

**Subcommittee on Class IV Vessels under the
Local Vessels Advisory Committee
Minutes of the 5th Meeting**

Date : 8 November 2018 (Thursday)
Time : 9:30 a.m. – 1:00 p.m.
Place : Conference Room A, 24/F, Harbour Building

Present

Chairman:	Mr. HO Wing-hong	Assistant Director (Special Duties), Marine Department (MD)
Members:	Mr. TONG Yui-shing	Water Sport Association (WSA)
	Mr. Alan REID	Yachting & Boating Club
	Mr. Alex JOHNSTON	Yachting & Boating Club
	Dr. LAU Kwok-lam, Alan	Pleasure Boating Operations
	Mr. Gregory JARZABKOWSKI	Marina
	Mr. LI Chi-keung	Operators Engaging in Chartering of Class IV Vessels
	Mr. CHEUNG Chuen-yau	Pleasure Vessel Building and Repairs Industry
	Mr. LI Zhi-qiang	Authorised Organisations
	Mr. YU Kam-cheong	Authorised Surveyor
	Mr. Jerry TANG	General Manager/Local Vessels Safety, MD
	Mr. S Y CHAN	Senior Surveyor/Local Vessels Safety, MD
	Mr. Eric LEE	Senior Surveyor of Ships (Special Duties), MD
	Mr. G F JIANG	Senior Marine Officer/Licensing & Port Formalities (Acting), MD

Mr. CHOY Ka-wing

Leisure and Cultural Services
Department

In Attendance

Miss Ava YIP

Official Languages Officer,
MD

Miss Janette IP

Official Languages Officer,
MD

Absent with Apologies

Mr. Donald LEE

WSA

Secretary

Mr. Kevin KUNG

MD

I. Opening Remarks

1. **The Chairman** announced that the various subcommittees under the Local Vessels Advisory Committee (“LVAC”) were revamped last year, and extended welcome to all re-appointed members, newly-appointed members as well as other participants for attending the 5th meeting of the Subcommittee on Class IV Vessels (“the Subcommittee”).
2. **The Chairman** also read to the members the terms of reference of the Subcommittee, and its structure and composition. He hoped that the Subcommittee could continue to provide the MD with valuable advice.

II. Declaration of Interests and Introduction to Meeting Procedures

(1) Declaration of Interests by Members (Paper No. 1/2018)

3. **The Chairman** briefed members on Paper No. 1/2018. He said that the Subcommittee would follow the practice of the LVAC to adopt the “two-tier reporting system”. In addition to making a declaration of interests at meetings, members would be required to disclose their interests on appointment to the Subcommittee and record them in a register as well. The Register of Interests was enclosed in Annex 1 of the above paper. Members were reminded to return the register to the Secretariat after filling out the information required.
4. He highlighted the guidelines on declaration of interests concerning “Contracts” in paragraph 6 of the paper, and pointed out that the paragraph specifying that “As a matter of principle, members should avoid entering into any contract with the various subcommittees.”

(2) Meeting Procedures (Paper No. 2/2018)

5. **The Chairman** briefed members on Paper No. 2/2018 and the meeting procedures.
6. There being no other questions and comments, the Subcommittee unanimously endorsed Paper No. 2/2018.

III. Endorsement of Notes of Last Meeting

7. Members confirmed the notes of the 4th meeting held on 25 May 2017 without amendments, and endorsed the notes of the meeting.

IV. Discussion Items

(1) Legislative Amendments for Enhancing the Provision of Lifejackets on Local Vessels (Paper No. 3/2018)

8. Mr. Eric LEE briefed members on Paper No. 3/2018.
9. Mr. Eric LEE said that Class I, Class II and Class IV vessels which were let for hire or reward were in general required by the existing law to carry children lifejackets for 5% of the total number of persons on board. Under current legislation, these vessels were not required to carry infant lifejackets. In response to the concerns of the public and the trade over maritime safety, the MD, in 2015, commissioned a subsidiary consultancy company of the Hong Kong Polytechnic University (“PolyU”) to explore the feasibility of developing a type of lifejacket suitable for both adults and children (“Common Lifejacket”). Since the research and development of the Common Lifejacket had already completed, after the PolyU negotiated and entered into an agreement with a manufacturer, production of the product could commence officially. In view of this, the MD proposed making legislative amendments for enhancing the provision of lifejackets on local vessels. Generally speaking, local vessels should provide every person (regardless whether he/she was a child or an adult) on board with a suitable lifejacket, the total number of which could not be less than the maximum number of persons to be carried (including crew members) as specified in the operating licence. Commercial vessels carrying more than 12 passengers should provide infant lifejackets in a number not less than 2.5% of the maximum number of passengers to be carried (excluding crew members) as specified in the operating licence.
10. Mr. YU Kam-cheong agreed with the idea of designing the Common Lifejacket. He said that members had yet to see any sample of the lifejacket and would like the MD to show them. The Chairman showed members two samples of the Common Lifejacket.

