

**LOCAL VESSELS ADVISORY COMMITTEE**

**Joint Sub-committee on Class I and Class IV Vessels**

**Proposed Legislation to Require that  
Children Don a Lifejacket at all times on board and  
a Passenger and Crew List be kept on board  
during Fireworks Displays and other Major Events at Sea  
(Cont'd)**

**Purpose**

This paper aims to brief members on a detailed proposal on the legislative requirements on donning of lifejackets by children at all times while on board a spectator vessel and on keeping of a passenger and crew list on board during fireworks displays or other major events at sea.

**Background**

2. The collision between the ferry “Sea Smooth” and the launch “Lamma IV” on 1 October 2012 inflicted heavy casualties. In its aftermath, the public has raised concerns about the cause of the accident and the safety of Hong Kong waters. Various government departments are now conducting investigations into the incident according to the relevant statutory procedures and administrative guidelines.

3. A Commission of Inquiry has also been established in accordance with the Commissions of Inquiry Ordinance, Cap 86, with a mandate to ascertain the causes of the incident and make appropriate findings thereof; to consider and evaluate the general conditions of maritime safety concerning passenger vessels in Hong Kong and the adequacy or otherwise of the present system of control; and to make recommendations on measures, if any, required for the prevention of the recurrence of similar incidents in future.

4. Many children who died in the incident did not don a lifejacket. Also, in the absence of a passenger and crew list, the uncertainty in the number of passengers on board “Lamma IV” after the incident caused immense difficulties to the rescue operations. For the safety of passengers taking part in a major event at sea, it is considered necessary to require, by law, that on board any spectator vessel, all children don a lifejacket at all times and a passenger and crew list be kept.

## **The Proposal**

5. The Requirements below are proposed with an aim to enhance protection for the safety of passengers on board a spectator vessel in a major event at sea:

- (i) A child must be donned with a lifejacket at all times while on board a spectator vessel.
- (ii) A passenger and crew list with the required particulars must be kept on board a spectator vessel.
- (iii) For the purpose of Requirement (ii) above, a passenger must furnish the coxswain of a spectator vessel with the required particulars.
- (iv) For the purpose of Requirement (ii) above, a tourist guide<sup>1</sup> must furnish the coxswain of a spectator vessel with the required particulars of the travellers who are under his or her care and intend to get on board the spectator vessel to take part in a major event at sea.

## Definitions

6. Below are the meanings of terms for the purpose of the Proposal:

- (i) “major event at sea”: an event, such as fireworks display, pyrotechnic display, etc, which requires the closure of an area at sea and attracts a number of vessels to gather in the immediate vicinity of the event

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<sup>1</sup> Tourist guides in Hong Kong are required to be accredited by the Travel Industry Council of Hong Kong.

for viewing.

- (ii) “child”: a person under 12 years of age, but does not include a baby or toddler<sup>2</sup>.

### Application

7. The proposed Requirements apply to a Class I or Class IV vessel<sup>3</sup> that is on a trip proceeding directly to the venue of a major event at sea and for the sole purpose of participating in the event. The trip is deemed to begin when the first passenger gets on board the vessel and end at a time when the last passenger disembarks from the vessel immediately after the event.

### Liability

8. Below are the proposed liabilities for not meeting the proposed Requirements detailed in paragraph 5 above:

#### Requirement (i)

- (i) If Requirement (i) is not met, both the coxswain of the spectator vessel and an adult who accompanies and has the responsibility to take care of a child found not donned with a lifejacket on a trip commit an offence and is liable on conviction to a fine at level 2<sup>4</sup>.

#### Requirement (ii)

- (ii) If Requirement (ii) is not met, the coxswain of the spectator vessel commits an offence and is liable on conviction to a fine at level 2.

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<sup>2</sup> Parents and adults who have babies and toddlers under their care when participating in a major event at sea are expected, in an incident, to don a lifejacket themselves and protect the babies and toddlers from any harms by all available means.

<sup>3</sup> A Class I or Class IV is a vessel so classed under the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation.

<sup>4</sup> \$5,000

Requirement (iii)

- (iii) If Requirement (iii) is not met, or a passenger knowingly provides the coxswain with false or inaccurate particulars, the passenger commits an offence and is liable on conviction to a fine at level 2.

Requirement (iv)

- (iv) If Requirement (iv) is not met, or a tourist guide knowingly provides the coxswain with false or inaccurate particulars of the travellers, the tourist guide commits an offence and is liable on conviction to a fine at level 2.

**Advice Sought**

9. Members' views are sought on the Proposal set out in paragraphs 5–8 above.