

For Discussion
on 25 November 2013

Legislative Council Panel on Economic Development

**Staffing Proposal on Taking Forward
Marine-related Legislative Amendments and
Systemic Reform of Marine Department to Enhance Maritime Safety**

PURPOSE

This paper seeks Members' views on the Government's proposal to create the following four supernumerary directorate posts from February 2014 to 31 May 2016 –

- (a) 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 the Marine Department (MD) to lead the Task Force on Reform in MD with a view to enhancing maritime safety and strengthening the internal governance of the department; and
- (b) one Deputy Principal Government Counsel (DPGC) (DL2) post in the Law Drafting Division (LDD) of the Department of Justice (DoJ) to head a legal team for giving support to the Transport and Housing Bureau (THB) and MD in taking forward marine-related legislative amendments.

BACKGROUND

Task Force on Reform in MD

2. The collision of two vessels near Lamma Island on 1 October 2012 resulted in the death of 39 passengers and injuries to 92 passengers. The Chief Executive (CE) appointed the Commission of Inquiry (CoI) on 22 October 2012 to ascertain the causes of the incident; consider and evaluate the adequacy or otherwise of the present system of control on maritime safety concerning passenger vessels; and make recommendations on measures to prevent recurrence of similar incidents in future. The CoI submitted to CE a report on its findings and recommendations on 19 April 2013. The redacted version of the report was

published on 30 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.

3. To take forward the CoI's views and recommendations on the Marine Department, the Secretary for Transport and Housing (STH) set up and chaired a Steering Committee on Systemic Reform of the Marine Department (Steering Committee) in May 2013. The Committee has two lay members, namely Ms Alice Tai and Mr Irving Koo. The appointments of the two members are for a term of two years.

4. The Steering Committee is tasked to advise and direct the Director of Marine (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 Report of the Commission of Inquiry into the Collision of Vessels near Lamma Island on 1 October 2012, drawing up detailed improvement proposals and seeing to their implementation;
- (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 to develop a manpower training programme to enhance the professional standards of serving officers to meet up-to-date requirements.

5. It is 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 D of M to take forward the recommendations of the Steering Committee. In the light of 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 this task will be handed over to the Task Force after the creation of the proposed posts.

Legal Team

6. 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 (UN), 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. Hong Kong is obliged to reflect the latest changes to these conventions in our local legislations as and when these conventions are amended.

7. 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 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. However, the phased approach within the confines of existing resources could not catch up with the pace of amendments. As a result, we have been lagging behind in updating a number of local legislation in line with the latest requirements under the relevant international conventions.

8. Notwithstanding and pending the completion of local legislative amendments, MD has promulgated new international requirements on an administrative basis 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.

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.

9. Our local legislations 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 1**, we propose 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 8 sets of new regulations. Given the large number of legislation involved and the compact work schedule with our target to submit the draft regulations to the Legislative Council (LegCo) by early 2016, a legal team headed by a supernumerary Deputy Principal Government Counsel (DPGC) (DL2) post is proposed to be created in the Law Drafting Division (LDD) of DoJ. Our work target is to submit the proposed subsidiary regulations to LegCo for scrutiny in batches from 2014 to early 2016.

PROPOSALS

Supernumerary directorate posts

10. Taking into account the proposals in paragraphs 5 and 9 above, we propose to consult the Establishment Subcommittee (ESC) and seek approval from the Finance Committee (FC) of the LegCo for the creation of three supernumerary directorate posts in MD and one supernumerary directorate post in DoJ, all for about 28 months from February 2014 to 31 May 2016.

11. For the purpose of the Task Force on Reform in MD, this shall comprise the creation of one AOSGB (D3) post designated as Deputy Director (Special Duties) (DD(SD)), one SPEO (D2) post designated as SPEO(SD) and one AD of M (D2) post designated as Assistant Director (Special Duties) (AD(SD)). The three directorate officers will be supported by a team of 20 non-directorate staff to provide professional and administrative support. The team will comprise staff from the Administrative Officer (AO), Marine Officer (MO), Surveyor of Ships (SoS), Executive Officer (EO), Management Services Officer (MSO), secretarial and clerical grades. The three directorate posts together with the 20 non-directorate posts will be created for about 28 months from February 2014. The proposed organisation chart is at **Enclosure 2** and the organisation chart of MD incorporating the proposed Task Force is at **Enclosure 3**.

12. For the purpose of the legal team in DoJ, it involves the creation of one DPGC (DL2) post designated as Senior Assistant Law Draftsman (Marine Legislation). The DPGC will be supported by 12 non-directorate staff in the legal team which includes five Senior Government Counsel (SGC) and seven supporting staff from other grades. The directorate post together with the 12 non-directorate posts will be created for about 28 months from February 2014. The proposed

organisation chart of LDD in DoJ after incorporating the legal team is at **Enclosure 4**.