11. **Mr. Eric LEE** said that during the research and development stage, the MD obtained a certificate of compliance issued by Lloyd’s Register (“LR”). The lifejacket later obtained the CE Certification from ISET, an Italian certification organisation. **Mr. Eric LEE** reported that the MD met with trade representatives in September 2018 to introduce the Common Lifejacket. The manufacturer demonstrated the way to wear the lifejacket at the briefing session. On the same day, the MD published a press release through the Information Services Department to introduce the lifejacket to the public.
12. **Dr. LAU Kwok-lam, Alan** was of the view that wearing instructions should be attached to the lifejacket because the public might not know how to help children wear it.
13. **Mr. Eric LEE** indicated that the price of the Common Lifejacket would range from \$135 to \$180 per piece, whereas the price of infant lifejackets on the market ranged from \$160 to \$200 per piece. The MD proposed to provide a subsidy on an accountable basis. Relevant details would be announced in due course. **Mr. YU Kam-cheong** asked whether the subsidy would be a full subsidy. **The Chairman** replied that the MD was negotiating closely with the trade on the issue.
14. **Mr. Eric LEE** added that the MD endorsed Paper No. 19/2016 entitled “Proposed Legislation for Safety Measures during Major Events at Sea” at the LVAC meeting on 30 December 2016. He reminded members of the requirement that during the implementation of safety measures for major events at sea, a suitable lifejacket should be provided for every child and infant aged below 12 on board an applicable vessel. As production of the Common Lifejacket would soon commence, the MD would submit the proposal of that Paper and the proposal to enhance the provision of lifejackets on local vessels to the Legislative Council Panel on Economic Development (“ED Panel”) for consultation.
15. **Mr. Eric LEE** stated that during the implementation of safety measures for major events at sea, if the number of infants carried on board an applicable vessel exceeded 2.5% of the maximum number of passengers to be carried, a sufficient number of infant lifejackets should be provided, i.e. the number of infant lifejackets would be more than the statutory requirement — 2.5% of the maximum number of passengers to be carried. **The Chairman** indicated that during a major event at sea, vessels which entered the event area designated by a Marine Department Notice (“MDN”) were required to comply with relevant safety measures. Every child and

infant aged below 12 on board a vessel should be provided with a suitable lifejacket. The coxswain of a vessel participating in a major event at sea should be informed of the number of children and infants aged below 12 beforehand and conduct relevant preparatory work.

16. **Dr. LAU Kwok-lam, Alan** enquired about the person to be held responsible for the wearing issue after lifejackets suitable for children and infants aged below 12 were distributed to parents. **Mr. LI Chi-keung (Representative of Operators Engaging in Chartering of Class IV Vessels)** stated that according to the general practice of the trade, after distributing lifejackets, parents would be responsible for helping their children and infants wear them. **The Chairman** indicated that the Harbour Patrol Section of the MD would board vessels to conduct random checks during major events at sea. After distributing lifejackets suitable for children and infants aged below 12 to parents, parents would be held responsible if their children did not wear them. **Mr. Eric LEE** added that according to the original proposal stated in Paper No. 19/2016 endorsed by the LVAC, if a child was found not wearing a lifejacket at all times while on board a spectator vessel, the coxswain of the spectator vessel might be guilty of the offence of negligence unless he had taken adequate precautions.
17. **Mr. YU Kam-cheong** asked the definition of infant. **The Chairman** responded that whether a person should wear an infant lifejacket or a children lifejacket should depend on his/her body size since children of different races would grow at a different rate. **Mr. YU Kam-cheong** was of the view that if the number of children and infants aged 12 below exceeded the expected number and no additional suitable lifejackets were available, the coxswain should have the right to refuse to let those passengers board the vessel.
18. **Mr. Alan REID** asked the definition of major event at sea and would like the MD to clarify that whether a large-scale yacht race in Hong Kong with 200 yachts participating was a major event at sea. **Dr. LAU Kwok-lam, Alan** was of the view that the yachts participating in a yacht race were for sports and recreational use, but not Class IV vessels let for hire or reward which were regulated by the ordinance. **The Chairman** responded that the MD would issue an MDN in respect of a large-scale event at sea to delineate restricted areas for the implementation of the regulation measures mentioned in the Paper. Those events usually include fireworks displays, but not yacht races.

