

LOCAL VESSELS ADVISORY COMMITTEE
Subcommittee on Class IV Vessels

**Amendments to the Code of Practice to Strengthen the Requirements for
Lifejackets and Stability Test Standards for Local Vessels**

Purpose

In connection with the forthcoming implementation of the new legislative requirements for lifejackets, this paper sets out the Marine Department (“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 have been consulted and endorsed previously, the MD also proposes to implement the part on stability test requirements for existing vessels earlier in response to the comments from the trade.

Background

2. The Local Vessels Advisory Committee (“LVAC”) endorsed the proposed legislative amendments for enhancing the provision of lifejackets on local vessels at its meeting on 12 November 2018¹. Unless otherwise specified for individual vessels, the new legislation will require suitable lifejackets to be carried for every person (i.e. regardless of whether he/she is a child or an adult but excluding infants) on board, and commercial passenger-carrying local vessels (including pleasure vessels let for hire or reward) licensed to carry more than 12 passengers to provide infant lifejackets in a number that equals 2.5% of the maximum number of passengers to be carried as specified in their licences. The proposed legislative amendments were discussed by the Legislative Council Panel on Economic Development² on 19 December 2018 and gained its support.

¹ Please refer to Paper No. 8/2018 of the LVAC for the details of the legislative proposal.

² Please refer to LC Paper No. CB(4)322/18-19(03) for the discussion paper.

3. The new legislation on life-saving appliances (including the lifejackets) will be implemented on 1 July 2019. Meanwhile, to allow sufficient time for the trade to purchase lifejackets for meeting the new requirements, transitional provisions will be made in the new legislation to stipulate that the former legislation shall remain valid within 24 months (i.e. from 1 July 2019 to 30 June 2021) upon the endorsement of the legislation.

4. Regarding the new legislation, some provisions and requirements related to lifejackets, such as the definition of a “Suitable Lifejacket” and the technical requirements for the lifejacket suitable for use by both adults and children (“Common Lifejacket”), shall be explained in the CoP.

Proposal

5. Major amendments to the CoP proposed by the MD are as follows:
- (a) To stipulate that the new requirements will run in parallel with the former requirements, and the former requirements relating to lifejackets as set out in the CoP will continue to be valid until 30 June 2021.
 - (b) To stipulate that, under the new requirements, every adult and child passenger on board general vessels should be provided with a suitable lifejacket, whereas commercial vessels carrying more than 12 passengers (including pleasure vessels let for hire or reward) should provide infant lifejackets.
 - (c) To stipulate that, under the new requirements, the acceptable standards of lifejackets include the compliance with the International Life-saving Appliance (“LSA”) Code or the required standard of performance level 100 or above issued by the International Organization for Standardization (“ISO”) as set out in the document ISO 12402-4:2006, together with the recognised certificate issued by a maritime administration, classification society, or other organisations such as the European Union. It should be noted that since the lifejacket design authorised by the MD years ago does not meet the

above standard, lifejackets of such design will no longer be recognised after the transition period. Shipowners should therefore replace the lifejackets concerned as soon as possible.

- (d) To stipulate that, under the new requirements, “a suitable lifejacket” refers to a lifejacket that is designed and manufactured in accordance with the standards prescribed in the CoP, and fit for the intended wearer. The normal size ranges, differentiated by the weight or height of the intended wearer, for various standards will be provided and by making reference to the LSA Code, to stipulate under the new requirements that restraining straps should be provided on board to assist any overweight or oversized passengers in securing their lifejackets as they are unable to don the standard-compliant lifejackets.
- (e) To set the technical requirements of the “Common Lifejacket” and provide an index of the list of accredited manufacturers.
- (f) To add a new schedule setting out the existing legislative requirements including the types and numbers of life-saving appliances required on board vessels to facilitate the trade in making reference to the former requirements after enactment of the new legislation.

Advancing the Implementation of Part of the CoP Requirements

6. Moreover, at the meeting³ held on 12 November 2018, the LVAC endorsed the legislative and CoP amendments to reform the regulatory regime for local pleasure vessels, of which the CoP amendments include the enhancement of technical standards of new pleasure vessels, and refinement of some technical requirements for existing vessels as set out in the CoP. It was originally planned to implement the endorsed CoP amendments in parallel with the legislative amendments relating to the reform of the regulatory regime for local pleasure vessels. Since some members of the trade expressed that the new CoP concerning the requirements for the stability test standard for existing

³ Please refer to LVAC Paper No. 9/2018 for details.

vessels is technically more feasible than the existing requirements, it is now proposed to advance the implementation of the CoP in respect of the requirements for the stability test standard for existing vessels in the meantime when amendments are made to the CoP in view of the new requirements for lifejackets.

7. Annex 1 contains the draft amendments to the CoP for execution of the proposal set out in paragraphs 5 and 6 above.

Way Forward

8. Members are invited to comment on and to endorse this paper. Subject to the endorsement by the LVAC, the MD will make amendments to the CoP concerned according to Annex 1.

Enclosure: Annex 1 (Amendments to the CoP)

Marine Department
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