation, organisational

/structure

structure of the Department, business process re-engineering to human resources planning. The work schedule is heavy in terms of complexity, diversity, sensitivity and timing. It includes undertaking a comprehensive review on the legislative and administrative measures governing passenger safety matters, consulting the trade on the proposed improvement measures, initiating organisational change in MD through review and re-engineering business processes, steering the formulation of institutional and regulatory reform proposals, and mapping out manpower and training strategy for the professional grades in MD. Also, the head of the Task Force has to work together with the existing Deputy Director of Marine (DD of M) (D3) to drive the implementation of the reform proposals through the divisional heads at AD of M (D2) level, and to assist D of M in drawing up recommendations for consideration by the Steering Committee. Taking into account the level of responsibility and the nature of the tasks involved, we consider that the head of the Task Force should be ranked at D3 level and possess strong background and capability in government administration. The major responsibilities of the proposed DD(SD) post are set out at Enclosure 3.

Encl. 3

Need for an SPEO (D2) post

7. The proposed SPEO(SD) post is to support DD(SD) in the areas of organisational reform, manpower strategy and training programme. The post-holder has to supervise two separate review teams in conducting reviews on MD's systems, business processes, performance measurement mechanism, grade structure, manpower shortage and recruitment problems; implementing organisational changes, drawing up of a manpower strategy and assisting in finding best practices to enhance the training programme for the professional grades in MD. The post-holder has to work and liaise closely with the division heads and grade managers in MD at AD of M level, and be heavily involved in consultation with stakeholders and staff unions on related issues. The Executive Officer Grade is well versed with government procedures, regulations, manpower resource planning, etc. and the officers possess the necessary skills and experience in organisation and human resource management. Having regard to the nature and level of responsibilities required, we consider an SPEO (D2) appropriate for the post. The proposed job description of the SPEO(SD) post is at Enclosure 4.

Encl. 4

Need for an AD of M (D2) post

8. The main duties of the AD(SD) post are to assist DD(SD) in reviewing legislations, operational manuals and standards pursuant to the CoI's recommendations, and drawing up and implementing improvement proposals. The incumbent has to work closely with the divisional heads in MD at AD of M level in the review, consultation and implementation processes. To deliver the duties effectively, the incumbent should have a strong background of professional knowledge and experience on the operational front and be able to achieve effective

/coordination

Encl. 5 coordination of efforts within and outside MD. We consider the ranking of AD of M (D2) appropriate. The post of AD of M will need to be created in the first quarter of 2014 when the systemic review proceeds to the stage of devising enhanced operational standards and preparation of subsequent legislative amendments. The proposed job description of the AD(SD) post is at Enclosure 5.

9. The Steering Committee has begun its work since May 2013. To enable MD to provide timely support to the high-level Steering Committee, one AOSGB and one SPEO have been temporarily redeployed to MD from within the Administration, pending the Finance Committee's (FC) deliberation on the proposed creation of the supernumerary AOSGB and SPEO posts.

Non-directorate support

10. The team of 20 non-directorate posts required include one Senior Administrative Officer, one Senior Marine Officer and one Senior Surveyor of Ships to assist in the reviews on operational issues; one Chief Management Services Officer leading two Senior Management Services Officers and two Management Services Officers II to assist in the organisational and work process reviews; and one Chief Executive Officer leading a team of two Senior Executive Officers and two Executive Officer I/II to assist in the manpower and training reviews. The remaining posts include three Personal Secretaries I (PS I), three Assistant Clerical Officers (ACO) and one Workman II are required for providing the necessary secretarial and general support.

Legal Team

Need for a Dedicated Legal Team

11. Due to the global nature of the shipping business, the development of international standards for shipping is largely entrusted to two specialised agencies under the United Nations, namely the International Maritime Organization (IMO) and the International Labour Organization (ILO). The IMO and the ILO have, through a series of international conventions, set standards governing a range of marine-related matters including safety and security of shipping, prevention of marine pollution by ships and seafarers' working conditions. In Hong Kong, six principal ordinances and over 85 subsidiary regulations were enacted to implement international conventions by IMO and ILO that are applicable to Hong Kong. These conventions contain technical specifications and requirements that are under constant review by the international organisations concerned in the light of the latest international developments and needs. When these conventions are amended, Hong Kong is obliged to reflect the latest changes to these conventions in our local legislation if new legislative provisions are required for the purpose of their domestic implementation.

12. Despite their technical nature, when these international requirements are translated into domestic legislation under the current framework, each amendment exercise could entail substantial changes to the existing law in order to accurately reflect the new requirements in a sufficiently specific and detailed manner for ensuring compliance. Since the legislative amendments to be made are not only frequent but also voluminous, and considerable time and efforts are required for the deliberation and preparation of detailed proposals for each set of amendment legislation, we have been adopting a phased approach by prioritising the amendment exercises and staggering their processing in batches. We have been lagging behind in updating a number of local legislation to bring them into line with the latest requirements under the relevant international conventions.

13. Notwithstanding and pending the completion of local legislative amendments, MD has promulgated new international requirements administratively through “Merchant Shipping Information Note”¹ to facilitate compliance with such requirements by (inter alia) Hong Kong registered ocean-going vessels (OGVs) and non-Hong Kong registered ships within Hong Kong waters. So far, there has been little, if any, compliance problem by Hong Kong registered OGVs since these vessels have to meet the same requirements when visiting/berthing at other major ports which are also subject to international conventions.

