

立法會
Legislative Council

LC Paper No. CB(4)320/17-18
(These minutes have been seen
by the Administration)

Ref: CB4/SS/3/17

**Subcommittee on Legislative Amendments to
Improve Vessel Traffic Services and Regulate Marine Safety**

**Minutes of the first meeting held on
Tuesday, 7 November 2017, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon Frankie YICK Chi-ming, SBS, JP (Chairman)
Hon Steven HO Chun-yin, BBS
Hon YIU Si-wing, BBS
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Andrew WAN Siu-kin
Hon LUK Chung-hung
Hon Jeremy TAM Man-ho

**Public Officers
attending** : Agenda item II

Transport and Housing Bureau

Ms Louisa YAN
Principal Assistant Secretary for Transport and
Housing (Transport)¹⁰

Marine Department

Mr WONG Sai-fat
Deputy Director of Marine

Mr LAI Chi-tung
Assistant Director (Port Control)

Department of Justice

Mr Alan CHONG
Senior Government Counsel

Miss Bonita WONG
Government Counsel

Clerk in attendance : Ms Shirley CHAN
Chief Council Secretary (4)5

Staff in attendance : Ms Clara TAM
Assistant Legal Adviser 9

Ms Shirley TAM
Senior Council Secretary (4)5

Ms Lauren LI
Council Secretary (4)5

Ms Zoe TONG
Legislative Assistant (4)5

Miss Mandy LUI
Clerical Assistant (4)5

Action

I. Election of Chairman

Election of Chairman

Mr Steven HO, the member of the highest precedence among those present at the meeting, presided over the election of Chairman. He invited nominations for the chairmanship of the Subcommittee.

2. Mr LO Wai-kwok nominated Mr Frankie YICK and the nomination was seconded by Mr YIU Si-wing. Mr YICK accepted the nomination. There being no other nomination, Mr YICK was elected Chairman of the Subcommittee. Mr YICK then took the chair.

3. Members agreed that there was no need to elect a Deputy Chairman.

II. Meeting with the Administration

[File Ref.: THB(T)PML CR 8/10/60/15, L.Ns. 171, 178 to 180 of 2017, LC Paper Nos. LS8/17-18, and CB(4)158/17-18(01) to (05)]

Action

Discussion

4. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Follow-up actions to be taken by the Administration

5. The Administration was requested to provide a written response in respect of the following issues -

- (a) with the establishment of three new principal fairways on the north side of Lantau Island and a new prohibited fishing area in the junction adjoining the proposed Ha Pang Fairway and the existing Ma Wan Fairway and Kap Shui Mun Fairway, a map showing the remaining water areas available for fishing activities in Hong Kong; and
- (b) whether the neighbouring port authorities had adopted a similar practice as Hong Kong in spelling out in law the delineation of boundaries of very high frequency sectors.

(Post-meeting note: The Administration's written response was issued to members vide LC Paper No. CB(4)259/17-18(01) on 22 November 2017.)

III. Any other business

Invitation of deputations' views

6. Members considered it not necessary for the Subcommittee to invite public views on the subsidiary legislation.

Legislative timetable and extension of the scrutiny period

7. The Chairman concluded that the Subcommittee had completed the scrutiny of the subsidiary legislation and would not propose any amendment to the subsidiary legislation.

8. The Subcommittee noted that the scrutiny period of the subsidiary legislation would expire at the Council meeting of 22 November 2017. To allow sufficient time for the Administration to provide a reply pursuant to members' requests and for the Subcommittee to compile a report to the House Committee, the Subcommittee agreed to move a proposed resolution at the Council meeting to extend the period of scrutiny to 13 December 2017. If the scrutiny period was extended, the deadline for giving notices of motions to amend the legislative

Action

amendments would be 6 December 2017. The Chairman would report the deliberations of the Subcommittee to the House Committee on 1 December 2017.

(Post-meeting note: As the proposed resolution to extend the scrutiny period of the subsidiary legislation was not dealt with at the Council meeting of 22 November 2017, the scrutiny period of the subsidiary legislation expired at that Council meeting.)

