

LCQ6: Certificates of competency issued by Marine Department

Following is a question by the Hon Steven Ho and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (May 8):

Question:

The Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Cap. 548D) stipulates that a Class I, II or III vessel that is fitted with any propulsion engines shall not be underway, unless there is on board a person in charge of the vessel who is the holder of a local certificate of competency (CoC) as a coxswain appropriate for the vessel or any equivalent certificates specified in the Merchant Shipping (Local Vessels) (Local Certificates of Competency) Rules (the Rules). On the other hand, the Rules provide that CoCs shall cease to have effect upon the holder attaining the age of 65. According to the Marine Department Notice No. 12 of 2018 (the Notice), CoC holders who wish to have their CoCs' validity period extended beyond the date of attaining the age of 65 are required to submit an application to the Seafarers' Certification Section of the Marine Department (MD) within six months prior to attaining the age of 65. Quite a number of fishermen who have attained the age of 65 have sought my assistance, saying that they did not apply for the extension of the validity period of CoCs in a timely manner as no expiry date was stated on their CoCs which were issued in or before the 1980s, coupled with reasons such as they have neither received the relevant notifications from the Government nor noticed the Rules and the Notice published by the Government. Regarding the issuance of CoCs by the MD, will the Government inform this Council:

(1) of the respective numbers of CoC holders in each of the past five years, who reached 65 in the year and, within the six months prior to their attaining the age of 65, (i) did not apply for the extension of the validity period of CoCs, and (ii) had applied for the extension of the validity period of CoCs but the applications were rejected;

(2) whether the Government, in each of the past five years, reminded CoC holders who were about to attain the age of 65 to apply for the extension of the validity period of CoCs; if so, of the channels through which such reminders were made and the percentage of CoC holders reminded;

(3) given that holders of vehicle driving licences may apply for renewal of their driving licences within three years from the expiry dates without undergoing a driving test, why a similar arrangement has not been made for CoCs; whether such an arrangement will be made for CoCs;

(4) given that holders of expired CoCs used to be qualified to navigate or operate a local vessel, whether the Government will stipulate that for them to be issued CoCs again, they are required to pass a navigation examination

only; if so, of the details; if not, the reasons for that;

(5) as it is stipulated in the Notice that the validity period of CoCs may be granted an extension of three years for holders attaining the age of 65 who appear to be physically fit and pass the eyesight test, and that such an extension may be granted only on a yearly basis for holders who have attained the age of 71, among the applications for the extension of the validity period of CoCs submitted in each of the past five years by CoC holders who were aged (i) 65, (ii) 68, (iii) 71, (iv) 72 to 75 and (v) 76 or above, of the respective numbers and percentages of applications approved;

(6) given that while Hong Kong residents holding the People's Republic of China Fishing Vessel Personnel Certificates may be issued Hong Kong coxswain and engine operator certificates by the MD, these two certificates will cease to have effect simultaneously upon the day on which the holders attain the age of 60, whether the Government will consider discussing with the Mainland authorities revising the existing arrangements on reciprocal recognition of certificates so that persons attaining the age of 60 and having passed fitness and eyesight tests are allowed to apply for the extension of the validity period of such certificates issued by the MD; if so, of the details; if not, the reasons for that;

(7) of the respective passing rates, in each of the past five years, of the examinations for the various grades of coxswain and engine operator certificates; and

(8) as the various types of vessel operators have indicated that there has been a severe shortage of manpower in the industry, whether the Government will examine if the application thresholds for various grades of certificates (including the requirements on the length of service and examination) may be lowered, so as to attract new blood to join the industry; if so, of the details; if not, the reasons for that?

Reply:

President,

The Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Cap. 548D) requires any person navigating or operating a Class I, II or III vessel that is fitted with propulsion engines to hold a local certificate of competency (CoC) as a coxswain or an engine operator appropriate for the vessel. In addition, the Merchant Shipping (Local Vessels) (Local Certificates of Competency) Rules (the Rules) made under the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) specify that CoCs shall expire upon their holders attaining the age of 65 years. Holders of CoCs who wish to have their CoC validity periods extended should, in accordance with the Rules, submit applications to the Seafarers' Certification Section of the Marine Department (MD) within six months prior to reaching the age of 65 years. For a CoC holder who has reached 65 years of age, the validity period of his CoC could be extended for three years if he is physically fit and passes the eyesight test. As for a CoC holder who is 71 years old or above, his CoC would be extended yearly subject to assessments

of physical fitness and eyesight.

