

Seafarers' Advisory Board (SAB)

Minutes of the 1st Meeting of 2016-2018 term

Date : 6 July 2018 (Friday)
Time : 10:00am to 11:00 am
Venue : Conference Room B, Marine Department Headquarters, 22/F,
Harbour Building

Chairman	Mr. WONG Sai-fat	Deputy Director, Marine Department
Members	Mrs. LUK FUNG Yim-to, Doris	Hong Kong Shipowners Association
	Mr. Kottayil Narayan MENON	Hong Kong Shipowners Association
	Mr. CHAN Ming-yau	Superintendent of Mercantile Marine Office, Marine Department
In- attendance	Mr. LI Chi-wai	Hong Kong Seamen's Union (stand-in representative for Mr. CHOI Leung-pei)
	Mr. CHUNG Tung-tong	Merchant Navy Officers' Guild – Hong Kong (stand-in representative for Ms. WONG Shun-kwan)
	Mr. LIANG Lok-man, Raymond	Chief Labour Officer (Labour Relations), Labour Department (stand-in representative for Ms. Melody LUK)
	Mr. LUI Kam-leung	Chief/ Maritime Policy, Marine Department
	Ms. Dora TUNG	Senior Treasury Accountant/Finance, Marine Department
Absent with Apology	Mr. CHOI Leung-pei	Hong Kong Seamen's Union
	Mr. LAI Ming-hong	Amalgamated Union of Seafarers, Hong Kong
	Ms. WONG Shun-kwan	Merchant Navy Officers' Guild – Hong Kong
	Mr. PONG Wai-yan, Louis	Employers' Federation of Hong Kong Labour Department
	Ms. Melody LUK	Assistant Commissioner (Labour Relations), Labour Department

(1) Agenda Item 1: Welcome Speech from Chairman

The Chairman welcomed all attendees to the meeting.

2. He first introduced all the members, stand-in representatives and representatives from the Marine Department (MD). Since this was the first meeting of the term, he briefed all attendees the formation and composition of the SAB.

(2) Agenda Item 2: Amendments to Maritime Labour Convention, 2006 in HKSAR (SAB Paper No. 2/2018)

3. **Mr. LUI Kam-leung from MD** was invited to report on SAB Paper No. 2/2018 on Amendments to Maritime Labour Convention, 2006 (MLC 2006) in HKSAR. He briefed members on the effects of 2016 and 2018 amendments to MLC 2006 with regard to foreign ships in Hong Kong waters and Hong Kong registered ships.

4. **Mr. CHUNG Tung-tong from Merchant Navy Officers' Guild – Hong Kong** enquired when MLC 2006 would be officially applied to Hong Kong. He said that many countries around the world had already ratified MLC 2006 for years and his colleagues would like to know the ratification progress of Hong Kong.

5. **Mr. CHAN Ming-yau from MD** replied that Hong Kong was not a member of the International Labour Organization (ILO) but MD had already requested the State Council of the People's Republic of China to deposit with ILO for the extension of MLC 2006 to Hong Kong.

6. **The Chairman** supplemented that currently all Hong Kong registered ocean going vessels were holding Statement of Compliance and that prior to MLC 2006 applied to Hong Kong, a four-month buffer period would be arranged to allow sufficient time for the conversion of Statement of Compliance to Maritime Labour Certificate.

7. **The Meeting** had no further comment and **the paper was endorsed and accepted.**

(3) Agenda Item 3: Fee Revision Proposal (SAB Paper No. 3/2018)

8. **Mr. CHAN Ming-yau from MD** tabled the *SAB Paper No. 3/2018* on fee revision. He supplemented that the fees under respective regulations listed in paragraph 2 of the paper were categorised into four groups. Fees in three groups were reduced at around 10% and those in the remaining group were increased by around 13%. With regard to the items related to seafarers, fee reduction was proposed for the examination fees for ocean going and river trade officers as well as other charges related to the Mercantile Marine Office's (MMO) services. He added that apart from the SAB, other consultative committees of MD would also be consulted for the fee revision proposal.