9. There being no other business, the meeting ended at 3:30 pm.

Council Business Division 4
Legislative Council Secretariat
4 December 2017

**Proceedings of the first meeting of
the Subcommittee on Legislative Amendments to
Improve Vessel Traffic Services and Regulate Marine Safety
on Tuesday, 7 November 2017, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda item I – Election of Chairman			
000409 – 000628	Mr Steven HO Ir Dr LO Wai-kwok Mr YIU Si-wing Mr Frankie YICK	Election of Chairman	
Agenda item II – Meeting with the Administration			
000629 – 001159	Chairman Administration	Briefing by the Administration	
001200 – 002047	Chairman Mr Steven HO Administration	<p>Mr Steven HO raised objection to the establishment of three new principal fairways on the north side of Lantau Island which resulted in a new prohibited fishing area in the junction adjoining the proposed Ha Pang Fairway and the existing Ma Wan Fairway and Kap Shui Mun Fairway by L.N. 180. He was dissatisfied that the Administration had given no response to the concerns of the fishing industry and urged the Administration to explore alternative options to maintain navigation safety.</p> <p>The Administration advised that the Marine Department ("MD") had studied the proposed options put forward by the fishing industry including (i) establishing the new principal fairways in South Lantau instead of North Lantau; (ii) imposing speed limit on vessels using the proposed principal fairways; (iii) allowing large vessels to use the proposed principal fairways only at designated time; and (iv) establishing a traffic separation scheme to allow fishing vessels to operate in the separation zone between two one-way traffic lanes for bigger vessels. MD's responses were as follows –</p> <p>(a) the waters in South Lantau was not deep enough for large vessels to pass through, leaving North Lantau the only waterway in the western part of Hong Kong to accommodate container vessels travelling to and from the Pearl River Delta;</p> <p>(b) the imposition of speed limit on vessels using the proposed principal fairways would affect marine traffic movements and pose safety risks to large vessels which need to maintain a minimal navigational speed to manoeuvre and take appropriate action in response to accident;</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(c) the imposition of time restriction on large vessels using the principal fairways would seriously affect the operation of the Hong Kong port which operated round the clock throughout the year. Given the economic importance of the port, such measure would also lead to adverse implications on Hong Kong's economic development; and</p> <p>(d) it was not feasible to establish a traffic separation scheme in the proposed principal fairways as the strip of water north of Lantau was not wide enough to allow two large deep-draught vessels to navigate in opposite directions while leaving a separation zone in between.</p> <p>The Administration stressed that taking into account the geographical constraints of Hong Kong and busy marine traffic in the North Lantau, it was necessary to establish the proposed principal fairways and prohibit fishing activities in that junction to better regulate marine traffic and enhance safety in that area. In fact, fishing activities could still be carried out outside the prohibited area.</p> <p>Mr Steven HO did not subscribe to the explanation. He pointed out that the fishing grounds in the Hong Kong waters had been diminishing gradually for the sake of various local development projects. He urged the Transport and Housing Bureau ("THB") to, collaborating with the Food and Health Bureau, formulate measures to sustain the livelihood of fishermen. He also requested the Government to provide a map showing the remaining water areas available for fishing activities in Hong Kong.</p>	<p>The Administration to follow up as per paragraph 5(a) of the minutes</p>
002048 – 002820	Chairman Mr Jeremy TAM Administration	<p>On the legislative proposal to increase the number of very high frequency ("VHF") sectors of the Hong Kong waters, Mr Jeremy TAM enquired about the necessity to stipulate in law the delineation of boundaries of those VHF sectors. He considered that such arrangement was inflexible and each update of the delineation would lead to unnecessary legislative work. To simplify the arrangement, he suggested setting out the VHF sectors of the Hong Kong waters by administrative means rather than in statutory provisions.</p> <p>The Administration explained that spelling out the details of VHF sectors in law had been a long practice adopted in Hong Kong. It welcomed Mr Jeremy TAM's suggestion and would give due consideration</p>	

