

# **立法會**

## ***Legislative Council***

LC Paper No. CB(4)497/18-19

(These minutes have been seen by  
the Administration)

Ref : CB4/PL/EDEV

### **Panel on Economic Development**

#### **Minutes of meeting**

**held on Monday, 26 November 2018, at 10:45 am  
in Conference Room 1 of the Legislative Council Complex**

- Members present :** Hon CHUNG Kwok-pan (Chairman)  
Hon James TO Kun-sun  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon WONG Ting-kwong, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon Frankie YICK Chi-ming, SBS, JP  
Hon YIU Si-wing, BBS  
Hon Charles Peter MOK, JP  
Hon Kenneth LEUNG  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
Hon Jimmy NG Wing-ka, JP  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai  
Hon CHAN Chun-ying, JP  
Hon LUK Chung-hung, JP
- Members absent :** Hon WU Chi-wai, MH (Deputy Chairman)  
Hon Starry LEE Wai-king, SBS, JP  
Hon WONG Kwok-kin, SBS, JP  
Hon Dennis KWOK Wing-hang  
Dr Hon Elizabeth QUAT, BBS, JP

Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon CHU Hoi-dick  
Dr Hon Junius HO Kwan-yiu, JP  
Hon HO Kai-ming  
Hon Jeremy TAM Man-ho

**Public Officers attending** : Agenda item III

Transport and Housing Bureau

Mr Wallace LAU, JP  
Deputy Secretary for Transport and Housing (Transport) 4

Civil Aviation Department

Mr Simon LI, JP  
Director-General of Civil Aviation

Miss Linda SO  
Deputy Director-General of Civil Aviation (2)

Agenda item IV

Transport and Housing Bureau

Ms Louisa YAN  
Acting Deputy Secretary for Transport and Housing  
(Transport) 5

Marine Department

Mr CHOI Chi-chuen  
Assistant Director / Multi-lateral Policy

Mr LUI Kam-leung  
Chief / Maritime Policy

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

**Staff in attendance** : Mr Mark LAM

Assistant Legal Adviser 7 (Agenda item IV only)

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. Information papers issued since the last meeting**

- |                                 |  |
|---------------------------------|--|
| (LC Paper No. CB(4)45/18-19(01) | — Letter from Hon Martin LIAO Cheung-kong dated 15 October 2018 on withdrawal of membership (Chinese version only) |
| LC Paper No. CB(4)45/18-19(02)  | — Letter from Hon Wilson OR Chong-shing dated 15 October 2018 on withdrawal of membership (Chinese version only)   |
| LC Paper No. CB(4)45/18-19(03)  | — Letter from Hon Vincent CHENG Wing-shun dated 15 October 2018 on withdrawal of membership (Chinese version only) |
| LC Paper No. CB(4)56/18-19(01)  | — Letter from Hon POON Siu-ping dated 16 October 2018 on withdrawal of membership (Chinese version only)           |
| LC Paper No. CB(4)56/18-19(02)  | — Letter from Hon YUNG Hoi-yan dated 16 October 2018 on withdrawal of membership (Chinese version only)            |
| LC Paper No. CB(4)60/18-19(01)  | — Letter from Hon Abraham  |

- SHEK Lai-him dated 18 October 2018 on withdrawal of membership (English version only)
- LC Paper No. CB(4)69/18-19(01) — Letter from Hon CHAN Han-pan dated 18 October 2018 on withdrawal of membership (Chinese version only)
- LC Paper No. CB(4)69/18-19(02) — Letter from Hon CHEUNG Kwok-kwan dated 18 October 2018 on withdrawal of membership (Chinese version only)
- LC Paper No. CB(4)107/18-19(01) — Letter from Hon MA Fung-kuok dated 24 October 2018 on withdrawal of membership (Chinese version only)
- LC Paper No. CB(4)108/18-19(01) — Letter from Hon Holden CHOW Ho-ding dated 23 October 2018 requesting the Panel to discuss the development of high value-added maritime services (Chinese version only)
- LC Paper No. CB(4)127/18-19(01) — Administration's paper on tables and graphs showing the import and retail prices of major oil products from October 2016 to September 2018
- LC Paper No. CB(4)247/18-19(01) — Letter from Hon Holden CHOW Ho-ding dated 15 November 2018 requesting the Panel to discuss the measures to mitigate the impact of increasing number of inbound tourists on Tung Chung community since the

commissioning of the Hong Kong-Zhuhai-Macao Bridge (Chinese version only))

Members noted the above papers issued since the last regular meeting.

