

## **LOCAL VESSELS ADVISORY COMMITTEE**

### **Introduction of Points System for Better Management of Private Moorings**

#### **New Permissions with Three-year Validity Period and Extension Procedures**

To enhance the management and control of private moorings (“PM”), the Marine Department (“MD”) has introduced a three-year validity period to PM permissions issued from 21 February 2018 onwards. The three-year validity period is applicable to new PM permissions (viz. for newly laid PMs), those permissions issued upon transfer of PM ownership as well as those permissions issued upon a change of the maximum dimensions of the vessel moored to the PM.

2. If PM owners wish to continue to use the PM upon expiry of the validity period, he/she will be required to submit the application form for extension of permission (*Appendix*) to MD at least three months prior to the expiry date specified on the permission.

3. Upon receipt of the said application form, MD will check the owners’ record of compliance with the Conditions for Laying Private Moorings (“the Conditions”) in the past. MD will also conduct an extension inspection to check if the PM is being used in accordance with the Conditions. MD will make reference to the result of the checking and inspection when considering whether to approve the extension application.

#### **Permissions issued on or after 22 June 2018 to be subject to Points System**

4. To enhance the transparency of MD’s enforcement action against irregularities and breaches of conditions in the use of PMs and to build up the aforementioned record of compliance, MD will introduce a Points System, which aims to refine the existing enforcement regime against improper use of PMs and to encourage compliance with the Conditions. At this stage, the Points System will be applicable to those permissions issued **on or after 22 June 2018**, unless otherwise specified in this paper. The arrangements for those permissions issued **before 22 June 2018** are set out in paragraphs 8 to 10 below.

5. Under the Points System, a certain number of points will be allocated to the PM owner depending on the severity of the irregularities and the breaches of conditions found. Notices with the number of points newly accrued and the total number of points accumulated will be issued to the PM owner to remind him to rectify the irregularities. If the PM owner fails to rectify the irregularities, additional notices will be issued and additional points will accrue. Once the PM owner accrues more than 15 points (viz. has accumulated 16 points or above) within the three-year validity period, the permission will be cancelled. In the case of an extension application, the extension will be rejected if the total points accumulated after the extension inspection exceed 15 points. If an extension application is approved, a new three-year cycle will commence from the specified extension date and the point accrual will start afresh.

#### Points Allotment Mechanism

6. The points allotment mechanism of the Points System is set out at **Annex I** and **Annex II**, which cover the details –

(a) *For minor irregularities<sup>1</sup> and major irregularities<sup>2</sup> found in an inspection and without proper follow-up action taken by the PM owner; and*

(b) *For failure to pay the prescribed PM fees.*

#### Extension Inspection

7. As mentioned in paragraphs 2 and 3 above, in the case of an application for permission extension, each of the relevant PM will be subject to an extension inspection. Any irregularities found at the extension inspection will count towards the grand total under the Points System, and shall be rectified before the extension application may be approved.

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<sup>1</sup> Minor irregularities include the following:

- the private mooring is not properly maintained, e.g. deformation, swelled, holed;
- the private mooring has its mooring number obliterated/defaced; and
- the private mooring has other attachment other than those specified in the Conditions.

<sup>2</sup> Major Irregularities:

- the private mooring is out of the approved position;
- the private mooring is submerged;
- the private mooring is missing;
- the private mooring is secured more than the number of vessel allowed to be moored, and
- the private mooring is moored with a vessel exceeding the specified maximum dimensions.

## **Arrangements for Permissions issued before 22 June 2018**

8. For permissions issued **before 22 June 2018 and with the three-year validity period**, the Points System will be applied to them upon successful extension after the first three-year validity period expires.

9. For permissions issued **before 22 June 2018 and without the three-year validity period**, the Points System will be applied to them: (i) upon transfer of ownership **and** MD is notified of such a transfer **on or after 1 October 2018**<sup>3</sup>; **OR** (ii) upon a change of the maximum dimensions of the vessel moored to the PM **and** the application for such a change is submitted to MD **on or after 1 October 2018**<sup>4</sup>.

10. Meanwhile, for any permission which is not subject to the Points System, to enhance the transparency of MD's enforcement action against irregularities or breaches of conditions, MD will, with effect from **22 June 2018**, follow the enforcement protocol (with no point accrual) as follows:

- (a) if any minor irregularity is found, MD will issue an Improvement Notice. If the irregularity is not rectified, MD will then issue an Important Notice, then a Final Notice, and eventually a De-registration Notice (at which point the permission will be cancelled);
- (b) if any major irregularity is found, MD will issue an Important Notice, and then a Final Notice, and eventually a De-registration Notice (at which point the permission will be cancelled); and
- (c) if the PM owner has failed to pay the PM fees, MD will first issue a Reminder Notice for Overdue Payment, then an Important Notice for Overdue Payment, then a Final Notice for Overdue Payment and eventually a De-registration Notice (at which point the permission will be cancelled).

