

## LOCAL VESSELS ADVISORY COMMITTEE

### Reform of the Regulatory Regime for Local Pleasure Vessels – Amendments to Code of Practice

#### Purpose

This paper sets out the detailed amendments to Code of Practice – Safety Standards for Class IV Vessels (CoP) to tie in with the implementation of the new legislation relating to the reform of the regulatory regime for local pleasure vessels.

#### Background

2. The Local Vessels Advisory Committee (LVAC) had discussed the legislative and CoP amendments to reform the regulatory regime for local pleasure vessels (please refer to LVAC Papers No. 14/2017 and 9/2018 for details) in September 2017 and November 2018 respectively. The relevant proposed legislative amendments and the CoP concerned were endorsed by the LVAC in November 2018, and the former was introduced for scrutiny<sup>1</sup> by the Legislative Council in May 2020. Following the completion of the scrutiny, the relevant legislative amendments will be implemented from 1 August 2020.

#### Code of Practice (CoP)

3. To facilitate the implementation of the new legislation, relevant amendments have to be made to the Code of Practice on “Safety Standards for Class IV Vessels”. The revised CoP can be found at Annex (revised draft). The revised draft was based on the existing version of CoP dated December 2019 by incorporating the draft CoP which had been endorsed by members of the LVAC in form of Annex 1 to LVAC Paper No. 9/2018, together with some minor textual amendments addressing the following issues:

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<sup>1</sup> Please refer to L.N. 68 to 71:  
Merchant Shipping (Local Vessels) (Certification and Licensing) (Amendment) Regulation 2020 – L.N. 68  
Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2020 – L.N. 69  
Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2020 – L.N. 70  
Merchant Shipping (Local Vessels) (Fees) (Amendment) (No. 2) Regulation 2020 – L.N. 71

- (i) Adding new legislative provisions, such as setting out in Annex 1A to the revised draft the requirement of seeking prior approval from the Marine Department (MD) for Class IV vessels let for hire or reward;
- (ii) Providing supplementary information on ambiguous parts or rectifying errors and omissions; and
- (iii) Updating the references made to various sources and some textual amendments.

Those parts in red in the revised draft were endorsed by LVAC in November 2018; whereas parts in burgundy covered the amendments set out in paragraphs 3(i) to (iii) above.

4. The amendments are now summarised as follows according to the order of chapters in the revised draft:

- (i) Section 3 Definitions of Chapter I (General): adding the definitions of terms used in the CoP, including “Authorized Surveyors (AS)” and “CE standards (CE)”;
- (ii) As various new requirements were introduced in different phases, persistent recurrence of the term “new vessel” is found in the existing version of CoP. However, such term may not be applicable to all occasions. In order to express clearly and avoid confusion, every “new vessel” and “existing vessel” found in the revised draft has its effective date indicated on its top right hand corner, with their descriptions given under the definitions of “new vessel” and “existing vessel” respectively in Section 3 of Chapter I;
- (iii) Chapter III (Hull, Machinery and Electrical Installations): deleting “*Bulwarks, guard/hand rails or equivalent protection/fixing shall be installed near the periphery of weather decks accessible to passengers and crew*” under Section 2.2, as it was a duplicate of the content under Section 5 of Chapter IV;
- (iv) Chapter IV (Passenger and Crew Accommodation) – the phrase “如改變用途作出租遊樂船” in Section 2.2(2) of the Chinese version is deleted because of a typographical error;

- (v) Chapter V (Fire Protection) – Remark of Table 1, Section 3.4: “For **existing** Class IV vessel that is let for hire or reward and of length less than 24m, power/manual pump may be substituted by equivalent means of additional fire fighting apparatus.” An amendment is made to the Chinese version of the CoP Consultation Draft because of an omission of the wording “現有”;
- (vi) Chapter IX (Vessel Operator Requirements) – clarifies that the “length” of vessels in Sections 3.1 and 3.2 refers to the “Length Overall”;
- (vii) Sections 1-4, Part II, Chapter X (Additional Requirements Applicable to Certain Types of Class IV Vessels) – amends the class of vessels where this Part is applicable in accordance with the Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2020, with an effective date of legislation. The table in Section 4.1(5) of Chapter I has also been amended accordingly;
- (viii) Annex 1A (Provisions in Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation on Matters Relating to Restrictions on Class IV Vessels Let for Hire or Reward and the Arrangement of MD’s Prior Approval for Class IV Vessels Let for Hire or Reward) - Provisions are added for Class IV vessels let for hire or reward, under which they are required to obtain MD’s prior approval in accordance with the Merchants Shipping (Local Vessels) (Certification and Licensing) (Amendment) Regulation 2020 with effect from 1 August 2020;
- (ix) Annexes 3 and 4 – Details are updated for Certificates of Inspection and Inspection Records;
- (x) Annex 4A – The requirements of “Suitable for Unattended Machinery Space Operation” are deleted for being inapplicable to pleasure vessels;
- (xi) Annexes 7 and 7A – The relevant requirements of inspection are amended in accordance with the Merchant Shipping (Prevention of Air Pollution) (Amendment) Regulation 2020 with effect from 1 March 2020;

- (xii) Annex 8 – Regarding tonnage measurement, provisions inapplicable to pleasure vessels is deleted from Section 2.5, while determination method of the tonnage/length of open cruisers is added to Section 4.2.2;
- (xiii) Annex 14 – RINA (Italy) is included in the Rules and Regulations for Classification of Vessels Applicable to Class IV Vessels;
- (xiv) The phrase “Class IV vessels that are let for hire or reward” used throughout the CoP is replaced by a short form “Class IV vessels let for hire”, which is consistent with Section 1.3 of Chapter I;
- (xv) To be consistent with the terminology of the Certification and Licensing Regulation, the terms “open deck vessels” and “enclosed deck vessels” used in the CoP are replaced by “open cruisers” and “pleasure vessels” respectively, and with definitions of their own;
- (xvi) The URLs of websites for source information are also updated in the CoP to reflect relevant amendments of those URLs (e.g. Section 3.1 of Chapter V regarding the hyperlink for legislation on fire-fighting apparatus, etc.);
- (xvii) To facilitate tracing the origins where amendments have been made, relevant reference numbers are displayed to directly indicate the record of update history in the CoP, including the amendments made this time; and
- (xviii) In order to render the intended meaning of the Chinese original, the Translation Unit of the Marine Department has made corrections to some definitions used in the English version.

## **Way forward**

5. Members are invited to note the relevant amendments. MD will gazette to announce the effective date of the CoP.

Local Vessels Safety Section  
Marine Department  
June 2020

**Annex:** Revised CoP (updated in July 2020)