

**Local Vessels Advisory Committee**  
**Subcommittee on Class IV Vessels**  
**Minutes of the 4th Meeting**

Date : 25 May 2017 (Thursday)  
Time : 2:35 p.m.  
Place : Conference Room A, 24/F, Harbour Building, Central

**Present (in no particular order)**

Mr. CHAN Hon-bun (Chairman)	Marine Department (MD)
Mr. TONG Yui-shing	Water Sport Association (WSA)
Mr. Alan REID	Yachting & Boating Club
Mr. Vincent LEUNG	Marina
Mr. WU Lin-fat	WSA
Mr. CHEUNG Yat-leung, Jacky	WSA
Dr. LAU Kwok-lam, Alan	Pleasure Boating Operations
Mr. WONG Yiu-wah, Thomas	Operator Engaging in Chartering of Class IV Vessels (Chartering Operator)
Mr. CHOY Ka-wing	Leisure and Cultural Services Department (LCSD)
Mr. YEUNG Po-kwong	MD
Mr. LEE Wing-chung, Eric	MD
Mr. LEE Kwok-ping	MD
Mr. LAW Lap-keung	MD
Mr. ZOU Ping	MD
Mr. LEU Kun-man	MD
Miss Ann KWOK (Secretary)	MD

**In Attendance**

Ms. Zoe CHENG	Marina
---------------	--------

**Absent with Apologies**

Mr. Donald LEE	WSA
Mr. CHAN Chi-Ming	Ship Building and Repair Industry
Mr. Claudio SCHETTINO	Yachting & Boating Club

## **I. Confirmation of Minutes of Previous Meeting**

There being no amendment proposals from members at the meeting, the minutes of the previous meeting were confirmed.

## **II. Matters Arising from Previous Minutes**

### **i) Issues Related to Private Moorings**

2. **Mr. LEU Kun-man (MD)** informed members that stage II of the relevant review had been completed. In respect of the supply of berthing space, the report of the review recommended providing more areas for the laying of private moorings. The recommendation mainly consisted of two parts. The first part was a plan to designate private mooring areas (PMAs) in two existing typhoon shelters, and Hei Ling Chau Typhoon Shelter and Yim Tin Tsai Typhoon Shelter were selected at this stage to have some of the areas to be designated for the laying of private moorings. The second part was a proposal to rearrange private moorings in existing designated PMAs, including the PMAs in Tso Wo Hang, Shuen Wan Hoi and Tai Mei Tuk, and expand the PMAs for the laying of more private moorings. The MD would conduct appropriate consultation when there were specific arrangements.

### **ii) Issues Related to the Regulation of Float Lifts**

3. **Mr. LAW Lap-keung (MD)** continued the discussion from the last meeting about Paper No. 1/2015 “Proposal to certificate and license float lift as Class II work boat”. He said that the MD had made reference to the relevant guidelines of other places and cited the actual situation in the states of Washington and Florida of the United States of America (USA) where local people had to apply for a permit for a float lift for stowing vessels. The nature of the permit was similar to the permit in respect of private mooring buoys. He suggested conducting a study on categorising float lifts as accessories of private moorings and drafting a new proposal for members’ consideration.

4. **The Chairman** added that members reflected in the last meeting that the proposal of regulating float lifts by issuing an individual licence was too strict. Therefore, after considering the legislation and guidelines of other places, the MD proposed to categorise float lifts as accessories of private moorings and adopt the same regulatory approach as for private moorings, with the requirements for float lifts listed in Paper No. 1/2015 remained applicable.

5. **Dr. LAU Kwok-lam (Pleasure Boating Operations)** expressed his concerns in two areas. Firstly, in respect of safety, there was no legislation to regulate the use of float lifts in unstable weather. For instance, there was no legislation prohibiting the stowing of vessels on float lifts when the wind was strong and the sea was rough. As a result, nearby vessels might be affected. Besides, float lifts were fitted with mechanical equipment which might give rise to safety problems if no governing legislation was in place. Secondly, float lifts could be used by different types of vessels thanks to technological advancement, and without legislative control, float lifts might be used for illegal repair, which could adversely affect the industry.