JUSTIFICATIONS

Task Force on Reform in MD

13. To assist D of M to intensively 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 to set up a dedicated Task Force on Reform in MD. The Task Force will be headed by an AOSGB (D3) designated as DD(SD) and underpinned by an SPEO (D2) designated as SPEO(SD) and an AD of M (D2) designated as AD(SD). 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 of the Department, business process re-engineering to human resources planning. Against this background, we consider that the proposed directorate structure of the Task Force appropriate in terms of expertise, skills and experience for the purpose of driving and delivering the tasks in a prudent and timely manner.

14. The Task Force will undertake research, engage stakeholders as well as provide dedicated secretariat support on agenda setting, co-ordination 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, we propose that the Task Force should continue to operate up to May 2016.

Directorate support

Need for an AOSGB (D3) post

15. The creation of an AOSGB (D3) post (DD(SD)) as head of the Task Force reporting directly to D of M is considered necessary because the post-holder has to support D of M in delivering the tasks mentioned in paragraphs 13 and 14 above. 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-engineer business processes, steering the formulation of institutional and regulatory reform proposals, and mapping out manpower and

training strategy for the professional grades in MD. The head of the Task Force also 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 to draw up recommendations for consideration by the Steering Committee.

16. Taking into account the level of responsibility and the nature of the tasks involved, we consider the head of the Task Force should be ranked at D3 level and possess strong background and capability in government administration. The proposed ranking of AOSGB (D3) is the most appropriate. The major responsibilities of the proposed DD(SD) post is at **Enclosure 5**.

Need for an SPEO (D2) post

17. 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 headed by a Chief MSO and a Chief EO respectively 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. In the process, 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 the consultation with stakeholders and staff unions on related issues. EO Grade officers are well versed with government procedures, regulations, manpower resource planning, etc. and they possess the necessary human resource management skills and experience in organization and human resource management, and we consider an SPEO (D2) appropriate to reflect the level of responsibilities required. The proposed job description of the SPEO(SD) post is at **Enclosure 6**.

18. The Steering Committee has begun its work since May 2013. At the initial stage, the priority task is mainly on matters relating to the safety of vessels and passengers with a view to drawing up concrete proposals on the related improvement measures without delay. To enable MD to provide timely support to the high-level Steering Committee which was set up in May 2013, we have created under delegated authority one supernumerary AOSGB (D3) post and one supernumerary SPEO (D2) post in MD for six months from May to November 2013 for the purpose. These two posts have lapsed on 16 November 2013 and 27 November 2013 respectively. In order to ensure continuation of the wide range of planning and preparatory work for the systemic review, exceptional approval for redeployment of posts up to three months have been obtained from the respective Heads of Grades.

Need for an AD of M (D2) post

19. The main duties of the AD(SD) post is to assist DD(SD) in reviewing legislations, operational manuals and standards pursuant to the CoI's recommendations, drawing up and implementing improvement proposals. He 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 post holder should have strong background of professional knowledge and experience on the operational fronts and be able to achieve effective 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 systematic 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 7**.

Non-directorate support

20. The Task Force on Reform in MD will be supported by a total of 20 non-directorate posts. They include one Senior AO, one Senior MO and one Senior SoS to assist in the reviews on operational issues; one Chief MSO leading two Senior MSOs and two MSO IIs to assist in the organisational and work process reviews; and one Chief EO leading a team of two Senior EOs and two EOI/IIs to assist in the manpower and training reviews. The remaining posts include three Personal Secretaries I, three Assistant Clerical Officers (ACO) and one Workman II for providing the necessary secretarial and general support.

Legal Team

21. In order to provide necessary legal support to THB and MD in taking forward the outstanding marine-related legislative amendment exercises in **Enclosure 1**, it is necessary to set up a dedicated legal team under DoJ. The team will comprise counsel from relevant disciplines (including law drafting, civil law and international law) to work on the outstanding legislative exercises with the target of introducing all legislative amendments into LegCo by early 2016.

Directorate support

Need for a DPGC (DL2) post in DoJ

22. 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 expertise plus strong management skills to lead the team comprising members from the relevant legal divisions, and take forward the exercise within DoJ. The DPGC would need to work independently, allocate work within the team, communicate with counsel from 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.

23. It should be noted that as numerous amendments to the treaties are involved, it will be a labour-intensive exercise to prepare the relevant legislation. 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 to draft the legislative provisions.

24. Under the leadership of the DPGC, two SGC drafters from LDD, plus two advisory SGC² from the Civil Division (CD) and one SGC² from the International Law Division (ILD) will work closely together on the vetting of drafting proposals in parallel with the drafting of the legislation so as to save time. The DPGC would need to oversee both the advisory and the drafting aspects of the legislative exercise. Under the guidance of the DPGC as the leader, the SGC of LDD in the legal team will also assist in identifying legal issues for CD and ILD members of the team to consider, contribute to the refinement of the drafting proposals and (where practicable) carry out drafting while drafting proposals are vetted in stages.