## **II. Items for discussion at the next meeting**

(LC Paper No. CB(4)227/18-19(01) — List of outstanding items for discussion)

2. Members agreed to discuss the following items at the next regular meeting scheduled for Wednesday, 19 December 2018 at 10:45 am –

(a) Reform of the regulatory regime for local pleasure vessels, and enhanced life jacket provision on local vessels and safety measures during major events at sea and revisions to the speed restricted zones for vessels; and

(b) Proposed establishment changes upon the disbandment of the Task Force on Reform in the Marine Department ("MD").

3. Mr Holden CHOW referred to his letter dated 15 November 2018 (LC Paper No. CB(4)247/18-19(01)) and requested an early discussion of measures to mitigate the impact of increasing number of inbound tourists on Tung Chung community since the commissioning of the Hong Kong-Zhuhai-Macao Bridge, preferably at the next Panel meeting on 19 December 2018.

4. Supporting Mr Holden CHOW's suggestion, Mr YIU Si-wing considered that the Administration should brief members on relevant measures before the Christmas and Chinese New Year holidays so that the travel trade could make early preparation for the foreseeable influx of tourists.

5. The Chairman instructed the Clerk to follow up with the Administration on the matter.

*(Post-meeting note: At the request of the Administration and with the concurrence of the Chairman, the wording of the discussion item in paragraph 2(a) above had been revised to "Proposed measures to enhance marine safety". An item on "Measures to mitigate the impact of increasing number of inbound tourists on Tung Chung community*

since the commissioning of the Hong Kong-Zhuhai-Macao Bridge" had been added to the agenda for the Panel meeting on 19 December 2018. A notice of meeting was issued to members vide LC Paper No. CB(4)284/18-19 on 6 December 2018.)

### **III. Proposed retention of one supernumerary post of Administrative Officer Staff Grade B in the Civil Aviation Department**

(LC Paper No. CB(4)227/18-19(02) — Administration's paper on the proposed retention of one supernumerary post of Administrative Officer Staff Grade B in the Civil Aviation Department

LC Paper No. CB(4)227/18-19(03) — Paper on the proposed retention of one supernumerary post of Administrative Officer Staff Grade B in the Civil Aviation Department prepared by the Legislative Council Secretariat (background brief))

#### Presentation by the Administration

6. At the invitation of the Chairman, Director-General of Civil Aviation ("DGCA") briefed members on the proposed retention of one supernumerary post of Administrative Officer Staff Grade B ("AOSGB") (D3), designated as Deputy Director-General of Civil Aviation (2) ("DDGCA2"), in the Civil Aviation Department ("CAD") for six years from 1 April 2019 up to March 2025 to continue to strengthen the senior management of CAD for taking forward various major initiatives as well as sustaining the enhancement of overall administrative control and management in CAD. Details of the briefing were set out in LC Paper No. CB(4)227/18-19(02).

#### Discussion

##### *The staffing proposal*

7. Mr Holden CHOW was of the view that with the full commissioning of the three-runway system ("3RS") which was targeted for end 2024, the Administration should consider making the supernumerary AOSGB post a permanent one to cope with the anticipated increase in CAD's workload and the

more complicated air traffic management of Hong Kong in future.