6. **Mr. CHEUNG Yat-leung, Jacky (WSA)** expressed concern over the safety issues related to float lifts brought about by a lack of regulation, for example, whether such lifts had sufficient buoyancy to float vessels.

7. In response, **the Chairman** said that if float lifts were categorised as accessories of private moorings, the MD could then draw up specific requirements for such accessories, including requiring them to meet the safety standards specified by the manufacturers. A permit could also be granted subject to conditions and restrictions such as a float lift not produced by the original manufacturer had to be examined by the MD or an authorised surveyor (AS), and a float lift must be used solely for stowing the designated vessel. **The Chairman** said that the MD was deliberating on the broad direction of the approaches to the regulation of float lifts and would like to solicit the opinions of members on regulating float lifts as accessories of private moorings.

8. **Mr. TONG Yui-shing (WSA)** enquired about the restrictions and requirements on the application for licence of non-mechanised vessels. **The Chairman** explained that local vessels were categorised into four classes under the law of Hong Kong and vessels of different classes were subject to different restrictions

and requirements on vessel licence application. Float lifts, however, were not categorised as vessels of any class or accessories of private mooring buoys.

9. **Mr. TONG (WSA)** pointed out that float lifts might not be covered by prevailing insurance policies.

10. **Dr. LAU (Pleasure Boating Operations)** remarked that currently vessels, buoys and so forth had an individual number for identification but float lifts did not have an identification number.

11. **The Chairman** responded that non-powered vessels with length overall not exceeding four metres were not required to hold a valid third party risk insurance policy under the current legislation. Moreover, vessels would be assigned an individual number upon licence application and accessories of private mooring buoys would have a number for identification.

12. Both **Dr. LAU (Pleasure Boating Operations)** and **Mr. CHEUNG (WSA)** remarked that it would be more appropriate from the regulatory point of view to require an individual licence to be applied for a float lift. **Mr. CHEUNG (WSA)** further suggested that the number of the corresponding vessel be included in the licence of a float lift to facilitate future regulation.

13. In response, **the Chairman** said that the MD would continue to study the matter along the direction of issuing a float lift with an individual local vessel licence, and would further consult members in due course.

**iii) Issues Related to the Review of the Number of Speed Restriction Zones, Their Enforcement Periods and the Penalty**

14. **Mr. LAW (MD)** reported to members on the amendments to the proposed changes concerning Speed Restricted Zones (SRZs) subsequent to consultation with stakeholders of Sai Kung district. He indicated that members of the Area Committee of the Sai Kung District Council would be consulted on the proposal on 26 May 2017, followed by the Tai Po District Council.

[Post-meeting note: The Area Committee of the Sai Kung District Council endorsed the proposed changes concerning SRZs. The MD would soon conduct consultation in Tai Po district.]

15. In response to the question raised by **Mr. CHEUNG (WSA)** regarding proposed implementation time, **the Chairman** said that amendments to regulations on SRZs had to be made in accordance with legislative procedures, i.e. consulting the Sai Kung District Council and Tai Po District Council followed by the Legislative Council (LegCo) Panel on Economic Development before submitting the amendments to the LegCo for deliberation. The MD would handle the matter as expeditiously as possible.

### **III. New Discussion Item**

#### **i) Paper No. 2/2017 – Fomat of the New Certificate of Survey**

16. **Mr. LEE Wing-chung, Eric (MD)** briefed members on the proposal in Paper No. 2/2017. He added that the new Certificate of Survey had nothing to do with the existing Certificate of Inspection issued by an AS.

17. **Members** had no comment on Paper No. 2/2017.

#### **ii) Paper No. 3/2017 – Reform of the Regulatory Regime for Pleasure Vessels**

18. **Mr. LEE (MD)** explained to members in detail the proposal in Paper No. 3/2017. He added that the MD started discussing the issue with various stakeholders, including representatives from the pleasure vessel (PV) chartering and private PV trades, last September and consensus was reached on the five reform directions proposed in the paper. A complete consensus had yet to be arrived at on some technical details and specific standards. The MD would further discuss with the industry when it amended the Code of Practice.