Encl. 6 14. Despite this, our local legislation should duly reflect the most updated requirements in international conventions that are applicable to Hong Kong. To take forward outstanding legislative exercises for the relevant international conventions as set out in Enclosure 6, there is a need to create a dedicated legal team in DoJ to support THB and MD in related legislative work which involves amendments to over 30 sets of regulations as well as preparation of eight sets of new regulations. It should be noted that as numerous amendments to the treaties are involved, it will be a labour-intensive exercise. Moreover, as many technical provisions in the conventions do not have an official Chinese version, the preparation of the Chinese text of the local statutory provisions will be a daunting task. The team will have to examine the treaties clause by clause together with the amendments made thereto in order to advise on what legislative amendments or new provisions are required to implement the treaties, and draft the legislative provisions.

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¹ Merchant Shipping Information Notes are notices given to the shipping industry to keep them informed of the latest international requirements or revisions to international conventions that have come into effect.

Encl. 7

15. Given the large volume of legislation involved and the compact work schedule against our target of submitting the regulations to the Legislative Council (LegCo) by early 2016, we propose to create a dedicated legal team headed by a supernumerary DPGC (DL2) post in the Law Drafting Division (LDD) of DoJ, so as to provide necessary legal support to THB and MD in taking forward the outstanding marine-related legislative amendment exercises. The team of 12 non-directorate staff required will comprise five Senior Government Counsel (SGC) from relevant disciplines (including law drafting, civil law and international law) and seven supporting staff. Our work target is to submit the subsidiary legislation to LegCo for scrutiny in batches from 2014 to early 2016. The proposed organisation chart of LDD in DoJ after incorporating the legal team is at Enclosure 7. For the same purpose, one Administrative Officer (AO) post will also need to be created in THB to provide support to the legislative exercises. The DPGC post together with the 12 non-directorate posts in DoJ and the AO post in THB will be created for about 28 months from February 2014.

Directorate support

Need for a DPGC (DL2) post in DoJ

16. In view of the large number of legislation and the complexity of the issues involved, as well as the compact legislative schedule, we need an experienced drafter at DPGC (DL2) level who possesses extensive legal knowledge and professional drafting expertise plus strong management skills to lead the team comprising counsel from LDD, the Civil Division (CD) and the International Law Division (ILD) to take forward the exercise. The DPGC, designated as Senior Assistant Law Draftsman (Marine Legislation) would need to work independently, allocate work within the team, communicate with different divisions of DoJ and coordinate their inputs. The DPGC is also required to lead the team to provide legal support to THB and MD in steering the legislation concerned through the legislative process.

17. The DPGC will have to lead 12 non-directorate officers for about 28 months from February 2014, oversee both the advisory and the drafting aspects of the legislative exercise and personally handle the most complicated drafting assignments.

Encl. 8

18. Taking into account the challenges of the exercise, the proposed creation of the DPGC post is considered the only suitable and effective arrangement. Without this DPGC, the exercise will be adversely affected, resulting in further delay. The proposed duty list of the Senior Assistant Law Draftsman (Marine Legislation), is at Enclosure 8. Given the pressing need for additional manpower to

/commence

commence the preparatory work on the legislative amendments without delay to meet the tight timeline, a DPGC has been temporarily redeployed to the Legal Team to kick start the exercise, pending FC's deliberation on the proposed creation of the supernumerary DPGC post.

Non-Directorate support

Department of Justice

19. The DPGC will be underpinned by five SGC and seven supporting staff, comprising one Law Translation Officer, one PS I, two Law Clerks and three ACOs, in the legal team. The five SGC will provide input to the legislative exercises from their respective disciplines of civil advisory, law drafting and international law. The seven supporting staff will provide the necessary law translation, para-legal, editorial, clerical and secretarial support to the counsel.

Transport and Housing Bureau (Transport Branch)

20. In addition to the non-directorate staff in DoJ, it is proposed that an AO post be created in THB to assist the incumbent Principal Assistant Secretary (Transport) responsible for marine legislations in providing policy and administrative input to the preparation of legislative amendments, drafting of submissions and steering the proposals through the legislative process.

ALTERNATIVES CONSIDERED

Task Force on Reform in MD

21. We have critically examined the possibility of absorbing the work of the proposed DD(SD), SPEO(SD) and AD(SD) posts from within the existing directorate staff of MD. At present, there are seven directorate officers at D3 or D2 level, namely, one DD of M (D3) and six ADs of M² (D2) supporting D of M. All of them are fully engaged with their own schedule of duties which cover the full range of work on port administration and navigational matters. Not only has their workload increased over time, in the coming years, they will be heavily engaged in a number of important and strategic reviews, such as making preparatory work for IMO mandatory member states Audit on MD; overseeing the review, consultation and implementation of the new Maritime Labour Convention which will affect Hong Kong registered ocean going ships as well as foreign flag ship visiting Hong Kong; embarking on a comprehensive review of the operation and management of public cargo working areas (PCWAs), focusing on development of options for re-allocating PCWA berths; reviewing the demand and supply of sheltered berthing

/spaces

² One of the ADMs is appointed as Marine Advisor and is stationed in London as representative of MD in Europe in the liaison with IMO and other related bodies.

spaces for meeting service demands; overseeing the commissioning of the vessel traffic system replacement project etc. Besides, since the release of the CoI report in end April 2013, all the existing directorate staff and their team members have been heavily loaded with additional work relating to the implementation of new measures on enhancing marine safety of local passenger carrying vessels. The situation will continue as they are expected to take forward the implementation of all improvement measures on marine safety and organisational reform initiatives. Given that they are fully occupied with their respective duties, it is operationally not possible for them to take up the whole or part of the work of the Task Force without adversely affecting the discharge of their own schedule of duties. Besides, the existing DD and ADs are professional grade officers and they may not possess the relevant expertise and experience to carry out some of the reform tasks which have a higher policy context and are more of an administrative nature. Their

Encl. 9 existing work schedules are set out in Enclosure 9.

