

**Subcommittee on Class IV Vessels under the
Local Vessels Advisory Committee
Minutes of the 6th Meeting**

Date : 26 April 2019 (Thursday)
Time : 10:00 a.m. – 11:00 a.m.
Place : Conference Room A, 24/F, Harbour Building

Present

Chairman:	Mr. HO Wing-hong	Assistant Director (Special Duties), Marine Department (MD)
Members:	Mr. Alex JOHNSTON	Yachting & Boating Club
	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. Donald LEE	Water Sport Association (WSA)
	Mr. CHOY Ka-wing	Leisure and Cultural Services Department
	Mr. LIU Ren	Senior Surveyor/Local Vessels Safety (Acting), MD
	Mr. Eric LEE	Senior Surveyor of Ships (Special Duties), MD
	Mr. G F JIANG	Senior Marine Officer/Licensing & Port Formalities (Acting), MD
<u>In Attendance</u>	Miss Janette IP	Official Languages Officer, MD

<u>Absent with Apologies</u>	Mr. TONG Yui-shing	WSA
	Mr. Alan REID	Yachting & Boating Club
	Dr. LAU Kwok-lam, Alan	Pleasure Boating Operations
	Mr. Gregory	
	JARZABKOWSKI	Marina
	Mr. YU Kam-cheong	Authorised Surveyor
<u>Secretary</u>	Miss Tiffany LAM	Executive Officer, MD

I. Opening Remarks

1. **The Chairman** extended welcome to all participants and person in attendance for attending the 6th meeting of the Subcommittee on Class IV Vessels (“the Subcommittee”).

II. Endorsement of Notes of Last Meeting

2. **The Chairman** said that the draft notes of last meeting had been circulated before the meeting to members for perusal. Members were invited to propose any necessary amendments.
3. **Mr. Alex JOHNSTON** pointed out the misstatement of the phrase “...he would decide which type of lifejacket to use based on wind speed and current...” under paragraph 33 of the 5th notes of meeting (English version), and suggested revising as “...the type of lifejacket being used would be determined by the operational area and weather conditions...”. **The Chairman** agreed to the suggestion and the notes of meeting would be revised accordingly.
4. Having confirmed by the Chairman, members unanimously endorsed the notes of the last meeting, which would be uploaded to the website of the MD.

III. Reporting Item

(1) Subsidy Scheme for Provision of Lifejackets on Commercial Passenger-Carrying Local Vessels (Paper No. 1/2019)

5. **Mr. Eric LEE** briefed members on Paper No. 1/2019. Subsequent to the endorsement of the new proposed legislative amendments concerning lifejackets by the Legislative Council Panel on Economic Development in December 2018, local vessels were required to carry suitable lifejackets for every person (regardless of whether he/she is a child or an adult but excluding infants) on board, and vessels licensed to carry more than 12 passengers were required to provide infant lifejackets in a number that equalled 2.5% of the maximum number of passengers to be carried (excluding crew members). The new legislation was planned to come into

operation on 1 July 2019. Transitional provisions were made in the new legislation to stipulate that the former legislation should remain valid within 24 months upon the endorsement of the legislation. In response to the trade's appeal, the MD would provide the trade with a one-off subsidy for the purchase of conforming lifejackets for eligible vessels on an accountable basis.

6. The above subsidy scheme was expected to be open to applications on 1 July 2019. It would run for 24 months until 30 June 2021. For Class IV vessels, eligible vessels referred to vessels let for hire or reward and licensed by the MD to carry passengers. The vessel owner would be required to submit the application together with documentary proof such as a Certificate of Inspection, policy of third party insurance or charter agreement. An eligible vessel might apply for a subsidy for the purchase of Common Lifejackets or children lifejackets compliant with the requirements as stipulated in the relevant Code of Practice ("Conforming Lifejackets"), subject to a ceiling of \$110 for each Conforming Lifejacket. The subsidy would not cover infant lifejackets.
7. Application forms together with relevant documents must be submitted within the application period. Applicants were also required to undertake that the subsidised Conforming Lifejackets would be properly placed on board for use by passengers. The MD would in principle vet the application by scrutinising the documents provided by the applicant, including payment vouchers, delivery orders and other relevant supporting documents, and grant the subsidy to the applicant. The MD would also carry out random checks to ensure that the Conforming Lifejackets had been properly placed on board vessels. For vessels which were not selected, such checks would be carried out by officers of the MD or competent surveyors during annual surveys of the vessels.
8. **Mr. Eric LEE** pointed out that examples of cases relating to the subsidy scheme for the provision of lifejackets and sample of the application form were set out at Annexes 1 and 2 of Paper No. 1/2019 respectively for members' reference. Relevant reference documents would also be distributed to all eligible applicants in due course.

