

COMMITTEE ON BOATING AND YACHTING

*Minutes of Meeting held on 23 September 2004 at 1430 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. Ken TRICE		Member
Mr. Karl C. KWOK		Member
Mr. F. L. CHEUK	} Marine Department	Member
Miss Fiona YEUNG		Secretary

In Attendance

Mr. C. Y. TSANG	} Marine Department	
Mr. K. P. LEE		
Mr. Barry CHEUNG	} Hong Kong Police Force	
Mr. Dominic HIBELL		

Absent

Mr. Cowen CHIU	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
Ms. Shirley CHOW	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

Progress Report on New Ordinances

3. **Mr. F. L. CHEUK** said that it was likely to have the Merchant Shipping (Local Vessels) Ordinance (LVO) implemented in mid 2005. **The Chairman** added that the Administration had planned to finalize all subsidiary legislation of the LVO in November 2004 and introduce a Miscellaneous Provisions Bill to the LegCo in February 2005.

III. NEW BUSINESS

COMBAY Paper No. 01/04

(High-Power Open Deck Pleasure Vessels)

4. **Mr. C. Y. TSANG** briefed members the background of the paper and the different roles of Marine Police and Marine Department in the management of Hong Kong waters, i.e. Marine Police focused on combating the unlawful act within Hong Kong waters while Marine Department focused on the safety of the vessels. He introduced **Mr. Barry CHEUNG** to address the concern of the Marine Police on the P4 type high power pleasure vessels.
5. **Mr. Cheung** presented the details of smuggling activities involved P4 type high power pleasure vessels and concluded that in order to prevent more such pleasure vessels engaged in the unlawful activities, a new licensing requirement was proposed to be imposed for single hull open deck pleasure vessels fitted with outboard engines of 200 HP or above. He stressed that they did not aim at bringing in tough measures to discourage the boating and yachting activities but trying to adopt a flexible mechanism to stop the abuse of using pleasure vessels in smuggling.
6. **Dr. Alan LAU** said that although it was understandable for Marine Department to tighten the regulation of pleasure vessels based on the premise of marine safety. However, it seemed that the establishment of the new licensing requirements was more favourable to the management of fighting smuggling activities, rather than the safety of the public. Moreover, it would be hostile to owners of the genuine pleasure vessels and overburden the prospective owners

for licensing their open deck vessels.

7. **Mr. Cheung** responded that they were not finding an easy way to carry out their operation but a proper way to license pleasure vessels for ordinary leisure purpose. They hardly believed that there was a need for pleasure vessels fitted with high power outboard engines of 200 HP. Dr. Lau disagreed with Mr. Cheung that there were many genuine high power pleasure vessels sailing out of Hong Kong waters for leisure purpose on weekends.
8. **The Chairman** raised two questions for members considerations:
 - (a) Did small sized pleasure vessels really need such high power engines for leisure purposes?
 - (b) Should a boat builder possess necessary data for designing and constructing a pleasure vessel so as to ensure that the vessel could be safely operated with the anticipated high power engines?

Dr. Lau responded that many pleasure craft players went fishing for leisure purpose and the speed of the craft could reach 35 to 40 knots. **Mr. Cheung** expressed that that kind of craft could be fitted with less powerful engines (e.g. 150 HP) for running in same speed.

9. **The Chairman** commented that the maximum speed of such small sized pleasure vessels with 200 HP engine could be upto 40 knots, which met the purposes of leisure fishing. He added that the pleasure vessel owners might risk their own safety when operating improper built vessels in open waters with high power engines. The Marine Department, being a licensing authority, had the responsibility of ensuring the safety of all users at sea.
10. As there were views that existing vessels might not be able to produce the required information, the Chairman proposed to set aside the existing vessels which would be discussed at a later stage and impose the new licensing requirements to all new vessels. Members supported the proposal.

Consultation for Code of Practice (1st Revised Draft)

11. **Mr. K. P. LEE** informed the members that Annex B was the summary of amendments for Code of Practice of Class IV Vessels suggested by different advisory boards and Annex C was the whole set of the Code of Practice incorporated those amendments. He tabled an additional Chapter IX which was a new chapter for the Code of Practice and invited members to give him written comments on this first revised draft. For further queries, members could contact him at 2852 4430 or **Mr. Michael K. F. LEE** at 2852 4406.

COMBAY Paper No. 02/04

(Licensing and Operation of Powerski Jetboard)

12. **Mr. F. L. CHEUK** advised that the MD had received an enquiry about licensing of Powerski Jetboard to operate in Hong Kong waters. He briefed members of this paper and reported that **Ms. M. C. CHAN** of Leisure and Cultural Services Department (LCSD) had given the following comments:
- (a) In light of the high speed of Powerski Jetboard (up to 35 knots), it was suggested that annual inspection of the Jetboard would be required before issuing a licence for its operation.
 - (b) Training and experience in proper operation of Powerski Jetboard would be essential to the players involved and other water users in its vicinity. It was suggested that relevant sports associations should be consulted for setting up appropriate guidelines for Powerski Jetboard players.
 - (c) The “boating areas” in which no Powerski Jetboard should be allowed to operate should be defined. It was suggested that the confined water sports activities areas of the water sports centres under the jurisdiction of LCSD should be defined as boating areas in order to safeguard the users of LCSD.
 - (d) The noise generated by Powerski Jetboard at high speed could be very annoying to the nearby residents. It was suggested to seek Environmental Protection Department’s comment in this area.

Dr. Alan LAU commented that the use of Powerski Jetboard was not popular and that they would create several safety issues/problems. He therefore suggested and members agreed that from safety point of view, it should not be appropriate to license Powerski Jetboard or similar kind of craft in Hong Kong.

IV. ANY OTHER BUSINESS

Chartering of Pleasure Vessels

13. **Dr. Alan LAU** informed that there was advertisement posted in Sai Kung on weekends publicizing that chartering of pleasure vessels would be provided to a group forming by individual persons. **The Chairman** replied that the situation was noted and monitored.

Use of Banana Boats

14. **Mr. F. L. CHEUK** briefed the members that it was a rising trend for people to ride on a Banana Boat. However, there was no licence required for this particular kind of boat since it was not fitted with an engine. For the sake of the public safety, it was proposed to regulate the use of Banana Boats under the new legislation by requiring the operators of Banana Boats to apply for a permit from Marine Department. **Mr. Ken TRICE** commented that this requirement should apply to Banana Boats as well as other similar floating gears such as “circular rings”. **The Chairman** responded that a more generic term representing those sorts of floating gears would be defined later. The proposal was supported by all members and would be implemented under the LVO.

Towing of Pleasure Vessels

15. **Mr. F. L. CHEUK** advised members that under the new legislation which was modelled from the existing legislation, all local vessels should not engaged in towing unless they were permitted to do so. To allow pleasure vessels to tow an open deck pleasure vessel for the purpose of pleasure, he considered practicable to endorse permission in the vessel’s licence when it was newly issued. In respect of the technical aspect, he suggested that from safety point of view, the permission should be endorsed according to the criteria set out as follows:

- (a) For pleasure vessels with length equal or exceeding 15m, it would be permitted to tow one open deck pleasure vessel with length up to 8m.
- (b) For pleasure vessels with length less than 15m, it would be permitted to tow one open deck pleasure vessel with length up to 4m.

Members were requested to consult their association members about the above suggestions and then forwarded the comments collected to Marine Department for consideration.

V. DATE OF NEXT MEETING

- 16. Members would be informed of the date of next meeting in due course.
- 17. There was being no other business, the meeting closed at 1700 hours.