Legal Team

22. Other than the creation of the DPGC post, the alternative of staff redeployment has been considered but found not feasible. Given the increasing workload of LDD in recent years, DPGC are fully occupied with their respective professional work, directorate supervision and management functions. It is not possible to absorb the additional work without adversely affecting the drafting process of legislation required for implementing the new policies of the Administration. Details of the major responsibilities and current workload of the

Encl. 10 DPGC in LDD are at Enclosure 10.

FINANCIAL IMPLICATIONS

23. The proposed creation of the four supernumerary directorate posts will bring about an additional notional annual salary cost at mid-point (NAMS) of \$7,237,200, as follows –

Rank	NAMS(\$)	No. of post
Supernumerary directorate posts		
(a) Head 100: MD		
AOSGB (D3)	2,019,000	+1
SPEO (D2)	1,739,400	+1
AD of M (D2)	1,739,400	+1
(b) Head 92: DoJ		
DPGC (DL2)	1,739,400	+1
Total	7,237,200	+4

The additional full annual average staff cost, including salaries and staff on-cost, is \$10,302,000.

24. It is proposed that the Task Force on Reform in MD will be supported by a total of 20 non-directorate staff and the legal team in THB/DoJ will be supported by a total of 13 non-directorate staff, all on a time-limited basis. The total additional notional annual salary cost at mid-point of these non-directorate posts is \$21,323,820 and the full annual average staff cost, including salaries and staff on-cost is \$31,921,000. We propose to increase the respective ceilings placed on the NAMS value of all non-directorate posts in the permanent establishment of Head 100 (MD) from \$461,070,000 by \$12,480,540 to \$473,550,540, Head 92 (DoJ) from \$582,052,000 by \$8,089,560 to \$590,141,560, and Head 158 (THB(TB)) from \$77,568,000 by \$753,720 to \$78,321,720 in 2013-14. Subject to the Finance Committee's approval of the above, we will make available sufficient provision in the 2013-14 Estimates to meet the cost of the proposal and will reflect the resources required in the Estimates of subsequent years.

PUBLIC CONSULTATION

25. We consulted the LegCo Panel on Economic Development on 25 November 2013 on the proposed creation of the four supernumerary directorate posts and the relevant staffing supporting in THB, MD and DoJ. Members in general supported the staffing proposal.

BACKGROUND

26. The collision of two vessels near Lamma Island on 1 October 2012 resulted in the death of 39 passengers and injuries to 92 passengers. CE appointed the CoI on 22 October 2012. The CoI submitted to CE a report on its findings and recommendations on 19 April 2013. The report has identified inadequacies in the existing regulatory regime governing maritime safety matters, and deficiencies in MD's law enforcement, work procedures and record documentation. Improvements are called for in MD's internal management and discharge of regulatory duties.

27. To take forward the CoI's views and recommendations on MD, the Secretary for Transport and Housing set up and chaired a Steering Committee in May 2013. The Steering Committee is tasked to advise and direct D of M to –

- (a) undertake a comprehensive review of the legislative and administrative measures governing local passenger vessels safety matters, in the light of the recommendations in the CoI Report, drawing up detailed improvement proposals and seeing to their implementation;

/(b)

- (b) review and re-engineer the business processes, operational procedures and supervisory structure in the MD's management to strengthen internal governance; and
- (c) map out a strategy to address the long-standing vacancy situation of the professional grades in the department due to a sustained shortfall of marine professionals in Hong Kong and develop a manpower training programme to enhance the professional standards of serving officers to meet up-to-date requirements.

ESTABLISHMENT CHANGES

28. The establishment changes in MD, DoJ and THB(TB) for the past two years are as follows –

Establishment (Note)	Number of posts			
	Existing (As at 1 December 2013)	As at 1 April 2013	As at 1 April 2012	As at 1 April 2011
<i>MD</i>				
A	22 [^]	22	22	22
B	170	170	169	169
C	1 173	1 175	1 181	1 181
Total	1 365	1 367	1 372	1 372
<i>DoJ</i>				
A	87 + (3) [#]	87 + (3)	87	87
B	355	355	339	335
C	785	776	757	748
Total	1 227 + (3)	1 218 + (3)	1 183	1 170
<i>THB(TB)</i>				
A	20 + (3) [#]	20 + (3)	20	20
B	49	48	44	44
C	108	107	100	92
Total	177 + (3)	175 + (3)	164	156

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 December 2013, there was one unfilled directorate post in MD. The post will be filled upon conclusion of promotion exercise.

[#] - as at 1 December 2013, there was no unfilled directorate post in DoJ and THB(TB).