9. **The Chairman** concluded that the new legislative amendments to the provision of lifejackets were scheduled to come into operation on 1 July 2019. There would be a two-year transitional period to allow sufficient time for shipowners to purchase and replace lifejackets. The two-year subsidy scheme for the provision of lifejackets would also be open to applications on the same day when the new legislation came into effect. For Class IV vessels, the subsidy scheme for the provision of lifejackets targeted at “pleasure vessels let for hire or reward”, which were vessels let for hire or reward within one year before 1 July 2019. Thus, private pleasure vessels or pleasure vessels let for hire or reward on or after 1 July 2019 were not eligible for the subsidy scheme for the provision of lifejackets. In addition, infant lifejackets and crews were not covered by this subsidy scheme.

10. **Mr. G F JIANG** asked how would the MD determine a vessel as “a pleasure vessel let for hire or reward” since no approval was required for the chartering of pleasure vessels at present and there was no supporting document to specify a vessel as a vessel let for hire or reward. **Mr. Eric LEE** indicated that apart from the Operating Licence, shipowner would be required to submit the certificate of inspection or other documents to prove that the vessel was let for hire or reward in the past 12 months when applying for the subsidy.

11. There being no further comments raised by members on Paper No. 1/2019 at the meeting, **the Chairman** invited members to give comment on the subsidy scheme to the MD at any time after the meeting.

[Post-meeting note: As the Legislative Council’s meeting originally scheduled in July 2019 was cancelled, the new legislative amendments to the provision of lifejackets planned to be implemented on 1 July this year could not be submitted to the Legislative Council for consideration. The time-related provisions mentioned above would be postponed to the date of implementation of the new legislative amendments, including the period of validity of the transitional provisions of the new legislative amendments and the time for opening applications of the subsidy scheme for the provision of lifejackets.]

IV. Discussion Items

(2) **Amendments to the Code of Practice to Strengthen the Requirements for Lifejackets for Local Vessels (Paper No. 2/2019)**

12. **Mr. Eric LEE** briefed members on Paper No. 2/2019. In connection with the forthcoming implementation of the new legislative requirements for lifejackets, the paper mainly set out the MD's proposed amendments to the relevant requirements for lifejackets specified in the Code of Practice – Safety Standards for Class IV Vessels (hereinafter referred to as the “CoP”). Meanwhile, as the amendments to the CoP to reform the regulatory regime for local pleasure vessels had been consulted and endorsed previously, the MD also proposed to implement the part on stability test requirements for existing Class IV vessels earlier in response to the comments from the trade.
13. **Mr. Eric LEE** briefed members on the proposed amendments to the CoP and the parts that would be implemented earlier. All proposed amendments and details were shown in red in Annex I.
14. In relation to stability test requirements, **Mr. LI Chi-keung** (Representative of Operators Engaging in Chartering of Class IV Vessels) asked whether new vessels constructed before the implementation of the new legislation on reforming the regulatory regime for local pleasure vessels should comply with the requirements and standards under the existing legislation or the new legislation. **The Chairman** replied that all new vessels constructed before the implementation of the new legislation were classified as “existing vessels”. Thus, they should comply with the requirements and standards under the existing legislation instead of the new legislation which was not yet implemented.
15. **Mr. Eric LEE** added that the proposed amendments discussed in the meeting would apply to all existing vessels. Stability test requirements applicable to new vessels constructed since the implementation date of the new legislation were discussed and endorsed in the LVAC meeting held on 12 November 2018.

16. **Mr. Eric LEE** continued to brief members on the proposed amendments to Chapter VI of the CoP on lifejackets.
17. **Mr. CHOY Ka-wing** asked whether the buoyancy aids provided to participants by the Water Sports Centres under the Leisure and Cultural Services Department (LCSD) carried the same definition of “lifejackets” discussed in the meeting. **Mr. Eric LEE** replied that those mentioned in the CoP and the meeting were standard lifejackets with self-righting function. Their functions were different from those of the buoyancy aids mentioned by **Mr. CHOY**. In addition, as the vessels used by the LCSD usually required no licence and had no power system installed, they were outside the scope of the proposed amendments to the CoP discussed in the meeting.
18. **Mr. Eric LEE** added that a discussion over buoyancy aids was conducted at the last (fifth) meeting of the Subcommittee. He proposed that after the new legislation came into effect, open deck pleasure vessels let for hire or reward could opt to use buoyancy aids to replace the extra lifebuoys required to be stowed on board. As the relevant proposed amendments to the CoP would be discussed after the new legislation came into effect, this part was not included in the scope of discussion of the meeting.
19. **The Chairman** recommended making minor amendments to the item numbers of Chapter VI of the CoP in Annex I to enable clearer differentiation between the scope covered by the new requirements and that by the original requirements.