9. **The SAB** received a comment seeking for clarification of the sentence: *"the final fee revision rate will be determined by the overall costs of marine services instead of the endorsement or not of individual items"* under paragraph 8 of the paper. **Ms. Dora TUNG from MD** explained that the Government's general policy was to fix fees on a full cost-recovery basis and therefore fee review exercise would be conducted on regular basis. As such, the proposal should be considered as a whole across all four groups as categorised in the paper and it could not be accepted or rejected on partial basis.

10. **Mr. Kottayil Narayan MENON from Hong Kong Shipowners Association** enquired if MD had compared with other neighbouring ports before proposing the increase of fees listed in paragraph 4 of the paper.

11. **The Chairman** responded that the fees listed in paragraph 4 were related to port services but as explained by **Ms. Dora TUNG**, the objective of fee revision exercise was meant for meeting Government's full cost-recovery principle rather for competing with foreign ports.

12. **Mrs. LUK FUNG Yim-to, Doris from the Hong Kong Shipowners Association** enquired how often did MD review the fees.

13. **Ms. Dora TUNG from MD** replied that the review was conducted annually but the decision of the implementation of proposed fee revision would depend on a number of factors. She reported that the adoption of the last fee revision was in 2011 for port and light dues adjustment.

14. **The Chairman** said that MD was not the approving authority for the implementation of proposed fee revision. MD was only responsible for collecting

views from the trade before making recommendation to the Financial Services and the Treasury Bureau.

15. At this junction of the meeting, **The Chairman** delivered an email message received from Ms. Sandy Chan, the managing director of the Hong Kong Shipowners Association (HKSOA) prior to the meeting. The message representing HKSOA's view of the fee revision proposal stated as: *“We think “full cost recovery” should be only one of the many government policies in setting the fees for government services. Given that it’s the Government’s policy objective of promoting Hong Kong as an IMC and the fact that the Hong Kong’s maritime industry is now facing many challenges and keen competition, we would think it desirable for the Government not to seek any increase in the fees and charges of its marine services”.*

16. **Mr. CHUNG Tung-tong from Merchant Navy Officers’ Guild – Hong Kong** enquired whether the SAB should approve or just take a look on the proposal.

17. **The Chairman** replied that since the proposal had to be seen as a whole package, the SAB did not need to approve or endorse it. The purpose of the discussion was to collect members’ comments and views about the proposed fee reduction for seafarers’ items.

18. **Mr. Kottayil Narayan MENON from the Hong Kong Shipowners Association** commented that any reduction was good that could help to ease seafarers’ burden.

19. **Mrs. LUK FUNG Yim-to, Doris from the Hong Kong Shipowners Association** said the proposed reduction of fees related to seafarers was a good incentive. She understood the logic of fees revision and suggested that making comparison and benchmarking with neighbouring ports would be beneficial. She pointed out that for seafarers, fees may also be a factor for them when considering to work or not to work on board Hong Kong registered ships.

20. **Mr. Kottayil Narayan MENON from the Hong Kong Shipowners Association** enquired if MD had taken into account of the number of application of license or examination when setting the fee reduction rate.

21. **The Chairman** replied that an overview approach was adopted when conducting the fee review exercise.

22. **Mr. LI Chi-wai from the Hong Kong Seamen’s Union** pointed out that item 2(c)(i) of Marine Engineer Officer Class 3 in paragraph 5 of the paper

may cause confusion as the term “full examination” was not used in other categories. He worried that the term might lead to misunderstanding that there were some non-full examinations.

23. **Mr. CHAN Ming-yau from MD** responded that the phrase “full examination” was the exact wording used in the Ordinance. **The Chairman** asked **the Secretary** to clarify with the Seafarers’ Certification Section (CRT Section) of this term after the meeting and replied to all members afterwards through circulation.