19. There being no further comments raised by members on Paper No. 3/2018, the Chairman announced that the Paper was endorsed.

(2) Legislative and Code of Practice Amendments to Reform the Regulatory Regime for Local Pleasure Vessels (Paper No. 4/2018)

20. The Chairman briefed members on Paper No. 4/2018. The MD consulted the LVAC and the ED Panel on the reform proposal in September 2017 and April 2018 respectively. In the light of the concerns raised by the trade, the ED Panel passed a motion at the meeting to call on the Government to revisit the details of the proposed regulatory measures and consult the ED Panel again in due course. The MD subsequently held detailed discussions with the trade and refined the details of the reform proposal. The Chairman added that the MD had consulted the trade on many occasions since April this year and finally came up with the fine-tuned proposal and code of practice (“CoP”) as set out in the Paper. The Chairman emphasised that the MD would be glad to continue discussion with the trade on the details of the CoP amendments.

21. Mr. Eric LEE elaborated on the details of the proposal. With reference to the five proposed reform measures stated in paragraph 4 of LVAC Paper No. 14/2017, the MD, after discussions with the trade, agreed to refine some of the proposed measures.

22. Mr. Eric LEE said that the MD agreed to refine item (i) so that owners of new large-scale pleasure vessels of not less than 24 metres in length but more than 150 gross tonnage might opt to have the plan approval and surveys conducted and the Certificate of Inspection issued directly by authorised surveyors (“AS”), classification societies or the MD, which was similar to the current practice that the trade had adopted for years. For new large-scale pleasure vessels of not less than 24 metres in length but more than 150 gross tonnage, they should undergo surveys conducted by classification societies or the MD and obtain the Certificate of Survey issued by the MD as stated in the original proposal, which was similar to the current practice.

23. Mr. Eric LEE said that for item (iii), the original proposal was to require all pleasure vessels let for hire or reward which were permitted to carry more than 12 passengers to carry a Very High Frequency (“VHF”) radiotelephone. Considering that pleasure vessels which were permitted to carry more than 60 passengers had the

same requirements for life-saving appliances as Class I passenger vessels, the MD, after detailed discussions with the trade, agreed to refine the proposal so that all pleasure vessels which were permitted to carry more than 60 passengers also needed to carry a VHF radiotelephone no matter if they were let for hire or reward.

24. **Mr. Eric LEE** mentioned the requirement of having on board at least one crew member with the certificate of competency issued by the Office of the Communications Authority for using a VHF radiotelephone. In the light of the situation regarding crew members possessing the certificate of competency as conveyed by the trade, the MD had been actively working with the Communications Authority on ways to render assistance to the trade. In view of the language environment of the local vessel industry, Cantonese had been added as a medium of examination, and the examination papers had taken the form of multiple-choice questions since July this year while retaining oral examination quotas. **Mr. Eric LEE** said that there was an increase in the examination passing rate after the implementation of such changes. The legislative amendment relating to VHF radiotelephones would take effect only when the trade had sufficient number of qualified officers possessing the certificate of competency. The actual implementation date would be announced in due course.
25. **The Chairman** invited members to comment on the above two proposed measures.
26. **Mr. YU Kam-cheong** enquired whether the MD would provide subsidies for installing VHF radiotelephones as the cost might pose a burden on the trade. **The Chairman** responded that the MD had earlier provided subsidies for Class I and Class II vessels to install radar and Automatic Identification System but no subsidy would be provided for installing VHF radiotelephones. The MD currently had no plan to provide subsidies for the installation of VHF radiotelephones.
27. **Mr. Eric LEE** briefed members on the refined measure of item (v). All open deck pleasure vessels were required to provide lifebuoys adequate for use by the maximum number of persons to be carried as specified in the operating licence. In the event that additional lifebuoys could not be provided on board, the new legislative requirements could still be met provided that passengers on board wore suitable lifejackets when the pleasure vessels were underway. Moreover, when participating in specific water sports activities (e.g. water skiing), passengers on board the open deck pleasure vessels might wear lifejackets suitable for water sports

activities, and the standards and requirements of which would be set out in the CoP.