19. In response to the enquiry of **Mr. CHEUNG (WSA)** about the number of additional life-saving appliances required to be provided on existing local PVs let for hire or reward, **Mr. LEE (MD)** explained that the MD proposed to require such vessels to increase their number of life-saving appliances up to their maximum

carrying capacity. For example, a PV which had a carrying capacity of ten persons would be required to carry at least five lifebuoys on board given that a lifebuoy was taken to be for use by two persons under the law. He added that life-saving appliances referred to lifebuoys, liferafts, buoyant apparatus or a combination of them.

20. **Mr. CHEUNG (WSA)** queried the need for providing additional life-saving appliances and whether there was enough space for stowing the required quantity of life-saving appliances on PVs let for hire or reward.

21. **Mr. LEE (MD)** responded that the purpose of requiring the provision of additional life-saving appliances was to increase the chance of speedy escape of passengers in case the vessels were in distress. The MD visited PVs let for hire or reward of various sizes and types last October and found that there should be enough space for stowing the required quantity of life-saving appliances. He added that the requirement was only applicable to existing local PVs let for hire or reward and existing large-scale vessels, i.e. existing vessels required to be issued with a certificate of survey or certificate of inspection. The MD and the industry had reached a consensus on the requirement for existing local PVs to provide additional life-saving appliances on board.

22. **Mr. CHEUNG (WSA)** declared his engagement in trading PVs and was worried that changing the current criterion for deciding whether a PV was a large-scale vessel from gross tonnage (i.e. 150 gross tonnage) to vessel length (i.e. 24 metres) might have an impact on the industry.

23. **Mr. LEE (MD)** responded that reference had been made to the regulatory regimes of other jurisdictions (including the United Kingdom, the USA and Australia) during the benchmark survey. It was found that a vessel length of 24 metres was used by most of the advanced maritime authorities as the criterion for deciding whether a PV was a large-scale vessel and application of the criterion was the international norm, while higher construction standards were imposed on large-scale PVs. Mr. LEE said that during consultation with the industry, some representatives of the industry considered that as larger vessels had more space available for stowing safety appliances, they should be safer than small-scale vessels and should not be subject to tighter regulation. Nevertheless, Mr. LEE pointed out that the larger the vessel, the higher the construction standards and quality requirements it would be subject to, and

the MD made the proposal having regard to practical safety needs.

24. **Mr. LEE (MD)** added that at present 71 private PVs and nine PVs let for hire or reward were to be affected by the criterion change and subject to survey. Noting the industry's concern during consultation, the MD, with a view to minimising the impact on existing vessels, proposed to apply the new criterion to newly constructed PVs only and allow existing vessels to continue with the current practice. Furthermore, the Local Vessels Advisory Committee endorsed the extension of the scope of survey work of classification societies to cover large-scale PVs last December. The MD was actively studying the extension of the scope of survey work of ASs in the hope of providing more options for the industry.

25. In response to the enquiry of **Mr. CHEUNG (WSA)** about the requirements for Very High Frequency (VHF) radiotelephones, **Mr. LEE (MD)** explained that the VHF radiotelephone operator was required to have a certificate of competency issued by the Communications Authority, and the VHF radiotelephone carried on board a PV let for hire or reward had to be of a type approved by the Communications Authority. **Mr. TONG (WSA)** opined that the VHF radiotelephone was basic equipment for passenger vessels and the operator certificate was easy to obtain. He considered the MD's proposal reasonable.

iii) **Paper No. 4/2017 – Safety Advice on Using Local Vessels for Pleasure Purposes**

26. **Mr. ZOU Ping (MD)** briefed members on the proposal in Paper No. 4/2017.

27. **Mr. TONG (WSA)** suggested two textual amendments to the Annex of Paper No. 4/2017. Firstly, he suggested replacing “Drinking/Drink” in the seventh item under “Safety Advice on General Water Sports”, the fifth item under “Swimming during a cruise” and the second item under “Banana boats, inflatable towables and other towing water sports” in the English version of the Annex with “Drinking/Drink Alcohol” to better convey the meaning of “drinking alcohol”. Secondly, he suggested amending the text of the tenth item under “Jet skis” in the English version of the Annex to facilitate clearer understanding.