25. Taking into account the challenges of the exercise, the proposed creation of the DPGC post is considered the only suitable and effective arrangement to meet the needs of the exercise. Without this DPGC, the exercise will be adversely affected, resulting in further delay. The proposed duty list of the DPGC post,

² Two SGC posts and one SGC post will be created in CD and ILD respectively. Holders of these posts will be members of the Special Duty Team to be headed by the additional DPGC in LDD.

designated as Senior Assistant Law Draftsman (Marine Legislation), is at **Enclosure 8**. Given the pressing need for additional manpower to commence the preparatory work on the legislative amendment without delay to meet the tight timeline, with the approval of the Civil Service Bureau, a six-month supernumerary DPGC post has been created from 2 July 2013 under delegated authority.

Non-Directorate support

Transport and Housing Bureau

26. In THB, an AO post will be created 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.

Department of Justice

27. The DPGC will be underpinned by five SGC as mentioned in paragraph 24 above and seven supporting staff, comprising one Law Translation Officer, one Personal Secretary 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. Two SGC from LDD will be responsible for commenting on the drafting proposals of THB / MD, drafting the legislation, providing advices on matters relating to the legislative procedure, assisting in the preparation of various papers required in the legislative process, etc. Two SGC from CD will vet and advise on the drafting proposals of THB / MD and provide comments on the draft legislation, research and provide legal advice on legal issues arising from the preparation of the legislation, identify issues in relation to or arising from the proposed/draft legislation which require advice or input from other Divisions (such as the Prosecutions Division and Legal Policy Division) and other units in CD and seek advice or input from the relevant Division or unit, etc. One SGC from ILD will provide advice on the interpretation, application and implementation of the relevant maritime treaties and related matters, provide comments from the treaty law angle on the drafting proposals as well as draft bills and regulations, conduct researches, provide legal advice on related international law issues, etc.

28. The other seven supporting staff mentioned in paragraph 27 above will provide the necessary law translation, para-legal, editorial, clerical and secretarial support to the legal team.

Alternatives considered

Task Force on Reform in MD

29. We have critically examined the possibility of absorbing the work of the proposed DD(SD), AD(SD) and SPEO(SD) posts by the existing directorate staff within MD. At present, apart from one Principal EO (D1) who is fully engaged in departmental administration, there are seven directorate officers, comprising one DD of M (D3) and six AD of Ms3 (D2), supporting D of M. They 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, the incumbent officers will be heavily engaged in a number of important and strategic reviews, such as making preparatory work for the International Maritime Organization (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 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 directorate officers 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 as outlined in paragraphs 15-17 above. The work schedule of the existing DD of M and AD of Ms are set out in **Enclosure 9**.

³ One of the ADMs is appointed as Marine Advisor and is stationed in London as representative of MD in Europe in the liaison with the International Maritime Organization and other related bodies.

Legal Team

30. 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, the staffing situation in the Division (in particular at DPGC level) has been very stringent and stretched. Other DPGC are fully occupied with their respective professional work, directorate supervision and management functions. It is not possible to further stretch the manpower at DPGC level 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 DPGC in the two units of LDD are at **Enclosure 10**.

FINANCIAL IMPLICATIONS

31. The proposed creation of the four supernumerary directorate posts will require an additional notional annual salary cost at mid-point (NAMS) of not exceeding \$7,057,200, as follows –

<u>Rank</u>	<u>NAMS(\$)</u>	<u>No. of post</u>
Creation of supernumerary directorate posts		
(a) Head 92: DoJ		
DL2 Deputy Principal Government Counsel	1,696,200	+1
(b) Head 100: MD		
D3 Administrative Officer Staff Grade B	1,968,600	+1
D2 Assistant Director of Marine	1,696,200	+1
D2 Senior Principal Executive Officer	1,696,200	+1
	<u>7,057,200</u>	<u>+4</u>

The additional full annual average staff cost, including salaries and on cost, is estimated to be around \$10,302,000.

32. The legal team in THB/DoJ will be supported by a total of 13 non-directorate staff and the Task Force on Reform in MD will be supported by a total of 20 non-directorate staff. The total additional notional annual salary cost at mid-point will be within \$21,323,820 and the full annual average staff cost, including salaries and on-cost, will be around \$31,921,000.

WAY FORWARD

33. Subject to Members' comments, we plan to seek the necessary advice from the ESC and approval from the FC on 8 January 2014 and 7 February 2014 respectively for the creation of three supernumerary directorate posts in MD and one supernumerary directorate post in DoJ.

Transport and Housing Bureau (Transport Branch)
Department of Justice
Marine Department
November 2013

Lists of Relevant International Conventions and Legislative Exercises

(A) List of Relevant International Conventions

International Convention	Purpose	Date of Entry into Force	Ratification by China (Y/N)
1. International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended	The main objective of the SOLAS Convention is to specify minimum standards for the construction, equipment and operation of ships, compatible with their safety. Flag States are responsible for ensuring that ships under their flag comply with its requirements, and a number of certificates are prescribed for proof of compliance with the Convention.	25 May 1980	Y
2. Convention on the International Regulations for Preventing Collisions at Sea (COLREG), 1972	The Convention sets out, among other things, the “rules of the road” or navigation rules to be followed by ships and other vessels at sea to prevent collisions between two or more vessels.	15 July 1977	Y
3. International Convention on Load Lines (LL), 1966	The Convention provisions are made for determining the freeboard of ships, besides external weathertight and watertight integrity, by subdivision and damage stability calculations.	21 July 1968	Y