In response to the Hon Steven Ho's question, in consultation with the MD and the Transport Department, our reply is as follows:

(1) and (5) According to the MD's records, over the past five years, the number of CoCs that have expired as the holders have not applied for extension of their validity periods is set out at Annex A. The age distribution of applicants for extending the validity periods of their CoCs, as well as the respective figures and percentages of applications approved are at Annex B.

(2) To ensure that CoC holders are fully aware of the arrangements and deadline of extending the validity periods of their CoCs, starting from March 2017, the MD would issue letters on a monthly basis to all holders whose CoCs are due to expire in three months' time to remind them of applying for extension of their CoCs' validity periods in a timely manner. These reminders are sent to the holders' correspondence addresses as recorded by the MD. As at March 2019, the MD has issued a total of 2 887 such reminders.

(3) Under section 15(6) of the Road Traffic (Driving Licences) Regulations (Cap. 374B), a full driving licence may be renewed during the period from four months before the date of its expiry to not exceeding three years after the date of its expiry. Given the various differences between driving a vehicle and a vessel in respect of the driving/ navigating conditions, modes of operation and competency requirements for drivers/ coxswains, driving licences and CoCs have their own respective regulatory regimes. The renewal arrangements and considerations of driving licences and CoCs are therefore not directly comparable.

That said, as a special measure to facilitate holders who need to extend the validity periods of their CoCs, the MD made a one-off arrangement in January 2018 for holders aged 65 years or above to renew their expired CoCs. Under the said arrangement, holders whose CoCs had expired for not more than three years (counting from the issue date of the Marine Department Notice No. 12 of 2018 concerned on January 26, 2018) might be granted with a CoC of the same grade as the one expired without having the holders to take an examination, subject to the holders' physical fitness, passage of the eyesight test and completion of a one-day refresher course within six months from the issuance of the aforesaid Marine Department Notice. To effectively notify the persons who might benefit from the arrangement, the MD promulgated this one-off arrangement to over 300 fishermen associations and organisations and enlisted their help to relay the information to their members.

(4) At present, the examinations for CoCs of coxswains and engine operators are mainly in written format (oral examinations could be arranged under special circumstances, such as when a candidate of Coxswain Grade 3 or Engine Operator Grade 3 CoC declares that he is unable to take the written examination due to illiteracy). The contents of the examinations cover several areas, namely basic knowledge of local waters and pilotage, the International Regulations for Preventing Collisions at Sea (COLREGs), as well as seamanship and basic engine knowledge. This is to ensure that the CoC

holder possesses sufficient knowledge and skill sets to ensure marine safety. The MD's view is that the proposal to substitute the written (or oral) examinations with a navigation examination is not preferable. This is mainly because such examination format of practical assessment at sea has its inherent limitations, as it could not fully cover different scenarios such as low visibility, night navigation, the application of COLREGs under different navigational circumstances, the knowledge and skills of the candidate in operating different classes of vessels, etc.

(6) To address the operating needs of mobile fishing vessels plying between the Mainland and Hong Kong, the MD issues CoCs with certain restrictions to holders of the Mainland Fishing Vessel Personnel Certificates (Mainland Certificates) to suit their daily mode of operation. It should be noted that as they come with specific restrictions, such as the types and maximum lengths of fishing vessels the holder is permitted to operate, this type of CoCs is different from the CoCs obtained via local examinations which entitle the holder to operate Class I, II and III vessels. Nevertheless, under the overarching principle of ensuring anyone operating a local vessel would possess suitable knowledge on marine safety, the MD is open-minded to possible ways that could assist holders of the Mainland Certificates in meeting the necessary requirements for obtaining a local CoC.

(7) In the past five years, the passing rates of the examinations for the CoCs of various grades of coxswains and engine operators are at Annex C.

(8) To ensure that the holders of CoCs of various grades possess the suitable experience and skills, the applicants of CoCs of various grades are required to meet specific requirements, such as the relevant work experience, on-job training, etc. Currently, to facilitate the manpower development in the local vessel trade and to attract more young persons in joining the sector, the MD is undertaking an accreditation exercise for the qualifications of the relevant CoCs in order to facilitate and support the lifelong learning and development of CoC holders, as well as to enable wider recognition of the CoC holders' abilities. Since such qualification accreditations involve reviewing the existing examination regime, the MD is currently studying whether there is a need to amend the relevant examinations so as to better match the requirements of the accreditation exercise and the actual mode of operation of the trade.