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<sup>3</sup> If MD is notified of such a transfer before 1 October 2018, the permission granted after transfer will be subject to the three-year validity period as set out in paragraph 1 above. The Points System will be applied to this type of permission upon successful extension after the first three-year validity period expires.

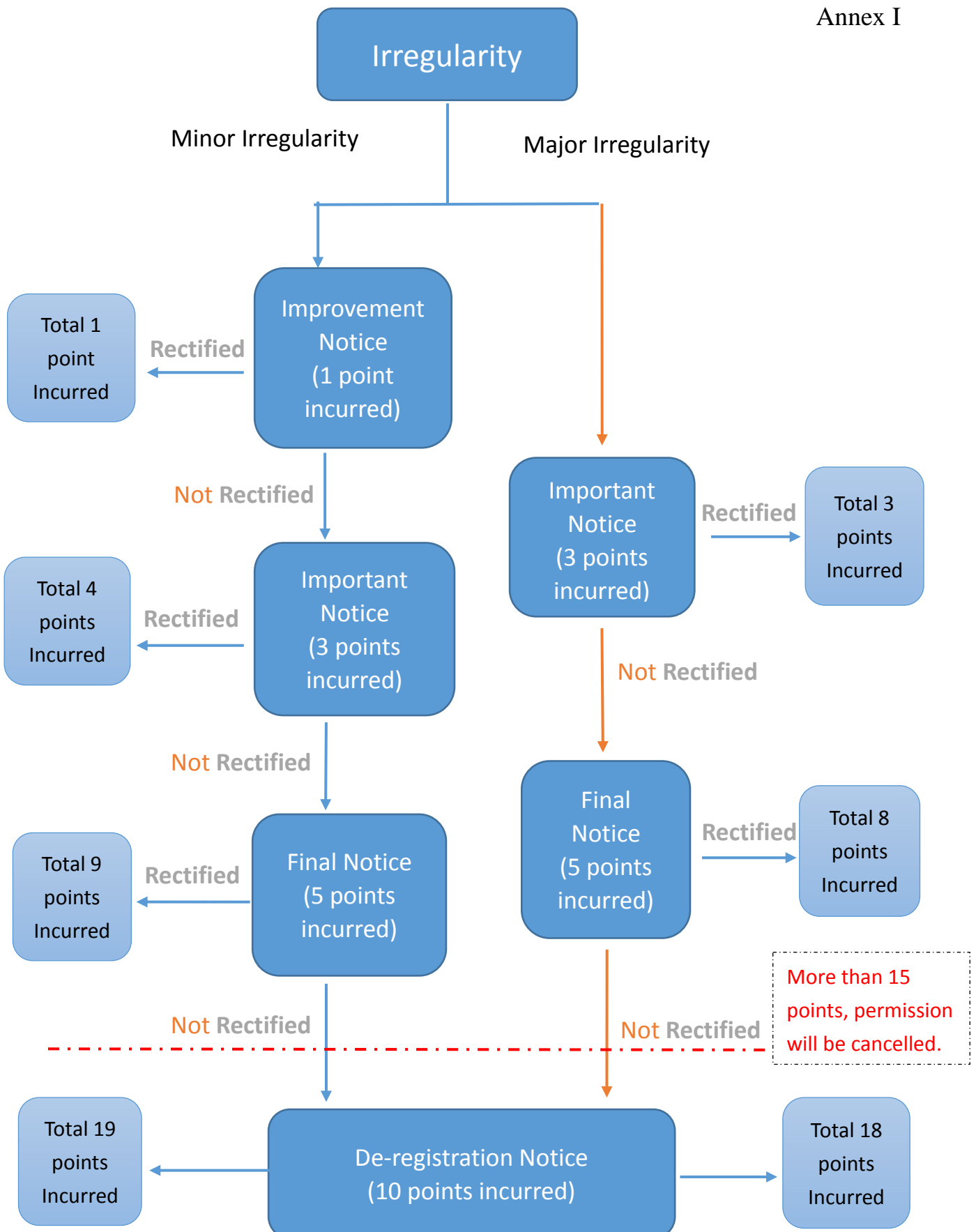
<sup>4</sup> If the relevant application is submitted to MD before 1 October 2018, the permission granted after approval of the change of the maximum dimensions of the vessel moored to the PM will be subject to the three-year validity period as set out in paragraph 1 above. The Points System will be applied to this type of permission upon successful extension after the first three-year validity period expires.