International Convention	Purpose	Date of Entry into Force	Ratification by China (Y/N)
4. International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and 1997 relating thereto (MARPOL)	The International Convention for the Prevention of Pollution from Ships (MARPOL) is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes.	2 October 1983	Y
5. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) as amended	The 1978 STCW Convention was the first to establish basic requirements on training, certification and watchkeeping for seafarers on an international level. The Convention prescribes minimum standards relating to training, certification and watchkeeping for seafarers which countries are obliged to meet or exceed.	28 April 1984	Y
6. Maritime Labour Convention, 2006	It is a comprehensive international labour convention that was adopted by the International Labour Conference of the International Labour Organization (ILO) in 2006. It sets out seafarers' rights to decent conditions of work and helps create conditions of fair competition for shipowners. It is intended to be globally applicable, easily understandable, readily updatable and uniformly enforced.	20 August 2013	N

International Convention	Purpose	Date of Entry into Force	Ratification by China (Y/N)
7. International Convention on the Control of Harmful Anti-fouling Systems on Ships 2001	The Convention prohibits the use of harmful organotins in anti-fouling paints used on ships and establishes a mechanism to prevent the potential future use of other harmful substances in anti-fouling systems.	17 September 2008	Y

(B) List of Legislative Exercises

International Convention	Implementing Local Legislation	Purpose of Legislative Amendment Exercise	Proposed Subsidiary Legislation Involved
<p>1. International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended</p>	<p><u>Ordinance</u></p> <ul style="list-style-type: none"> - Merchant Shipping (Safety) Ordinance (Cap.369) <p><u>Subsidiary legislation</u></p> <ul style="list-style-type: none"> - Merchant Shipping (Court of Survey) Regulations (Cap.369A) - 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) - Merchant Shipping (Safety) (Automatic Pilot and Testing of Steering Gear) Regulations (Cap.369L) 	<p>To implement updates to ship safety standards on construction, equipment and operation of ships as set out in various amendments to the Convention.</p>	<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)

International Convention	Implementing Local Legislation	Purpose of Legislative Amendment Exercise	Proposed Subsidiary Legislation Involved
	<ul style="list-style-type: none"> - Merchant Shipping (Safety) (Carriage of Nautical Publications) Regulations (Cap.369M) - Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations (Cap.369N) - Merchant Shipping (Safety) (Use of Signals of Distress) Regulations (Cap.369O) - 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) 		<ul style="list-style-type: none"> - Examination of Hull, Ship-side Fittings and Boilers (Exemption) (Consolidation) Notice (Cap.369I) - Corridor Bulkheads Serving Accommodation Spaces and Control Stations (Cap.369J) - 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

International Convention	Implementing Local Legislation	Purpose of Legislative Amendment Exercise	Proposed Subsidiary Legislation Involved
	<ul style="list-style-type: none"> - Merchant Shipping (Safety) (Cargo Ship Safety Equipment Survey) Regulations (Cap.369T) - 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 (Cap.369Y) - Merchant Shipping (Safety) (Gas Carriers) Regulations (Cap.369Z) - Merchant Shipping (Safety) (Grain) Regulations (Cap.369AA) - Merchant Shipping (Safety) 		<ul style="list-style-type: none"> (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 (Cap.369Y) - Merchant Shipping (Safety) (Gas Carriers) Regulations

International Convention	Implementing Local Legislation	Purpose of Legislative Amendment Exercise	Proposed Subsidiary Legislation Involved
	<p>(Means of Access) Regulations (Cap.369AH)</p> <ul style="list-style-type: none"> - Merchant Shipping (Safety) (Musters and Training) Regulations (Cap.369AI) - 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 		<p>(Cap.369Z)</p> <ul style="list-style-type: none"> - 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

International Convention	Implementing Local Legislation	Purpose of Legislative Amendment Exercise	Proposed Subsidiary Legislation Involved
	<p>Installations) Regulations (Cap.369AP)</p> <ul style="list-style-type: none"> - Merchant Shipping (Safety) (Radio Installations Survey) Regulations (Cap.369AQ) - Merchant Shipping (Safety) (GMDSS Radio Installations) Regulation (Cap.369AR) - Merchant Shipping (Safety) (Minimum Safe Manning Certificate) Regulation (Cap.369AS) - Merchant Shipping (Safety) (Subdivision and Damage Stability of Cargo Ships) Regulation (Cap.369AT) - Merchant Shipping (Safety) (Arrangements for Embarkation and Disembarkation of Pilots) Regulation (Cap.369AU) - Merchant Shipping (Safety) (Carriage of Cargoes) Regulation (Cap.369AV) - Merchant Shipping (Safety) (High Speed Craft) Regulation 		<p>Equipment) Regulations (Cap.369AO)</p> <ul style="list-style-type: none"> - Merchant Shipping (Safety) (Radio Installations) Regulations (Cap.369AP) - Merchant Shipping (Safety) (GMDSS Radio Installations) Regulation (Cap.369AR) - Merchant Shipping (Safety) (Subdivision and Damage Stability of Cargo Ships) Regulation (Cap.369AT) - Merchant Shipping (Safety) (Arrangements for Embarkation and Disembarkation of Pilots) Regulation (Cap.369AU)