[Post-meeting note: The item numbers of Chapter VI of the CoP in Annex I of Paper No. 2/2019 had been amended. It was sent to members for information via email on 29 April 2019.]

20. **Mr. Eric LEE** continued to brief members on the proposed amendments to Chapters III, IV and Annex V of the CoP on stability test requirements for vessels. Sections 2.6 and 2.7 of Chapter III of the CoP elaborated the stability test requirements for pleasure vessels let for hire or reward. To set clearer applicable standards in the stability test requirements for different Class IV vessels, it was proposed to amend the original sections 2.6 and 2.7. According to the proposed amendments, section 2.6 would be

applicable to Class IV vessels carrying not more than 60 passengers. If a Class IV vessel was not able to obtain the relevant certificates or documents mentioned in section 2.6 due to actual circumstances (for example, the vessel was an existing vessel or a pleasure vessel which had been used overseas), section 2.7, which stated that simple inclining test could be conducted, would be in place as an alternative to section 2.6. Annex V of the CoP elaborated the simple inclining test procedures for different carrying capacities.

21. **Mr. Eric LEE** said that the proposed amendments to Chapter IV of the CoP were generally the same as the aforesaid proposed amendments, which mainly mentioned that an inclination test should be conducted according to the requirements of Sections 2.6 and 2.7, Chapter III of the CoP if the maximum carrying capacity required for a privately owned Class IV vessel exceeded the maximum limit as calculated in Paragraph 2.1, Chapter IV of the CoP. Based on the results of the inclination test, the MD would consider granting an increased carrying capacity.
22. **The Chairman** added that the proposed amendments to Chapters III & IV and Annex 5 of the CoP aimed mainly at applying the standards of stability test to all Class IV vessels including those with open decks. The MD had also collected opinions earlier from the industry regarding the amendments with discussions held accordingly.
23. **The Chairman** concluded that the amendments were agreed as Members raised no further comments on Paper No. 2/2019.

(3) Miscellaneous Amendments to Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548G) (Paper No. 3/2019)

24. **Mr. Eric LEE** reported on Paper No. 3/2019. For Class IV vessels, the relevant proposed amendments in Paper No. 3/2019 did not have any effect on the actual legal requirements. The proposed amendments were mainly classified into three areas as follows:
 - (I) Under Schedule 3 to the Regulation, there should be kept on board certain local vessels one set of plans that contain the specified information including the general arrangement of the vessel, escape routes, life-saving appliances and fire-fighting apparatus at all times

in conspicuous places throughout every Class IV vessel licensed to carry more than 100 passengers, otherwise offenders would be liable to prosecution. Considering that the remaining content of Schedule 3 aimed mainly to set out the general requirements for the provision of life-saving appliances on board different types of vessels, the MD proposed to move the above-mentioned requirements related to plans under Schedule 3 to Part 3 of the Regulation, which was the relevant chapter on plans approval. Besides, given that the specified plans concerned were at present prescribed in the CoP having regard to factors including vessel class, type, category, construction material and year of construction, the MD proposed to amend relevant provisions so that the plans to be kept on board or displayed should comply with the relevant standards as specified in the CoP.

- (II) Under Table 1 of Schedule 4 to the Regulation, each vessel less than 15 metres in length should provide one fire hydrant set, with no fire pump requirement. Considering that the provision of a fire hydrant set without the installation of a fire pump on board would have no actual effect on fire-fighting, and the existing requirements on provision of other fire-fighting apparatus were adequate, the MD proposed to repeal the requirement of one fire hydrant set on board this type of vessels.
- (III) Table 3 of Schedule 4 to the Regulation set out the requirements on fire-fighting apparatus for Class II vessels and Class IV vessels let for hire licensed to carry not more than 12 passengers . However, since Class IV vessels were not classified into Category A or Category B, the MD proposed that Class IV vessels to which the table applies would only have to comply with the relevant requirements of portable fire extinguisher and fire bucket with lanyard (i.e. the requirements applicable to Class IIB vessels).

25. **The Chairman** concluded that the proposed amendments would be submitted to LVAC for further discussion as Members raised no further comments on the Paper.

V. Date of Next Meeting

26. With all discussions completed, the meeting was adjourned at 11:00 a.m.
The date of next meeting would be announced in due course.

The minutes of the meeting were confirmed on 16 June 2021.

Marine Department