CIVIL SERVICE BUREAU COMMENTS

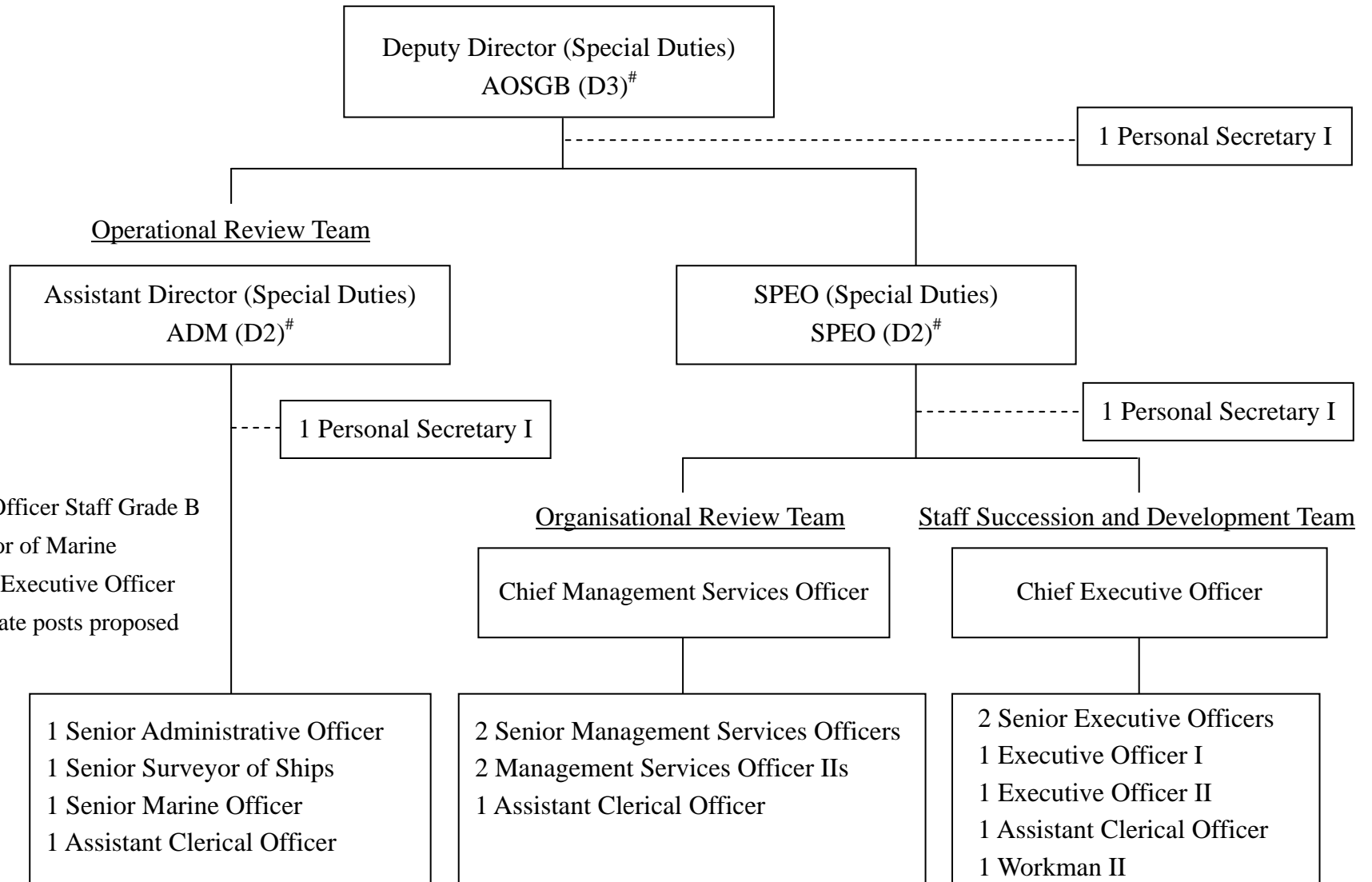
29. The Civil Service Bureau supports the proposed creation of the four supernumerary directorate posts to facilitate the taking forward of systemic reform of MD and the marine-related legislative amendments. The grading and ranking of the proposed posts are considered appropriate having regard to the level and scope of responsibilities and the professional input required.

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

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

Transport and Housing Bureau
December 2013

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



Legend :