International Convention	Implementing Local Legislation	Purpose of Legislative Amendment Exercise	Proposed Subsidiary Legislation Involved
	(Cap.369AW) - Merchant Shipping (Safety) (Safety Management) Regulation (Cap.369AX) - Merchant Shipping (Safety) (Life-Saving Appliances) Regulation (Cap.369AY)		
2. Convention on the International Regulations for Preventing Collisions at Sea (COLREG), 1972	<u>Ordinance</u> - Merchant Shipping (Safety) Ordinance (Cap.369) <u>Subsidiary legislation</u> - Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations (Cap. 369N)	To implement updates to navigation rules, definitions and distress signals in amendments to the Convention.	<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	<u>Ordinance</u> - Merchant Shipping (Safety) Ordinance (Cap.369) <u>Subsidiary legislation</u> - Merchant Shipping (Safety) (Load Line) Regulations (Cap. 369AD)	To introduce a new Regulation to replace the existing relevant Merchant Shipping Regulations and to give effect to international load line requirements under the International	<u>To enact:</u> - One piece of new subsidiary legislation <u>To repeal:</u> - Merchant Shipping (Safety) (Load Line) Regulations (Cap.

International Convention	Implementing Local Legislation	Purpose of Legislative Amendment Exercise	Proposed Subsidiary Legislation Involved
	<ul style="list-style-type: none"> - 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 Depth of Loading) Regulations (Cap. 369AG) 	<p>Convention of Load Lines, 1966 and the 1988 Protocol and other amendments.</p>	<p>369AD)</p> <ul style="list-style-type: none"> - 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 Depth of Loading) Regulations (Cap. 369AG)

International Convention	Implementing Local Legislation	Purpose of Legislative Amendment Exercise	Proposed Subsidiary Legislation Involved
<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>	<p><u>Ordinance</u></p> <ul style="list-style-type: none"> - Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413) <p><u>Subsidiary legislations</u></p> <ul style="list-style-type: none"> - Merchant Shipping (Reporting of Pollution Incidents) Regulations (Cap. 413C) - 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) 	<p>To implement updates to prevention of pollution from ship and control of emission of greenhouse gases as set out in the amendments to Annex I, Annex II, Annex III, Annex IV, Annex V and Annex VI of the Convention, as well as in the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code), and in the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code).</p>	<p><u>To amend:</u></p> <p><i>Annex I</i></p> <ul style="list-style-type: none"> - Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A) <p><i>Annex II</i></p> <ul style="list-style-type: none"> - Merchant Shipping (Control of Pollution By Noxious Liquid Substances In Bulk) Regulations (Cap. 413B) <p><i>Annex III</i></p> <ul style="list-style-type: none"> - Merchant Shipping (Safety) (Dangerous Goods And Marine Pollutants) Regulation (Cap. 413H) <p><i>Annex IV</i></p> <ul style="list-style-type: none"> - Merchant Shipping (Prevention of Pollution By Sewage) Regulation (Cap.413K) <p><i>Annex V</i></p> <ul style="list-style-type: none"> - Merchant Shipping (Prevention of Pollution By Garbage) Regulation (Cap. 413J)

International Convention	Implementing Local Legislation	Purpose of Legislative Amendment Exercise	Proposed Subsidiary Legislation Involved
	<ul style="list-style-type: none"> - Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413M) - Merchant Shipping (IBC Code) Regulations (Cap. 413E) - Merchant Shipping (BCH Code) Regulations (Cap. 413D) 		<p><i>Annex VI</i></p> <ul style="list-style-type: none"> - Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413M) <p><i>IBC code</i></p> <ul style="list-style-type: none"> - Merchant Shipping (IBC Code) Regulations (Cap. 413E) <p><i>BCH Code</i></p> <ul style="list-style-type: none"> - Merchant Shipping (BCH Code) Regulations (Cap. 413D)
<p>5. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) as amended</p>	<p><u>Ordinance</u></p> <ul style="list-style-type: none"> - Merchant Shipping (Seafarers) Ordinance (Cap. 478) <p><u>Subsidiary legislations</u></p> <ul style="list-style-type: none"> - Merchant Shipping (Seafarers)(Hours of Work) Regulation (Cap. 478D) - Merchant Shipping (Seafarers)(Certification of Officers) Regulation (Cap. 478J) - Merchant Shipping (Seafarers)(Tankers-Officers and 	<p>To implement the requirements for certification and training for seafarers under the International Maritime Organization’s (IMO) Manila Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) as amended.</p>	<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) - Merchant Shipping (Seafarers)(Disciplinary Offences on board Ships) Regulation (Cap. 478N)