28. **The Chairman** responded that the MD would carefully examine the suggestions and consult an official languages officer after the meeting.

[Post-meeting note: The MD decided to keep the original text unchanged after consulting an official languages officer on 26 May 2017.]

29. **Mr. CHOI Ka-wing (LCSD)** said that the “Handbook for Instructors of Water Sports Centres” of the LCSD stated that the operator must securely attach the kill cord to his/her body. He cited an overseas example to explain that serious consequences could be caused by not attaching the kill cord to the operator.

30. **The Chairman** said that appropriate examples would be added after the safety advice on “kill cord” in the Annex of the paper to facilitate a more thorough understanding of the contents.

[Post-meeting note: **Mr. CHOI (LCSD)** wrote to the MD on 26 May 2017 to provide additional information on the proposal. The MD amended the seventh item under “Riding a small open cruiser” and the second item under “Jet skis” of the safety advice on “kill cord” in the Annex accordingly. The revised “safety advice” is set out in the Appendix A for reference.]

iv) **Paper No. 5/2017 – Proposed Measures to Enhance the Safety of Open Cruiser with Length Overall Not More Than 3 Metres and Fitted with Engine Not More Than 3 Kilowatts**

31. **Mr. ZOU (MD)** briefed members on the proposal in Paper No. 5/2017.

32. **Dr. LAU (Pleasure Boating Operations)** doubted whether the regulatory approach proposed by the MD was feasible as the majority of the operators of small PVs were charterers and the circumstances stated in items (i) to (iv) of paragraph 4(b) of the paper could change in a short time. He suggested requiring the operator of a small PV to be a holder of at least a valid Pleasure Vessel Operator Grade 2 certificate.

33. **Mr. CHEUNG (WSA)** worried that the charterers of small PVs might lack the awareness of maritime safety and the safety awareness of operating small PVs.



34. **Mr. WONG Yiu-wah, Thomas (Chartering Operator)** agreed that the majority of the operators of small PVs were charterers who lacked relevant maritime knowledge. He said that the operator of a small PV should be required to be a holder of at least a valid Pleasure Vessel Operator Grade 2 certificate. Besides, sufficient lifejackets and lifebuoys should be required to be provided on board and small PVs should not be allowed to navigate in major fairways. He also advised the MD to strengthen patrols in the waters concerned.

35. **The Chairman** responded that the MD would introduce new control measures following a direction in line with the views of members and implement the recommendations set out in the proposal by phases. He said that the MD would launch educational and publicity campaigns to enhance the safety awareness of the public on using small PVs and at the same time implement the first-phase recommendation of adding conditions to the operating licence of small PVs. The effectiveness of the first-phase measure would be closely monitored and reviewed in a timely manner. The second-phase measure would be pursued if the situation warranted it.

36. **Dr. LAU (Pleasure Boating Operations)** and **Mr. CHEUNG (WSA)** agreed to implement the first-phase recommendation as soon as possible.

37. **Mr. Tong (WSA)** took Melbourne's case as an example and suggested that the MD make reference to the educational approaches of Melbourne in relevant areas.

38. **Mr. Alan REID (Yachting & Boating Club)** pointed out that instead of adding conditions to the licence, the safety objectives could be better achieved if the operators and passengers of small PVs wore lifejackets on board and had sufficient awareness of maritime safety.

39. **The Chairman** responded that the MD was preparing relevant promotional leaflets and would continue to hold various seminars and educational campaigns with a view to enhancing the public awareness of maritime safety through education and publicity.

[Post-meeting note: The promotional leaflet of "Safe Operation of Small Pleasure Vessels" is set out in the Appendix B for reference.]

**IV. Any Other Business**

40. There was no other business.

**V. Date of Next Meeting**

41. There being no other business, the meeting was adjourned at 4:10 p.m. The date of next meeting would be announced in due course.