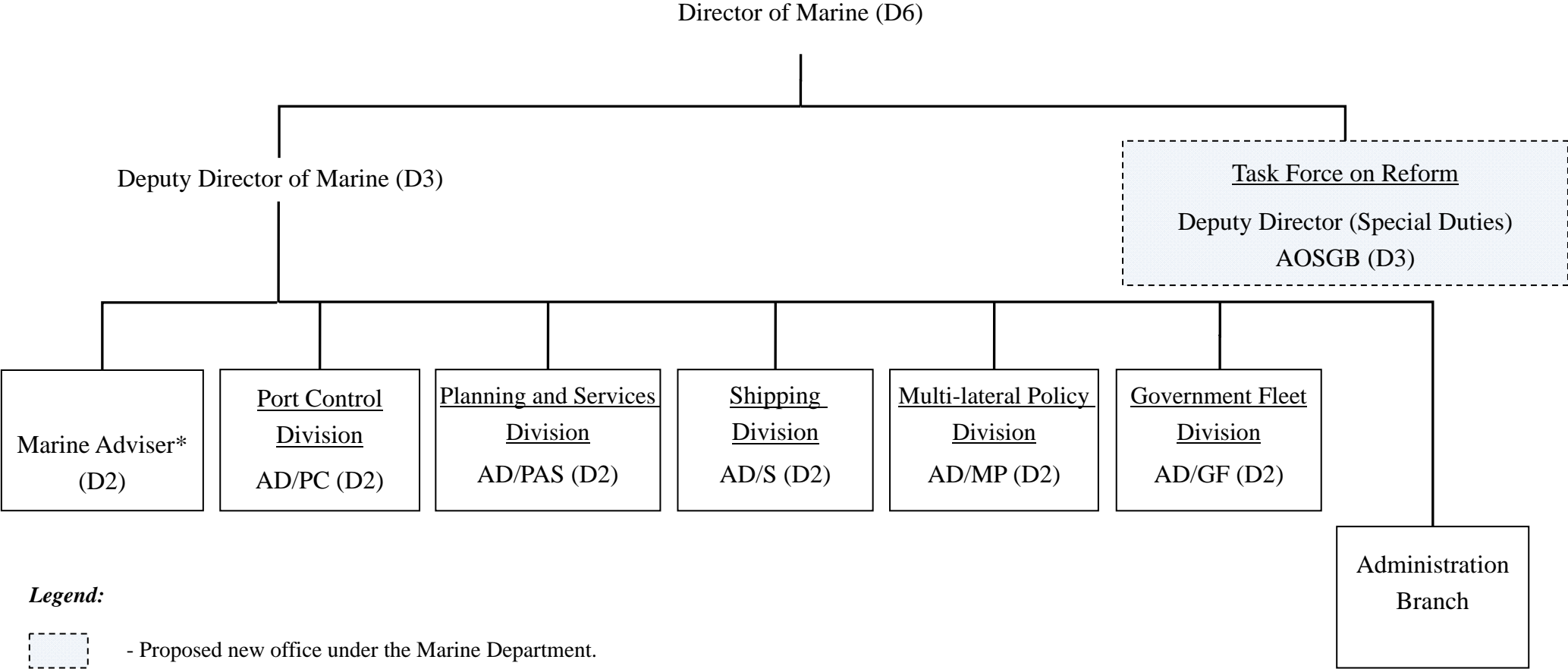
AOSGB Administrative Officer Staff Grade B

ADM Assistant Director of Marine


SPEO Senior Principal Executive Officer

Supernumerary directorate posts proposed for creation

Proposed Organisation Chart of Marine Department



Legend:

 - Proposed new office under the Marine Department.

AD - Assistant Director of Marine (D2)

* Marine Adviser is filled by an Assistant Director of Marine (D2) and is stationed in London.

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

Rank : Administrative Officer Staff Grade B (D3)

Responsible to : Director of Marine (D6)

Main Duties and Responsibilities –

1. To oversee all aspects of the work of the task force including the undertaking of a comprehensive review of the legislative and administrative measures governing passenger safety matters in the light of the recommendations in the Commission of Inquiry's report released on 30 April 2013, drawing up detailed improvement proposals and monitoring their implementation.
2. To review and re-engineer business processes, operational procedures and supervisory structure in MD's management to strengthen internal governance and enable effective use of resources, adequate monitoring and proper documentation in the department's day-to-day operation.
3. To map out a strategy to address the long standing vacancy situation of the professional grades in the Department due to a sustained shortfall of marine professionals in Hong Kong.
4. To develop a manpower training programme to enhance the professional standards of serving officers to meet up-to-date requirements.
5. To steer the formulation of institutional and regulatory reform proposals.
6. To engage and consult stakeholders and staff unions on related proposals and in the issues related to the review of the legislative and administrative measures governing passenger safety matters.
7. To assist Director of Marine (D of M) to report and seek steer from the Steering Committee on the Systemic Reform of the MD.
8. 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.
9. To undertake any other duties as assigned by D of M.

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

Rank : Senior Principal Executive Officer (D2)

Responsible to : Deputy Director (Special Duties)

Main Duties and Responsibilities –

1. To assist Deputy Director (Special Duties) [DD(SD)] in initiating an organisational review, in particular the revamp of the work processes, reporting and accountability systems, study of the manpower requirements across different fronts of MD for drawing up a staff recruitment and development strategy.
2. To assist DD(SD) in mapping out a strategy to address the long standing vacancy situation of the professional grades in the Department due to a sustained shortfall of marine professionals in Hong Kong.
3. To assist DD(SD) in developing a manpower training programme to enhance the professional standards of serving officers to meet up-to-date requirements.
4. To assist DD(SD) in reviewing and re-engineering business processes, operational procedures and supervisory structure in MD's management to strengthen internal governance and enable effective use of resources, adequate monitoring and proper documentation in the department's day-to-day operation.
5. To support DD(SD) in engaging and consulting stakeholders and staff unions on related proposals and in the issues related to the organisational review organisation, recruitment problem and training.
6. To supervise the staff of the Executive Officer and Management Services Officer grades under his/her purview.
7. To undertake any other duties as assigned by DD(SD).