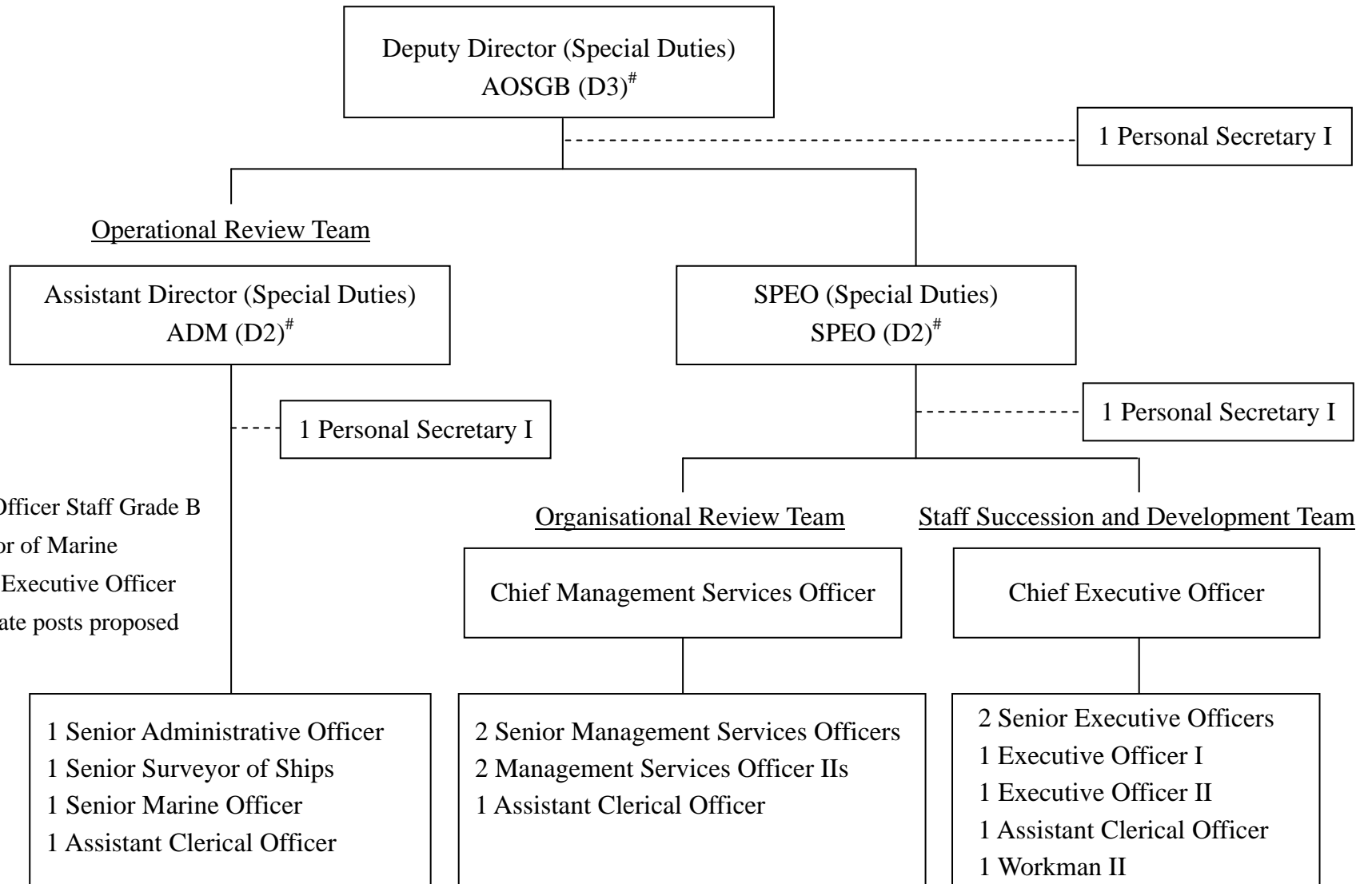
International Convention	Implementing Local Legislation	Purpose of Legislative Amendment Exercise	Proposed Subsidiary Legislation Involved
	<ul style="list-style-type: none"> Ratings) Regulation (Cap. 478K) - Merchant Shipping (Seafarers)(Certification and Watchkeeping) Regulation (Cap. 478T) - Merchant 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)(Certificates of Proficiency in Survival Craft, Rescue Boats and Fast Rescue Boats) Rules (Cap. 478Z) - Merchant Shipping (Seafarers)(Fees) Regulation (Cap. 478AB) - Merchant Shipping (Seafarers)(Safety Training) 		<ul style="list-style-type: none"> - 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