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		to his suggestion in future legislative exercise, including the overall implications and the views of the stakeholders.	
002821 – 003341	Chairman Mr Steven HO Administration	<p>In order to assess the overall impact brought by local developments on the fishing industry, Mr Steven HO reiterated his request for a map showing the water areas available for fishing activities in Hong Kong. He also enquired about the measures adopted by the Administration to compensate for the fishermen's loss.</p> <p>The Administration advised that to promote sustainable fishing and provide support to the fishing industry to cope with new challenges, the Government had set up the Sustainable Fisheries Development Fund ("SFDF") and the Fisheries Development Loan Fund ("FDLF"). MD also maintained frequent dialogue with the fishing trade and provided them with necessary assistance.</p>	
003342 – 003749	Chairman Mr Jeremy TAM Administration	<p>Mr Jeremy TAM enquired whether neighbouring port authorities had adopted a similar practice as Hong Kong in spelling out in law the delineation of boundaries of VHF sectors.</p> <p>The Chairman said that it was a common practice to specify the principle of a requirement under a piece of legislation whereas the details of it could be provided by, for example, a code of practice to facilitate future updating. He suggested that the Government could further explore Mr TAM's suggestion.</p> <p>In response to Mr Jeremy TAM's further question, MD confirmed that the VHF channels specified in the subsidiary legislation had been tested in both day time and night time.</p>	The Administration to follow up as per paragraph 5(b) of the minutes
003750 – 004419	Chairman Mr Steven HO Administration	<p>On Mr Steven HO's enquiry about whether the affected fishermen were eligible for applying for SFDF and FDLF, the Administration advised that fishermen might apply for SFDF and FDLF subject to the established requirements.</p> <p>Mr Steven HO pointed out that to ensure the sustainable development of the fishing industry, THB should collaborate with other bureaux to ensure that there were still sufficient fishing areas in the western waters to accommodate some 1 000 fishing boats following the establishment of the proposed principal fairways and a new prohibited fishing area. It should also commission a cross-bureau study on the</p>	

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		<p>sustainable development of the fishing industry. Without sufficient fishing grounds and supporting policy, the industry could not be sustained solely on the support of SFDF and FDLF.</p> <p>The Chairman urged the Administration to study the sustainability of the fishing industry taking into account the overall development plans and reclamation works to be commissioned.</p>	
004420 – 005126	Chairman Mr Jeremy TAM Administration	<p>On the proposal to streamline the communication process between the Vessel Traffic Centre and vessels, Mr Jeremy TAM enquired whether the streamlining arrangement was required by the International Maritime Organization ("IMO") and in line with that adopted by neighbouring port authorities.</p> <p>The Administration explained that IMO only set out in the relevant convention the broad requirements on provision of vessel traffic services by port authorities and navigation reports by vessels, whereas detailed procedures were made by individual port authority based on local circumstances. For Hong Kong, in view of increasing marine traffic, MD had commissioned a related study in 2013 with a view to improving the service, and the current proposal was based on the outcome of the study.</p>	
005127 – 005321	Chairman Mr Jeremy TAM Mr Steven HO	Mr Steven HO reiterated his objection to the establishment of new principal fairways and prohibited fishing area. To express his dissatisfaction, he would withdraw from the Subcommittee.	
005322 – 010328	Chairman Administration Assistant Legal Adviser 9 ("ALA9")	<p><u>Examination of the provisions</u></p> <p><u>Shipping and Port Control (Amendment) (No. 2) Regulation 2017 (L.N. 171 of 2017)</u></p> <p><u>Merchant Shipping (Local Vessels) (General) (Amendment) (No. 2) Regulation 2017 (L.N. 178 of 2017)</u></p> <p><u>Merchant Shipping (Local Vessels) (General) (Amendment) (No. 3) Regulation 2017 (L.N. 179 of 2017)</u></p> <p>Members did not raise any question on the above subsidiary legislation.</p> <p><u>Shipping and Port Control Regulations (Amendment of Schedules) Notice 2017 (L.N. 180 of 2017)</u></p>	

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		ALA9 pointed out an inconsistency in the English text. While the words "straight line" were used in the amended Cap. 313A, the words "straightlines" and "straightline" were still kept in some other provisions of Cap. 313A. The Administration considered that such situation would not affect the meaning and clarity of the provisions. It would take the opportunity to resolve the inconsistency in the future amendment exercise.	
Agenda item III – Any other business			
010329 – 010451	Chairman Ir Dr LO Wai-kwok	Invitation of views Legislative timetable and extension of the scrutiny period	