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

Rank : Assistant Director of Marine (D2)

Responsible to : Deputy Director (Special Duties)

Main Duties and Responsibilities -

1. To assist Deputy Director (Special Duties) [DD(SD)] in reviewing legislations, operational manuals and standards pursuant to the Commission of Inquiry's recommendations.
2. To assist DD(SD) in drawing up and implementing proposals to improve MD's regulatory regime.
3. To assist DD(SD) in reviewing and re-engineering business processes, operational procedures and supervisory structure in MD's management to strengthen internal governance and enable effective use of resources, adequate monitoring and proper documentation in the department's day-to-day operation.
4. To support DD(SD) in engaging and consulting stakeholders and staff unions on related proposals and in the issues related to the review of the legislative and administrative measures governing passenger safety matters.
5. To provide professional inputs on matters related to port and maritime sectors.
6. To supervise a team composing staff of the Administrative Officer, the Surveyor of Ships and the Marine Officer grades.
7. To undertake any other duties as assigned by DD(SD).

Lists of Relevant International Conventions and Legislative Exercises

International Convention	Implementing Local Legislation	Proposed Amendments to Subsidiary Legislation
<p>1. International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended</p>	<ul style="list-style-type: none"> • Merchant Shipping (Safety) Ordinance (Cap.369) <ul style="list-style-type: none"> - to consolidate and amend the law relating to the safety of merchant shipping and for purposes connected therewith • 37 sets of subsidiary legislation 	<p><u>To enact:</u></p> <ul style="list-style-type: none"> - Five pieces of new subsidiary legislation <p><u>To amend:</u></p> <ul style="list-style-type: none"> - Merchant Shipping (Safety) (Carriage of Cargoes) Regulation (Cap.369AV) - Merchant Shipping (Safety) (High Speed Craft) Regulation (Cap.369AW) - Merchant Shipping (Safety) (Life-saving Appliances) Regulation (Cap.369AY) <p><u>To repeal:</u></p> <ul style="list-style-type: none"> - Merchant Shipping (Instructions to Surveyors)(Passenger Ships) Regulations (Cap.369C) - Merchant Shipping (Minimum Passenger Space) Regulations (Cap.369E) - Examination of Hull, Ship-side Fittings and Boilers (Exemption) (Consolidation) Notice (Cap.369I) - Corridor Bulkheads Serving Accommodation Spaces and Control Stations (Cap.369J)

International Convention	Implementing Local Legislation	Proposed Amendments to Subsidiary Legislation
		<ul style="list-style-type: none"> - Merchant Shipping (Safety) (Automatic Pilot and Testing of Steering Gear) Regulations (Cap.369L) - Merchant Shipping (Safety) (Carriage of Nautical Publications) Regulations (Cap.369M) - Merchant Shipping (Safety) Ordinance (Exemption) Notice Cap.369P) - Merchant Shipping (Safety) (Anchors and Chain Cables) Regulations (Cap.369Q) - Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) Regulations (Cap.369R) - Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap.369S) - Merchant Shipping (Safety) (Closing of Openings in Hulls and in Watertight Bulkheads) Regulations (Cap.369U) - Merchant Shipping (Safety) (Fire Protection) (Ships Built Before 25 May 1980) Regulations (Cap.369W) - Merchant Shipping (Safety) (Fire Appliances) (Ships Built On or After 25 May 1980 but Before 1 September 1984) Regulations (Cap.369X) - Merchant Shipping (Safety) (Fire Protection) (Ships Built On or After 1 September 1984) Regulations

International Convention	Implementing Local Legislation	Proposed Amendments to Subsidiary Legislation
		<p>(Cap.369Y)</p> <ul style="list-style-type: none"> - Merchant Shipping (Safety) (Gas Carriers) Regulations (Cap.369Z) - Merchant Shipping (Safety) (Grain) Regulations (Cap.369AA) - Merchant Shipping (Safety) (Means of Access) Regulations (Cap.369AH) - Merchant Shipping (Safety) (Navigational Equipment) Regulations (Cap.369AJ) - Merchant Shipping (Safety) (Navigational Warnings) Regulations (Cap.369AK) - Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations (Cap.369AL) - Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap.369AM) - Merchant Shipping (Safety) (Protective Clothing and Equipment) Regulations (Cap.369AO) - Merchant Shipping (Safety) (Radio Installations) Regulations (Cap.369AP) - Merchant Shipping (Safety) (GMDSS Radio Installations) Regulation (Cap.369AR) - Merchant Shipping (Safety) (Subdivision and Damage

International Convention	Implementing Local Legislation	Proposed Amendments to Subsidiary Legislation
		Stability of Cargo Ships) Regulation (Cap.369AT) - Merchant Shipping (Safety) (Arrangements for Embarkation and Disembarkation of Pilots) Regulation (Cap.369AU)
2. Convention on the International Regulations for Preventing Collisions at Sea (COLREG), 1972	<ul style="list-style-type: none"> • Merchant Shipping (Safety) Ordinance (Cap.369) <ul style="list-style-type: none"> - to consolidate and amend the law relating to the safety of merchant shipping and for purposes connected therewith • 1 set of subsidiary legislation 	<u>To amend:</u> - Merchant Shipping (Safety)(Signals of Distress and Prevention of Collisions) Regulations (Cap. 369N)
3. International Convention on Load Lines (LL), 1966	<ul style="list-style-type: none"> • Merchant Shipping (Safety) Ordinance (Cap.369) <ul style="list-style-type: none"> - to consolidate and amend the law relating to the safety of merchant shipping and for purposes connected therewith • 4 sets of subsidiary legislation 	<u>To enact:</u> - One piece of new subsidiary legislation <u>To repeal:</u> - Merchant Shipping (Safety) (Load Line) Regulations (Cap. 369AD) - Merchant Shipping (Safety) (Load Lines)(Deck Cargo) Regulations (Cap. 369AE) - Merchant Shipping (Safety) (Load Lines)(Length of Ship) Regulations (Cap. 369AF) - Merchant Shipping (Safety) (Load Lines)(Particulars of