28. **Mr. YU Kam-cheong** enquired about the standards for lifebuoys as they were not specified in the CoP. **Mr. Eric LEE** responded by saying that the current CoP specified that all life-saving appliances (including lifebuoys) should be of approved types and meet the standards of the International Convention for the Safety of Life at Sea (“SOLAS”). Requirements of the International Organization for Standardization (“ISO”) would also be included in the new CoP. As for the technical specifications of the standards concerned, the MD would consider presenting them clearly in a concise manner in the CoP.
29. **Mr. YU Kam-cheong** enquired whether the horseshoe-shaped buoyancy aids on the market were acceptable to the MD. **The Chairman** responded that the MD in principle would accept buoyancy aids which met the relevant standards and could support two persons. **The Chairman** added that if additional lifebuoys could not be provided on board a pleasure vessel, passengers participating in water skiing activities had to wear lifejackets suitable for water sports activities during the whole journey from the pier to the place for water skiing.
30. **Mr. Alan REID** said that it was hard to find the definition of open deck pleasure vessels on the MD’s website and hoped the MD could provide the relevant information. **Mr. Eric LEE** responded that it was in the current CoP.
31. **Mr. TONG Yui-shing** opined that it was necessary for someone to throw lifebuoys to the sea, and wondered whether it was expected that many people would fall overboard if additional lifebuoys were required to be provided on board. In response to Mr. TONG Yui-shing’s enquiry, **Mr. YU Kam-cheong** said that Mr. TONG’s concern was for lifebuoys to be provided on speedboats, as five lifebuoys had to be provided if there were ten passengers, whereas currently only one lifebuoy was required to be provided on a local pleasure vessel of less than 12 metres in length.
32. **The Chairman** said that the MD agreed that the proposal for passengers to wear lifejackets when an open deck pleasure vessel was underway instead of providing lifebuoys adequate for use on board was owing to the fact that open deck pleasure vessels had limited space in general and might not be able to stow the required number of lifebuoys. The operating speed of open deck pleasure vessels was high and passengers might move around during the voyage, thus posing greater risks to

the safety of passengers on board. Therefore, if the required number of lifebuoys was not provided on board, passengers should wear lifejackets before sailing. **The Chairman** illustrated with an example that if passengers took an open deck pleasure vessel to watch the white dolphins at sea, they should wear lifejackets at all times and should not move around freely on board.

33. **Mr. Gregory JARZABKOWSKI** supported the MD to enhance safety requirements, but he opined that there should not be two sets of standards on safety for private vessels and vessels let for hire or reward. **The Chairman** responded that the reform targeted at local pleasure vessels let for hire or reward. **Mr. LI Zhi-qiang (Representative of Authorised Organisations)** considered that the proposal should not offer alternative options. The MD should require passengers to wear lifejackets at all times across the board to avoid any disputes. **The Chairman** responded that the MD came up with the current proposal after considering the actual operation of the trade. **Mr. Alex JOHNSTON** shared that when he worked in the United Kingdom, the type of life jacket being used would be determined by the operational area and weather conditions. **Mr. YU Kam-cheong** indicated that those factors were not taken into consideration in Hong Kong.
34. **Mr. Gregory JARZABKOWSKI** asked whether passengers on board the sampans travelling to and from Jumbo Floating Restaurant were required to wear lifejackets. **The Chairman** responded that sampans were not Class IV vessels targeted in the proposal.
35. **Mr. Alex JOHNSTON** was of the view that fishing vessels that caught fishes in Tung Lung Chau under strong winds and waves without any safety equipment were in potential danger. **The Chairman** responded to **Mr. Alex JOHNSTON** that the reform targeted at Class IV vessels.
36. In respect to the Members' view that the MD's definition on water sports activities was too narrow, **Mr. CHOY Ka-wing** suggested to use towed sports activities with motorboats to represent water sports activities. **The Chairman** agreed to consider **Mr. CHOY**'s suggestion.
37. **Mr. Eric LEE** introduced the proposed amendments to the CoP one by one and all of which were shown in red. In particular, Chapter X - *Additional Requirements Applicable to Certain Types of Class IV Vessels* was a new chapter.