International Convention	Implementing Local Legislation	Purpose of Legislative Amendment Exercise	Proposed Subsidiary Legislation Involved
	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)		(Cap. 478AD) - Merchant Shipping (Seafarers)(Passenger Ships other than Ro-Ro Passenger Ships - Training) Regulation (Cap. 478AE) <u>To repeal:</u> - Merchant Shipping (Seafarers) (Certificates of Proficiency in Survival Craft, Rescue Boats and Fast Rescue Boats) Rules (Cap. 478Z)
6. Maritime Labour Convention, 2006	<u>Ordinance</u> - Merchant Shipping (Seafarers) Ordinance (Cap. 478) <u>Subsidiary legislation</u> - Merchant Shipping (Seafarers) (Allotments) Regulation (Cap. 478A) - Merchant Shipping (Seafarers) (Health and Safety: General	To implement the requirements on working and living conditions of seafarers on board ocean-going ships under the Maritime Labour Convention, 2006.	<u>To enact:</u> - one piece of new subsidiary legislation <u>To amend:</u> - Merchant Shipping (Seafarers) (Allotments) Regulation (Cap. 478A) - Merchant Shipping (Seafarers) (Health and Safety: General Duties) Regulation (Cap.

International Convention	Implementing Local Legislation	Purpose of Legislative Amendment Exercise	Proposed Subsidiary Legislation Involved
	<ul style="list-style-type: none"> Duties) Regulation (Cap. 478C) - Merchant Shipping (Seafarers) (Hours Of Work) Regulation (Cap. 478D) - Merchant Shipping (Seafarers) (Provisions and Water) Regulation (Cap. 478E) - Merchant Shipping (Seafarers) (Ships' Doctors) Regulation (Cap. 478H) - 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 		<ul style="list-style-type: none"> 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) Regulation

International Convention	Implementing Local Legislation	Purpose of Legislative Amendment Exercise	Proposed Subsidiary Legislation Involved
	<p>Accidents and Dangerous Occurrences) Regulation (Cap. 478R)</p> <ul style="list-style-type: none"> - Merchant Shipping (Seafarers) (Medical Stores) Regulation (Cap. 478X) - Merchant Shipping (Seafarers) (Fees) Regulation (Cap. 478AB) 		<p>(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>To implement the subject Convention by prohibiting the use of harmful organotin compounds in anti-fouling systems.</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)

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



Legend :

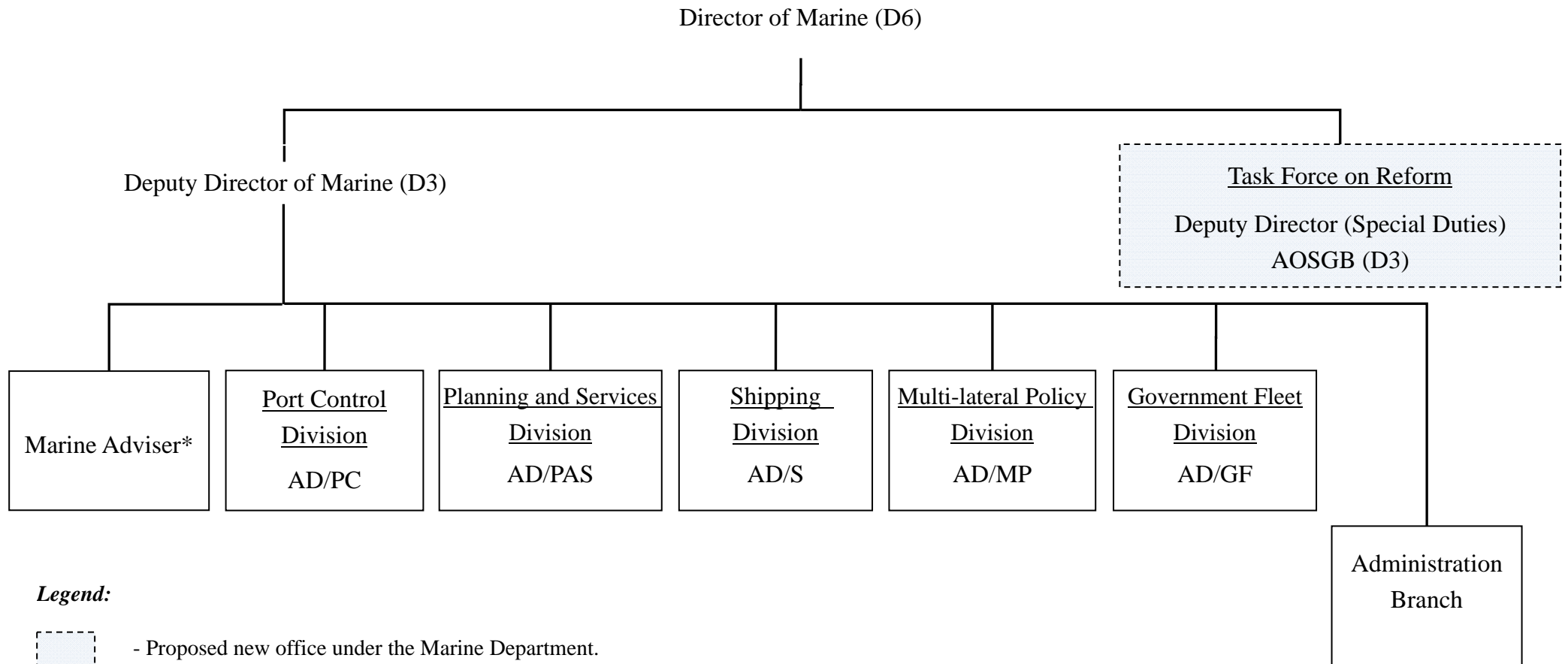
AOSGB Administrative Officer Staff Grade B