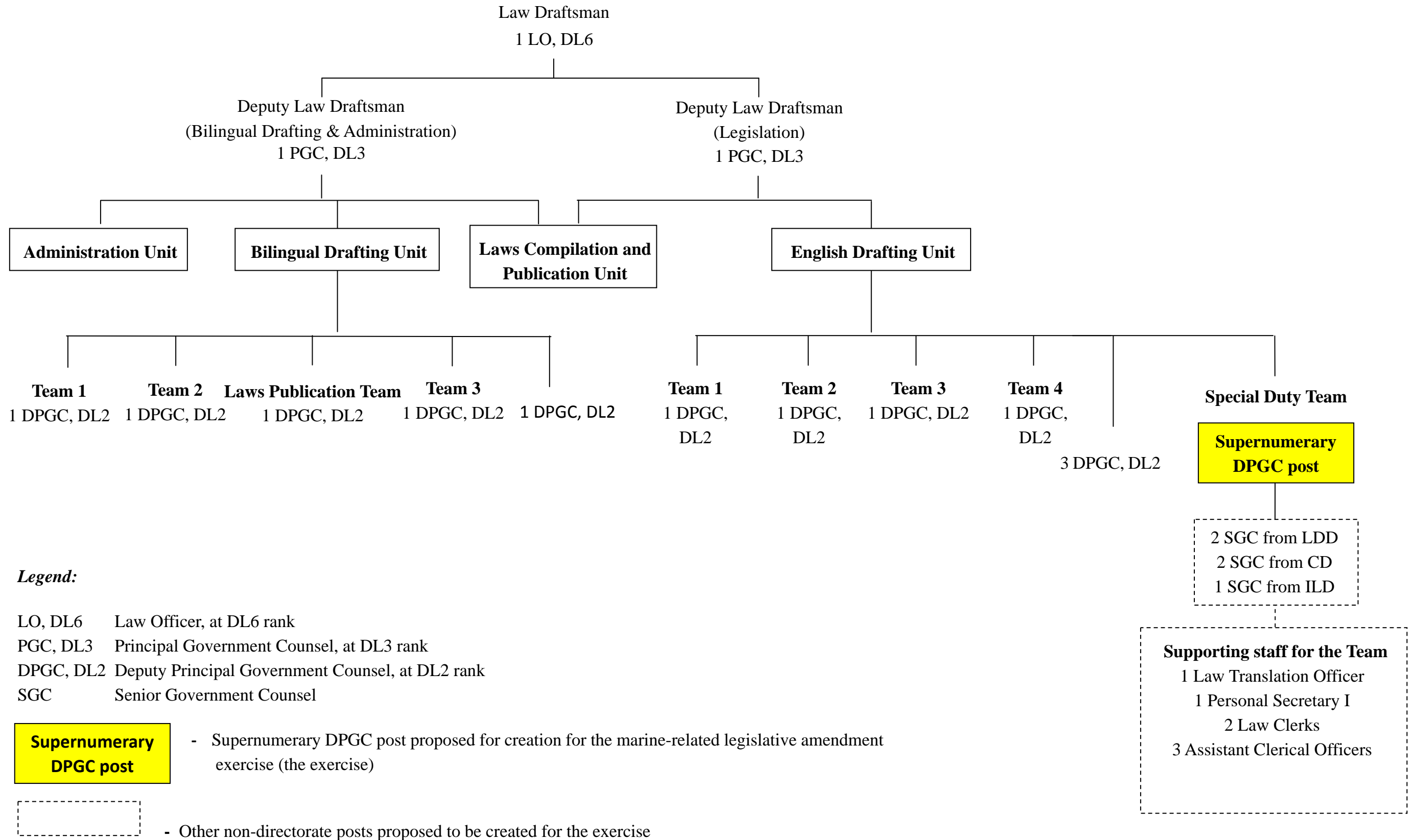
International Convention	Implementing Local Legislation	Proposed Amendments to Subsidiary Legislation
<p>4. International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and 1997 relating thereto (MARPOL)</p>	<ul style="list-style-type: none"> • Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413) <ul style="list-style-type: none"> - to provide for the prevention and control of pollution from ships and for incidental or related matters • 9 sets of subsidiary legislation 	<p>Depth of Loading) Regulations (Cap. 369AG)</p> <p><u>To amend:</u></p> <ul style="list-style-type: none"> - Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A) - Merchant Shipping (Control of Pollution By Noxious Liquid Substances In Bulk) Regulations (Cap. 413B) - Merchant Shipping (Safety) (Dangerous Goods And Marine Pollutants) Regulation (Cap. 413H) - Merchant Shipping (Prevention of Pollution By Sewage) Regulation (Cap.413K) - Merchant Shipping (Prevention of Pollution By Garbage) Regulation (Cap. 413J) - Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413M) - Merchant Shipping (IBC Code) Regulations (Cap. 413E) - Merchant Shipping (BCH Code) Regulations (Cap. 413D)
<p>5. International Convention on Standards of Training, Certification and Watchkeeping for</p>	<ul style="list-style-type: none"> • Merchant Shipping (Seafarers) Ordinance (Cap. 478) <ul style="list-style-type: none"> - to consolidate and amend the law relating to seafarers; to introduce new provisions relating to seafarers and to 	<p><u>To amend:</u></p> <ul style="list-style-type: none"> - Merchant Shipping (Seafarers)(Certification of Officers) Regulation (Cap. 478J) - Merchant Shipping (Seafarers)(Tankers-Officers and Ratings) Regulation (Cap. 478K)

