

COMMITTEE ON BOATING AND YACHTING
Minutes of Meeting held on 14 April 2004 at 1000 hours
in the Marine Department Headquarters Conference Room (A)

Present

Mr. K. M. NG	Marine Department	Chairman
Dr. Alan LAU	Royal Hong Kong Yacht Club	Member
Ms. Cora CHEN	} Hong Kong Yachting Association	Member
Mr. Cowen CHIU		Member
Mr. Karl C. KWOK		Member
Mr. F. L. CHEUK	} Marine Department	Member
Miss Fiona YEUNG		Secretary

In Attendance

Mr. Michael K. F. LEE	} Marine Department
Mr. K. P. LEE	

Absent

Mr. Ken TRICE	Hong Kong Yachting Association	Member
Ms. M. C. CHAN	Leisure and Cultural Services Department	Member
Mr. K. Y. SHIN	Civil Engineering Department	Member
Mr. George LAM	Home Affairs Bureau	Member
Miss Paula CHENG	Home Affairs Department	Member

The Chairman welcomed all present.

I. CONFIRMATION OF THE MINUTES OF THE LAST MEETING

2. The minutes of the last meeting were confirmed without amendment.

II. MATTER ARISING FROM THE PREVIOUS MEETING

Establishment of Speed Restricted Zones

3. **The Chairman** informed members that the speed restricted zones at Discovery Bay, Repulse Bay and Tai Tam Bay would be set up on 15 May 2004 and the relevant regulation had been published in Gazette. To draw the public attention, the Marine Department would promulgate a Marine Department Notice for the establishment of the speed restricted zones. A copy of the Marine Department Notice would be sent to various boat clubs so that they could disseminate the message to their club members.

III. NEW BUSINESS

Consultation of Code of Practice

4. **Mr. K. P. LEE** tabled a note about the background of the set up for the Code of Practice – Safety Standards for Class IV Vessels (Licensed Pleasure Vessels). Moreover, he briefed members the key points of the Code of Practice and some members responded as follows: -
- (1) Para. 3 – 5 in “Forward” mentioned the legitimate position of this code of practice.
 - (2) Para. 4.1 in Chapter I showed all pleasure vessels licensed as Class IV Vessels and its applicable Chapters and Annexes.
 - (3) Para. 4.4 in Chapter I stated the reference of any vessel that carries or uses patrol onboard was in Annex 2.
 - (4) Para. 8.3 in Chapter I mentioned that it was the responsibility of the owner or agent to ensure that pleasure vessel was built with adequate strength and stability, adequacy in safety for machinery, electrical and in safety arrangement and equipment for vessel’s intended purpose. Therefore, it would be better for the owner to seek advice and recommendations from an authorized surveyor/organization beforehand.
 - (5) Para. 2.1 in Chapter IV was about the maximum carrying capacity for a pleasure vessel by calculation based on the size of the vessel.
 - (6) It was proposed to amend the second sentence of para. 2.2 in Chapter IV because of increasing the degree of flexibility. It might be changed to “Any vessel should carry the number of crew as specified in the operating licence”.
 - (7) **The Chairman** said it was the decision of the pleasure vessel owner to declare how many crew members in addition to the required minimum number of crew for the vessel. The owner himself should consider the consequence of the insurance claim if the number of crew declared was not equal to that in the actual situation.
 - (8) **Dr. Alan LAU** said that many vessels, especially those PV with low freeboard could not fulfill the requirement (at least 300 mm above the deepest loaded waterline) in para. 2 Chapter IV. Mr. Lee agreed to review the requirement.

- (9) The second sentence in para. 1.4 Chapter IV should be deleted.
- (10) Being consistent with the wordings in para. 2.2 Chapter IV, “Maximum” should be deleted.
- (11) **Mr. F. L. CHEUK** commented that it would be more reasonable to define those vessels of which carrying capacity was more than 12 to have a washroom. **Mr. Michael K. F. LEE** agreed to the suggestion.
- (12) Chapter V and VI covered respectively the fire protection and life saving appliances requirements. This was close to the scale prescribed in the Marine Department Notice issued in 1984 except the unit using metres.
- (13) Chapter VII contained the existing International Regulations requirements on prevention of collision.
- (14) The content of Chapter VIII was the same as that in the previously issued leaflet of handling LPG except that in para. 4.3, it was added that newly installed or converted LPG appliances should be of the type approved by Gas Authority, EMSD.
- (15) **The Chairman** welcomed members to give further comments on the Code of Practice within 2 months. Any verbal enquiries could be addressed to Mr. K.P. LEE at 28524430.

Progress Report on New Ordinances

5. **Mr. F. L. CHEUK** advised members that three Regulations under the Merchant Shipping (Local Vessels) Ordinance had been enacted. Recently, two Regulations regarding the certification and licensing of local vessels and the control of typhoon shelters were submitted to LegCo. And there were 5 more Regulations and 1 Rule being drafted. He expected these new legislations would be enacted in next legislation year. In addition, he briefed members of the following points and gave them a copy of the relevant provisions at the meeting.

Under the new Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation, it would clearly specify that Class IV vessel should be exclusively used for pleasure purpose. However, it could be let for hire or reward under a charter agreement. If so, a certification of inspection issued by an authorized surveyor should be obtained.

Furthermore, there should be a valid third party risks insurance policy for the vessel being let. All these documents should be placed on board the vessel for inspection. The Regulation would also clearly specify the relationship between the owner or the charterer, and the passenger on board the vessel in order to distinct private use from commercial use.

Concerning the painting of vessel licence numbers, he said that under the current legislation, all vessel numbers should be in one size. Feedback from owners of pleasure vessels was that the size was rather large for small vessels. Thus, the new Regulation would prescribe a smaller size for vessels of length not exceeding 24m, and even smaller for vessels of length not exceeding 10m. In case that a vessel of length exceeding 24m would have difficulty to comply with the requirement, the Marine Department might consider granting it an exemption in case by case basis.

6. **Dr. Alan LAU** said a problem had arisen if the nominated owner who represented a company to own a vessel passed away. The vessel became the estate of that nominated owner and it might take a long period of time for the company to get back the vessel for business. **Mr. F. L. CHEUK** responded that under the new Regulation, there would be an interim arrangement for the vessel with deceased owner. He estimated the new Merchant Shipping (Local Vessels) Ordinance would come into effect in early 2005.
7. **The Chairman** said that apart from the drafting work of the remaining subsidiary legislation of the MS Local Vessel Ordinance, the Marine Department was working with the law draftsman for a Consequential Amendment Bill to repeal the existing legislation when the MS Local Vessel Ordinance came into effect. A legislative slot for the Consequential Amendment Bill was required. Therefore, it was difficult to predict when exactly the MS Local Vessel Ordinance would come into force.

IV. DATE OF NEXT MEETING

8. Members would be informed the date of next meeting in due course.
9. There was being no other business, the meeting closed at 1200 hours.