8. While supporting the proposal to retain the supernumerary DDGCA2 post, Mr YIU Si-wing and Mr Frankie YICK also urged the Administration to consider turning the post to a permanent one. Mr YIU said that the post, post-holder of which was an Administrative Officer ("AO"), was necessary in ensuring the Hong Kong International Airport ("HKIA")'s smooth transition to 3RS. He also considered that the work DDGCA2 to be involved in the coming six years would become routine work of CAD. Meanwhile, Mr YICK was of the view that an AO in the post would help provide useful input and strengthen the liaison with other policy bureaux in the formulation of aviation-related policies in future.

9. Mr Kenneth LEUNG expressed support for the proposal to retain the DDGCA2 post for six years up to March 2025. He sought to confirm if the Assistant Director-General of Civil Aviation (Air Services and Safety Management) under DDGCA2 was an officer with technical background. Besides, he asked the Administration to consider converting the supernumerary post to a permanent one, given the possible expansion of HKIA after the completion of 3RS.

10. DGCA advised that the Administration had been adopting a prudent approach in assessing the needs for the creation of any permanent post as public money would be involved. It was expected that the workload in CAD until the full commissioning of 3RS by end 2024 would sustain the retention of the supernumerary AOSGB post. To ensure that public money could be spent in a prudent manner, CAD would review the need of the post before its expiry, taking into consideration CAD's manpower demand and organizational structure.

11. Mr Christopher CHEUNG supported the proposal to retain the DDGCA2 post for another six years. He recalled that the post-holder was not required to possess any professional qualifications or experience when the post was first created. However, he urged the Administration to consider adding such requirements to the post as the post-holder would handle work related to 3RS and unmanned aircraft systems ("UAS") which would require certain professional knowledge.

12. DGCA advised that the DDGCA2 post was created to provide senior management steer in, among others, strengthening administrative supervision within CAD. Professional grade staff were deployed as appropriate under the DDGCA2 post. He added that CAD would review the qualifications and

experience required if the post concerned was to be changed to a permanent one.

*Manpower in CAD*

13. Mr LUK Chung-hung noted that resources had been secured to create 40 additional non-directorate posts under the Air Traffic Management Division to enhance frontline operational support for the provision of air traffic management services and the 3RS project. He asked if CAD would collaborate with tertiary institutions and the Vocational Training Council in providing the relevant training to the new recruits of CAD. DGCA replied that air traffic controllers needed to undergo a series of local and overseas training after joining CAD. All student air traffic control officers ("SATCOs") would be able to acquire their first qualification to carry out the relevant duties after two to three years of training.

14. Mr LUK Chung-hung enquired about the entry requirements of a SATCO and the reasons for relaxing the Chinese language proficiency requirement in recruiting SATCOs. He was worried that such an arrangement might cause communication problems between CAD staff, which might undermine aviation safety.

15. DGCA advised that from past experience, around 4 000 to 5 000 applications were received in each recruitment exercise which aimed to take on 20 to 30 SATCOs every time. Some applicants, for example those who studied overseas, were considered suitable yet they did not meet the relevant Chinese language proficiency requirement. Having considered the limited use of spoken and written Chinese in discharging the air traffic control duties, CAD had obtained the permission from the Civil Service Bureau to relax the relevant requirement in recruiting SATCOs in 2018-2019.

16. DDGCA2 added that applicants should have completed secondary education to be eligible for the post of SATCO. Candidates would be assessed in respect of their abilities to handle emergency situations and ad hoc duties as well as their spatial sense to see if they were suitable candidates. Only a small number of suitable candidates who did not possess the Chinese language proficiency as set out in the entry criteria would be recruited.

17. Mr James TO said that as some local students took other public examinations instead of the Hong Kong Diploma of Secondary Education Examination, they did not possess the Chinese language proficiency as previously set out in the entry criteria of SATCOs. He was of the view that CAD could maintain a stable pool of talents within the department by relaxing



the requirement concerned, thereby enhancing HKIA's competitiveness with other airports. In response, DDGCA2 advised that the small number of SATCOs who did not meet the Chinese language proficiency requirement should still be able to speak and write simple Chinese. Relevant training would be provided to them on a need basis.