38. In respect to the amendments to Chapter I, **Mr. YU Kam-cheong** opined that the definitions in Chapter I should cover more terms. He also considered that the deletion in item 2.2.1 should be kept. Mr LEE Wing-chung, Eric responded that similar content had been incorporated in Chapter III.
39. In respect to the amendments to Chapter II, **Mr. YU Kam-cheong** enquired about the definitions of new and old vessels. **Mr. Eric LEE** responded that the distinction between new and old vessels would be put into effect subject to the final implementation date of the CoP.
40. In respect to the amendments to Chapter III, **Mr. YU Kam-cheong** asked when the simple inclining test standards mentioned in item 2.7 would be unified. **The Chairman** stated that new standards would be implemented when the new CoP was in place. The MD would consider implementing the relevant requirements earlier if the trade agreed to do so. **Mr. Eric LEE** said that the original requirements for air receivers were outdated and more air receiver standards were included in the changes to item 3.17.5. **Mr. Jerry TANG** remarked that in item 7.2, in addition to the registered lift contractors of the Electrical and Mechanical Services Department, the MD proposed to accept manufacturers or works contractors recognised by the certificate issuing agencies to carry out the relevant works and issue the relevant inspection reports, as shipowners might not be able to find a local contractor for inspection in actual circumstances.
41. In respect to the amendments to Chapter X, **Mr. YU Kam-cheong** asked whether a validity period would be introduced for the inspection of shipyards by an AS who would submit a relevant report. **Mr. Eric LEE** replied that a validity period would be set for the report, but the MD was still assessing the specific period and details would be announced in due course. **Mr. YU Kam-cheong** asked whether sister vessels had to be constructed in the same shipyard. **Mr. Eric LEE** responded that sister vessels were constructed in the same shipyard in general. **Mr. G. F. JIANG** added that as specified in the definitions in Chapter I, “sister vessels” meant vessels constructed of the same design (i.e. the same hull form with identical length, breadth, depth and arrangement) in the same shipyard. **Mr. LI Zhi-qiang (Representative of Authorised Organisations)** also pointed out that the same definition was used by authorised organisations.
42. **Mr. LI Chi-keung (Representative of Operators Engaging in Chartering of Class IV Vessels)** enquired about the time and cost required for the MD to calculate

damage stability. **The Chairman** responded that the MD took into account the trade's burden and only required one damage stability test for vessels with the same ship model design from the same shipyard. In response to the Members' request for the MD to expedite the approval on damage stability of new vessels, **Mr. S. Y. CHAN** responded that in case a recommended new ship model was introduced to Hong Kong and the shipowner intended to purchase in large quantities, the MD would speed up the processing of such application on the condition that the workload was manageable.

43. **Mr. YU Kam-cheong** considered that Chapter X had a wide coverage. As it was generally less likely for the ASs to carry out tests such as damage stability, he wished that the MD could explain to the ASs in a more detailed manner. **The Chairman** responded that the MD would present the relevant item at the regular meetings with the ASs. **Mr. Jerry TANG** encouraged the ASs to have more communications and complement with each other in areas of unfamiliarity. **Mr. LI Chi-keung (Representative of Operators Engaging in Chartering of Class IV Vessels)** expressed his wish to attend the MD's meetings with the ASs to understand the requirements for the trade set out in Chapter X. **The Chairman** said that the MD would consider organising a seminar for the trade.
44. **The Chairman** thanked Members for their valuable comments on the proposed amendments to the CoP. The MD would put forward the comments to the LVAC for further discussions. The relevant legislation and the amendments to the CoP were expected to be introduced in the middle of next year. Another meeting would be held by then to report the progress to Members.
45. **Mr. LI Chi-keung (Representative of Operators Engaging in Chartering of Class IV Vessels)** enquired how the MD would handle the problems identified in the audits. **The Chairman** responded that the MD would set up a mechanism at a later stage to address such issues while attaching top priority to safety.
46. After obtaining the consent of all members present, **the Chairman** announced that Paper No. 4/2018 had been endorsed.

V. **A.O.B.**

(1) **Issues Related to the Regulation of Float Lifts**

47. **Mr. Alan REID** asked the MD if there was any progress, on issues related to the regulation of float lifts. **The Chairman** responded that the MD found no such international standard after studying the above issues, and welcomed members to provide the MD with further information for reference.

VI. Date of Next Meeting

48. The meeting was adjourned at 12:50 p.m. The date of next meeting would be announced in due course.

The minutes of the meeting were confirmed on 26 April 2019.

Marine Department

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