ADM Assistant Director of Marine


SPEO Senior Principal Executive Officer

Supernumerary directorate posts proposed for creation

Proposed Organisation Chart of Marine Department



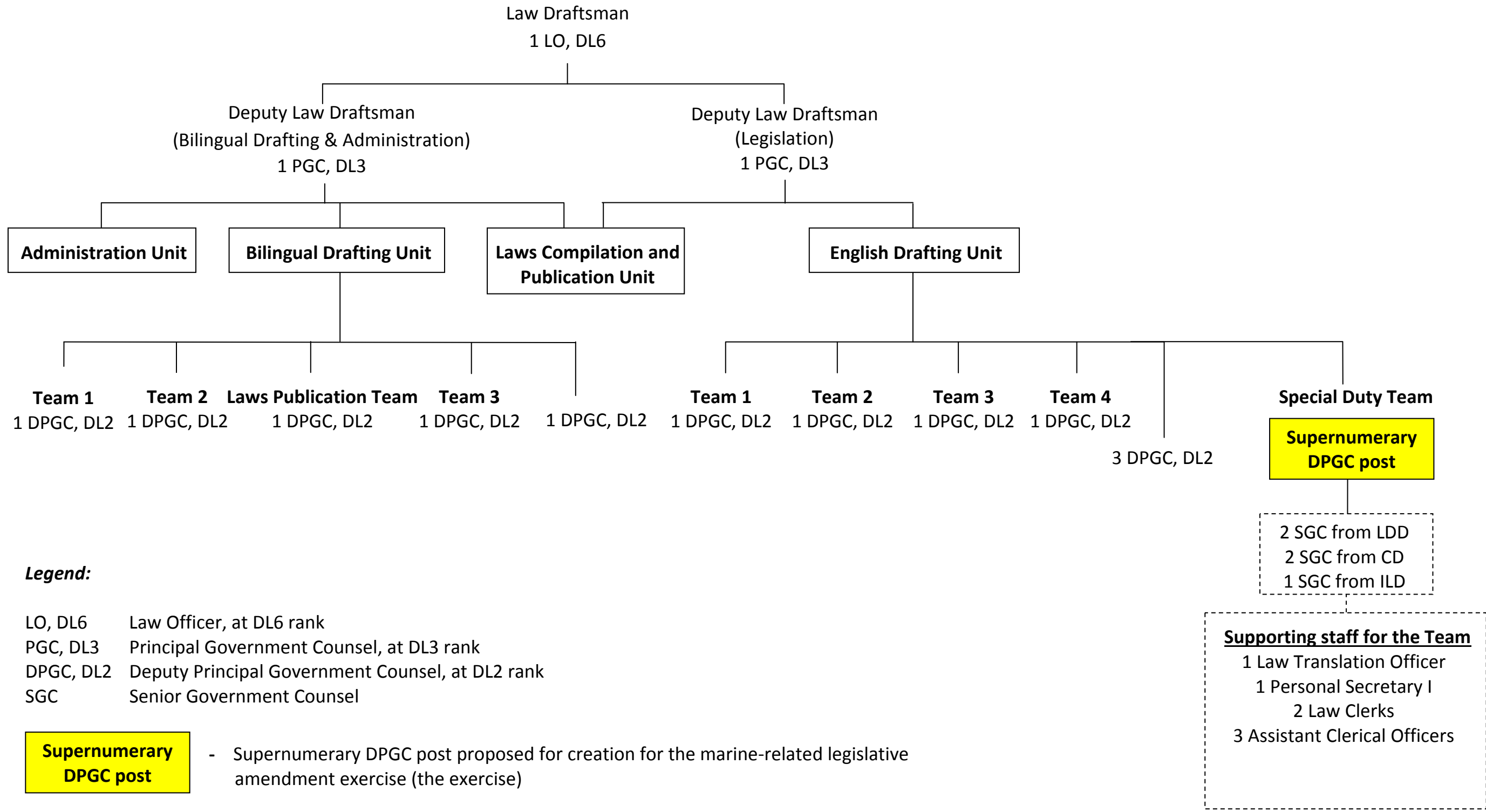
Legend:

 - 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.

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



Legend:

- LO, DL6 Law Officer, at DL6 rank
- PGC, DL3 Principal Government Counsel, at DL3 rank
- DPGC, DL2 Deputy Principal Government Counsel, at DL2 rank
- SGC Senior Government Counsel

Supernumerary DPGC post - Supernumerary DPGC post proposed for creation for the marine-related legislative amendment exercise (the exercise)

- Other non-directorate posts proposed to be created for the exercise

**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 (DM) 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 DM.

**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).

**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 co-ordinate 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 co-ordinate 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 (ILO) 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 two units of 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.