18. Mr Kenneth LEUNG considered English proficiency of air traffic controllers important in maintaining communication with pilots for upholding aviation safety. In this connection, he sought information on how CAD ensured the English standard of its air traffic controllers. Mr LEUNG also enquired if the Administration had any plans in replacing the existing air traffic control ("ATC") system after the full commissioning of 3RS in 2024. DGCA replied that all air traffic controllers in CAD met the relevant English proficiency requirements prescribed by the International Civil Aviation Organization. As regards replacement of the ATC system after 2024, the usable life of an ATC system was about 15 years and hence the current system would expire beyond 2024. There would be plans to replace the current system after 2024.

19. Mr Holden CHOW referred to a media report in November 2018 about the reported upsurge of resignation by air traffic controllers in CAD, and sought information in this regard. DGCA advised that there were around 300 air traffic controllers in CAD under the current establishment. He considered the relevant turnover rate low, which was about 4%. In order to recruit adequate air traffic controllers to maintain the competitiveness of HKIA by increasing its handling capacity before the full commissioning of 3RS, together with the fact that training of SATCOs took time, CAD had adopted the interim measure of supplementing its pool of air traffic controllers by deploying overseas air traffic controllers recruited by the Airport Authority Hong Kong.

20. Mr Kenneth LEUNG referred to the turnover rate of air traffic controllers in CAD cited by DGCA, and asked how it was compared with the turnover rate of other civil aviation authorities. DGCA undertook to provide the relevant information after the meeting.

*(Post-meeting note: The Chinese and English versions of the Administration's response were issued to members vide LC Paper No. CB(4)368/18-19(01) on 24 and 28 December 2018 respectively.)*

21. Mr YIU Si-wing expressed concern about the arrangement after expiry of the 120 time-limited non-directorate posts which currently supported the work of DDGCA2. DGCA took the opportunity to clarify the translation mistake in paragraph 23 of the Chinese version of the paper. He clarified that

the 120 non-directorate posts were permanent posts instead of time-limited ones.

22. Mr YIU Si-wing referred to a recent incident that the UAS used in a night performance during the Hong Kong Wine & Dine Festival 2018 in October 2018 were interfered with, and was concerned about how relevant matters would be regulated under the enhanced regulatory regime for UAS in future. Mr Christopher CHEUNG shared a similar concern. DDGCA2 advised that such matters were currently regulated under the Telecommunications Ordinance (Cap. 106). CAD would discuss relevant matters with the Communications Authority when formulating the new regulatory regime of UAS, and would consult the Legislative Council when relevant proposals were ready.

### Conclusion

23. The Chairman concluded that the Panel was generally supportive of the staffing proposal put forward by the Administration.

## **IV. Proposed making and amending of the subsidiary legislation under the Merchant Shipping (Safety) Ordinance (Cap. 369), the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413) and Merchant Shipping (Seafarers) Ordinance (Cap. 478), and amending the Freight Containers (Safety) Ordinance (Cap. 506), for implementation of the International Convention for the Safety of Life at Sea, the International Convention for the Prevention of Pollution from Ships, the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers and the International Convention for Safe Containers of the International Maritime Organization**

(LC Paper No. CB(4)227/18-19(04) — Administration's paper on incorporating in local legislation the latest requirements of the International Maritime Organization — Merchant Shipping (Safety) Ordinance (Cap. 369), Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413), Merchant Shipping (Seafarers)

Ordinance (Cap. 478) and  
Freight Containers (Safety)  
Ordinance (Cap. 506))

### Presentation by the Administration

24. At the invitation of the Chairman and with the aid of the powerpoint presentation materials, Acting Deputy Secretary for Transport and Housing (Transport) 5 ("Ag. DSTH(T)5") briefed members on six legislative proposals which sought to incorporate in local legislation the latest requirements of four conventions of the International Maritime Organization ("IMO") relating to seafarers' training requirements, the safe operation of freight containers, the carriage of solid bulk cargoes, and the prevention and control of marine pollution. Details of the briefing were set out in LC Paper No. CB(4)227/18-19(04).