(Post-meeting notes: CRT Section confirmed that there was only one examination for Marine Engineer Officer Class 3 and that was the full examination.)

24. **Mr. CHUNG Tung-tong from Merchant Navy Officers’ Guild – Hong Kong** agreed on behalf of MNOG with the fee reduction proposal for items related seafarers.

25. **The Chairman** concluded that members supported the fee reduction proposal under paragraph 5 of the paper. Members also considered that the proposal was a good incentive to seafarers. However, he would like to draw members’ attention again that whether to implement the fee revision proposal or not would be considered as a whole package subject to any comments received from other committees for items other than the charges for seafarers.

A.O.B

(a) Enhanced service provided by the Mercantile Marine Office (MMO)

26. **Mr. CHAN Ming-yau from MD** introduced an enhanced service arrangement for the application for Seafarers Employment Registration Books (SERB) provided by the MMO. He briefed the members that under the current arrangement, application for SERB shall be made in person to the Superintendent and an applicant was required to visit the MMO twice for the submission of the application form and the collection of the SERB. With the enhanced service arrangement, SERB application form had been uploaded onto MD’s website and an applicant could submit the completed application form via e-mail to MMO. MMO would notify the applicant once the SERB was ready for collection. As such, the applicant applying for SERB would only need to visit MMO once for documents verification and the collection of SERB.

27. **Mr. Kottayil Narayan MENON from the Hong Kong Shipowners Association** commented that this was a very good arrangement and more

services could be enhanced by means of latest technology.

28. **Mrs. LUK FUNG Yim-to, Doris from the Hong Kong Shipowners Association** reminded that all information collected for the application of SERB was confidential and MMO should make sure such information was kept intact.

29. **Mr. LI Chi-wai from the Hong Kong Seamen's Union** commented that some seafarers were refused by their Ship Masters to enter their sea time on the SERB issued by the Hong Kong Marine Department when they worked for non-Hong Kong registered ships.

30. **The Chairman** responded that under the MLC, the only thing that a Ship Master could not make entry on SERB was a seafarer's performance. There should have no reason that a Master could refuse to enter a seafarer's sea time onto his/her SERB. He suggested **Mr. LI** and other SAB's members to provide details of the cases known to MD for any appropriate action to follow.

31. **The Meeting** observed no further comments from the floor and the item was thus endorsed.

(b) Formation of SAB

32. **The Chairman** remarked that the current membership would be ended on 1 September 2018. MD was currently reviewing and preparing for the membership renewal exercise. He remarked that the proposed new term of membership would be extended to 3 years and that membership appointment would be subjected to the Secretary for Transport and Housing's approval. Since the SAB was a statutory body, he suggested that SAB meeting should at least be held once a year. The suggestion was supported by the members.

(c) Miscellaneous

33. **Mr. LI Chi-wai from the Hong Kong Seamen's Union** reflected that there were cases of applicants aged 35 or above being refused by the Hong Kong Maritime Service Training Institute (MSTI) when they tried to enrol in MSTI's courses.

34. **The Chairman** replied that MD would relay the message to the MSTI after the meeting.

(Post-meeting notes: MSTI replied that they had no age limit for course enrolment. For the 23-week Certificate for Junior General Purpose Ratings (CJGPR), any

applicant affected by the age restriction (35 years old) as stipulated in the Merchant Shipping (Seafarers) Ordinance (Cap. 478) would still be accepted by MSTI for course enrolment after the applicant had completed a declaration form. Such declaration form had been in use since 2014. Further to the above, the age restriction at 35 years old for seafarer registration as currently stipulated in Cap. 478 would be repealed upon the implementation of the amended Ordinance to effect the MLC 2006 in Hong Kong.)

35. There being no other business, the meeting was adjourned at 11:00 a.m. The date of the next meeting would be announced in due course.

Secretariat
Shipping Division
Marine Department
August 2018