11. MD will review the implementation of the Points System and other associated measures from time to time and make relevant adjustments as appropriate.

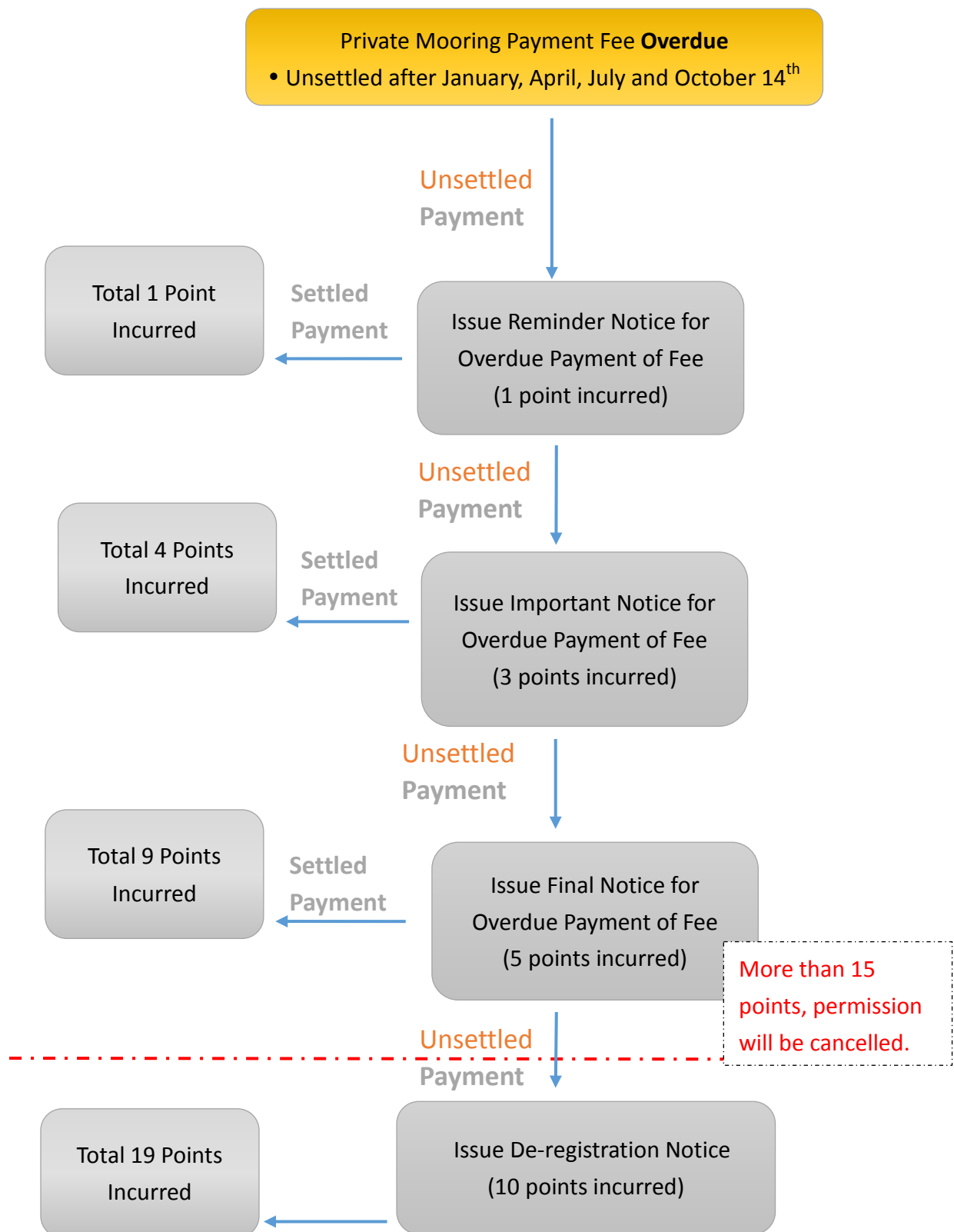
### **Enquiry**

12. For enquiry, please call the Officer-in-charge of Private Mooring Sub-unit on telephone 2545 0264.

Marine Department  
June 2018



(Note: This annex only illustrates breaching/irregularity found in the use of private mooring, not including the case of unsettled payment of private mooring fee.)



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