*(Post-meeting note: The powerpoint presentation materials provided by the Administration were issued to members vide LC Paper No. CB(4)254/18-19(01) on 26 November 2018.)*

### Discussion

25. Mr LUK Chung-hung noted that one of the legislative proposals in relation to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers ("STCW Convention") sought to incorporate the latest requirements concerning the training of seafarers working on ships using low-flashpoint fuels which came into force internationally from 1 January 2017. He was concerned about the availability of relevant training courses in Hong Kong, as well as the frequency of training and assessment under the new requirements.

26. Assistant Director / Multi-lateral Policy ("AD/MP") explained that IMO had made it compulsory for seafarers working on ships using low-flashpoint fuels to receive relevant training. These seafarers had to attend courses arranged by convention parties to acquire relevant knowledge. They would be required to obtain a basic training certificate, while masters, engineering officers and officers with immediate responsibility for maintaining and using low-flashpoint fuels on ships would be required to obtain an advanced training certificate issued by the Director of Marine in addition to a basic one. Certificate holders should, at intervals not exceeding five years, undertake appropriate refresher training or be required to provide evidence of having achieved the required standard of competence. While the Maritime Services Training Institute would consider providing the relevant training courses, similar qualifications gained by seafarers at the designated institutions of other

convention parties were also recognized in Hong Kong.

27. Mr Steven HO noted that the Administration had adopted a direct reference approach ("DRA") in local legislation to enable the local legislation to align with IMO's requirements. He was concerned whether such approach would deprive the shipping industry's right to review and provide feedback on any new marine-related proposals before IMO adopted them. In this connection, he asked how often the representatives of Hong Kong Government attended IMO meetings so as to get relevant first-hand information and alert the local shipping industry. He also urged the Administration to devise measures to ensure that all the affected industry practitioners could be duly consulted and updated on the IMO's new requirements.

28. Ag. DSTH5 advised that the adoption of DRA sought to facilitate timely implementation of the latest international requirements in respect of technical matters that were generally applicable across the world. As there would be frequent updating of technical requirements under various international maritime conventions, it was desirable to adopt DRA where appropriate to keep local legislation up-to-date with the latest requirements of international maritime conventions as far as practicable. Before adopting any important decisions in relation to the shipping industry, IMO would go through a consultation process to obtain feedback from member states and the industry. If a new requirement was adopted, there was always a grace period for the preparation by the convention parties and the industry before its commencement. Currently, an Assistant Director of Marine, designated as Marine Adviser, was based in London to attend all IMO meetings in the capacity of Permanent Representative of Hong Kong, China. He would report the decisions of IMO to MD and keep the local shipping industry informed of the latest developments. AD/MP added that MD would duly consult the local shipping industry through various shipping associations before taking forward any marine-related legislative exercises.

29. Mr Frankie YICK understood that the shipping industry had no adverse views in relation to the current proposals which sought to incorporate in local legislation the latest IMO's requirements. He enquired about the progress of outstanding marine-related legislative exercises to bring local legislation in line with international requirements, and urged the Government to expedite the relevant legislative process.

30. Ag. DSTH5 responded that after the completion of a few more marine-related legislative exercises which would be submitted to the Legislative Council in December 2018 and early 2019, local legislation would be largely in

line with the requirements of international maritime conventions currently in force. The Administration was in parallel taking forward legislative exercises to implement IMO resolutions coming into force in 2019 and 2020. Since IMO regularly updated its requirements, the Administration would continue to take forward the corresponding amendments to local legislation to implement the latest IMO requirements.

31. The Chairman concluded that the Panel was generally supportive of the legislative proposals under the agenda item.

**V. Any other business**

32. There being no other business, the meeting ended at 11:43 am.

Council Business Division 4  
Legislative Council Secretariat  
30 January 2019