International Convention	Implementing Local Legislation	Proposed Amendments to Subsidiary Legislation
<p>Seafarers (STCW) as amended</p>	<p>certain persons carried on but not employed in ships; and to provide for matters incidental thereto or connected therewith</p> <ul style="list-style-type: none"> • 12 sets of subsidiary legislation 	<ul style="list-style-type: none"> - 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) - Merchant Shipping (Seafarers)(Certificates of Competency as A.B.) Rules (Cap. 478Y) - 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) <p><u>To repeal:</u></p> <ul style="list-style-type: none"> - Merchant Shipping (Seafarers) (Certificates of Proficiency in Survival Craft, Rescue Boats and Fast Rescue Boats) Rules (Cap. 478Z)

International Convention	Implementing Local Legislation	Proposed Amendments to Subsidiary Legislation
<p>6. Maritime Labour Convention, 2006</p>	<ul style="list-style-type: none"> • Merchant Shipping (Seafarers) Ordinance (Cap. 478) <ul style="list-style-type: none"> - to consolidate and amend the law relating to seafarers; to introduce new provisions relating to seafarers and to certain persons carried on but not employed in ships; and to provide for matters incidental thereto or connected therewith • 12 sets of subsidiary legislation 	<p><u>To enact:</u></p> <ul style="list-style-type: none"> - one piece of new subsidiary legislation <p><u>To amend:</u></p> <ul style="list-style-type: none"> - 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) - Merchant Shipping (Seafarers) (Crew Accommodation) Regulation (Cap. 478I) - Merchant Shipping (Seafarers) (Crew Agreements, Lists of Crew and Discharge of Seafarers) Regulation (Cap. 478L) - Merchant Shipping (Seafarers) (Medical Examination) Regulation (Cap. 478O) - 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)

International Convention	Implementing Local Legislation	Proposed Amendments to Subsidiary Legislation
		<p>Regulation (Cap. 478X)</p> <ul style="list-style-type: none"> - Merchant Shipping (Seafarers) (Fees) Regulation (Cap. 478AB) <p><u>To repeal:</u></p> <ul style="list-style-type: none"> - Merchant Shipping (Seafarers) (Provisions and Water) Regulation (Cap. 478E) - Merchant Shipping (Seafarers) (Ships' Doctors) Regulation (Cap. 478H)
<p>7. International Convention on the Control of Harmful Anti-fouling Systems on Ships 2001</p>	<p>N/A</p>	<p><u>To enact:</u></p> <ul style="list-style-type: none"> - one piece of new subsidiary legislation under the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413)

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



**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 coordinate 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 coordinate 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 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 the Department; and
 - (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 the Marine Department and suggesting recommendations and follow up actions on important maritime issues;
 - (iii) giving advice to the Marine Department 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 the Marine Department 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
 - (vi) in addition to the above-stated duties, AD/PC has to oversee the vessel traffic system replacement project to be completed in 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 has already been launched in September 2013 for completion in end 2014. The PCWA Review will start in January 2014 for completion in 2015, 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;
 - (ii) monitoring the safety assessments of foreign-going ships, river trade vessels and local 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;
 - (vi) monitoring the safety inspections of licensed vessels and issue of safety certificates; and
 - (vii) as the new Maritime Labour Convention is going to be enforced globally so workload arising thereat will not only involve Hong Kong registered ocean going ships but foreign flag ships visiting Hong Kong. AD/S will oversee the Divisional review; consultation, implement, revise of legislation and code of practice for those enhancement measures for local vessels in the coming years.

- (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 the International Maritime Organization (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 make 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 MAIIF (Marine Accident Investigator's International Forum) and MAIFA (Marine Accident Investigator's Forum Asia) for the improvements on investigation skills/information exchange and cooperation among maritime administrations;
 - (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 design, 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 3 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, the department needs to develop its own internal training system to train up sufficient SIs with Hull & Deck knowledge 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 18 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 seven in the English Drafting Unit (EDU) and five in the Bilingual Drafting Unit (BDU). The 12 DPGC in EDU and BDU 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 Administration 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 BDU, two of the DPGC in the unit are also responsible for crucial functions for the Division, on top of the abovementioned duties : (i) Senior Assistant Law Draftsman (Laws Publication) oversees the establishment of Verified Legislation Information System (VLIS) 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 workload

- The drafting workload of the LDD has been substantially and steadily increasing over the years, with the number 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 number urgent legislative work has also been on the rise. It is envisaged that this trend will

continue. However, the number of posts in LDD at the DPGC level has not changed since March 1998. As a result, 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 likely number of legislation required for the marine-related legislative exercise in question (over 30 sets of amendment regulations, plus eight sets of new regulations), it is simply not practicable for the existing DPGC in LDD to further absorb the duties of the proposed supernumerary DPGC post, on top of the existing workload of over 20 bills and about 190 pieces of subsidiary legislation gazetted on an annual basis on average.
