

Local Vessels Advisory Committee

Legislative and Code of Practice Amendments to Reform the Regulatory Regime for Local Pleasure Vessels

Purpose

To enhance the safety standards for local pleasure vessels and protect personal safety on board vessels, the Marine Department (“MD”) proposes to take forward a reform of the regulatory regime for Class IV vessels (hereinafter referred to as “pleasure vessels”) and make corresponding amendments to the relevant legislation and the Code of Practice – Safety Standards for Class IV Vessels (“CoP”). In view of the feedback from the trade on some of the reform measures, MD has further discussed and examined the measures with the trade representatives concerned and refined the reform proposal. This paper seeks the views of the members of the Subcommittee on a refined reform proposal and a revised draft CoP.

Background

2. MD has consulted the trade, including the trade associations of pleasure vessels let for hire or reward and the stakeholders of other private pleasure vessels (such as marinas, brokers, insurers and operators), on the reform of the regulatory regime for local pleasure vessels on many occasions since September 2016. It can be concluded from past discussions with the trade that the views of the trade are generally in line with the expectations of MD and the public. It is agreed that the regulatory regime has to progress with the times and be reformed to enhance the safety of local pleasure vessels.

3. MD consulted the Local Vessels Advisory Committee¹ (“LVAC”) and the Legislative Council Panel on Economic Development² (“LegCo ED Panel”) on the reform proposal in September 2017 and April 2018 respectively. In the light of the concerns raised by the trade, the LegCo ED Panel passed a motion at the meeting to call on the Government to revisit the details of the proposed regulatory measures and consult the ED Panel again in due course. MD subsequently held detailed discussions with the trade and refined the details of the reform proposal.

¹ Please refer to Paper No. 14/2017 of the Local Vessels Advisory Committee for details (https://www.mardep.gov.hk/en/aboutus/pdf/lvacp14_17.pdf)

² Please refer to LC Paper No. CB(4)928/17-18(03) for details (<https://www.legco.gov.hk/yr17-18/english/panels/edev/papers/edev20180423cb4-928-3-e.pdf>)

Refined Reform Proposal

4. With reference to the proposed five reform measures stated in paragraph 4 of LVAC Paper No. 14/2017, MD, after discussions with the trade, agreed to refine some of the proposed measures as follows:

- (a) In respect of item (i), the original proposal was to define new pleasure vessels of not less than 24 metres in length as large-scale pleasure vessels so as to replace the current criterion of defining by gross tonnage (i.e. 150 gross tonnage). New large-scale pleasure vessels should meet the new structural requirements. They should have the plan approval and surveys conducted by classification societies or MD, and obtain the Certificate of Survey (“CoS”) issued by MD.

The trade agreed to MD’s proposal that the safety regulatory standards for local pleasure vessels should be geared to international standards. However, they expressed concerns that more new large-scale pleasure vessels would be required to have surveys conducted and certificates issued by classification societies or MD in the future. This would significantly increase MD’s workload, therefore lengthening the time of certification and licensing, and affecting vessel operation and trade business as a result.

After detailed discussions with the trade, MD agreed to refine the proposal so that owners of new large-scale pleasure vessels of not less than 24 metres in length but more than 150 gross tonnage may opt to have the plan approval and surveys conducted and the Certificate of Inspection (“CoI”) issued directly either by authorised surveyors, classification societies or MD. This is similar to the current practice that the trade has adopted for years. New large-scale pleasure vessels of not less than 24 metres in length but more than 150 gross tonnage should undergo surveys conducted by classification societies or MD and obtain the Certificate of Survey issued by MD, as stated in the original proposal. This is similar to the current practice.

- (b) In respect of item (iii), the original proposal was to require all pleasure vessels let for hire or reward which are permitted to carry more than 12 passengers to carry a Very High Frequency (VHF) radiotelephone. Considering that pleasure vessels which are permitted to carry more than 60 passengers have the same requirements for life-saving appliances as Class I passenger vessels, after detailed discussions with the trade, MD agreed to refine the proposal so that all pleasure vessels which are permitted to carry more than 60 passengers also need to carry a VHF radiotelephone no matter if they are let for hire or reward.

Pleasure vessels which are required to carry a VHF radiotelephone should have on board at least one crew member with the certificate of competency issued by the Office of the Communications Authority for using a VHF radiotelephone. Since the existing crew members are in general older, low-educated and unmotivated to sit examinations, etc., the trade is worried that there will be a serious shortage of crew members possessing the certificate of competency. It is hoped that there will be adjustments to the examination system and an extension of the grace period.

Regarding the examination system, MD has been proactively working with the Communications Authority on how to render assistance to the trade. In view of the language environment of the local vessel industry, Cantonese has been added as a medium of examination, and the examination papers have taken the form of multiple-choice questions since July 2018 while retaining oral examination quotas. As for the implementation timetable, MD wishes to emphasise that the legislative amendment relating to VHF radiotelephones will take effect only when the trade has sufficient number of qualified officers possessing the certificate of competency.

- (c) In respect of item (v), the original proposal was to require the existing pleasure vessels let for hire or reward and existing large-scale pleasure vessels (i.e. vessels of more than 150 gross tonnage) to provide additional lifebuoys³ on board since structural improvement works could not be conducted on these vessels. The total number of lifebuoys after the increase (i.e. including the number of lifebuoys required to be provided on board the vessels in accordance with the vessel length as stipulated in the “Survey Regulation”) should be adequate for use by the maximum number of persons to be carried as specified in the operating licence, in order to increase the chance of speedy escape in case the vessels are in distress.

In addition, the design of open deck pleasure vessels is relatively simple. The structural requirements (e.g. structural fire protection) for new vessels are not applicable to this type of pleasure vessels. Meanwhile, the high operating speed of open deck pleasure vessels poses greater risks to the safety of passengers on board. Therefore, MD proposes to amend the legislation to require all open deck pleasure vessels, whether new or existing ones, to provide lifebuoys adequate for use by the maximum number of persons to be carried as specified in the operating licence.

³ For the purposes of assessing the adequacy of life-saving appliances on board a local vessel, each lifebuoy is taken to be for use by two persons on board the vessel.

As expressed by the trade, open deck pleasure vessels have limited deck space in general and may not be able to stow more lifebuoys. After detailed discussions with the trade, MD agreed to refine the proposal and provide flexibility to the trade. In particular, all open deck pleasure vessels (i.e. both new and existing vessels) are required to provide lifebuoys adequate for use by the maximum number of persons to be carried as specified in the operating licence. In the event that additional lifebuoys cannot be provided on board, the new legislative requirements can still be met provided that passengers onboard wear suitable lifejackets when the pleasure vessels are underway. Moreover, when participating in specific water sports activities (e.g. water skiing), passengers on board the open deck pleasure vessels may wear lifejackets suitable for water sports activities, and the standards and requirements of which will be set out in the CoP.

The Revised Draft CoP

5. MD and the trade have conducted site visits and numerous discussions on the construction standards of new pleasure vessels in formulating the CoP. An objective set of criteria in respect of the design, shipyard quality, plan approval, structural fire protection, water tightness and stability of the new pleasure vessels will be established in the CoP for the trade to follow. The CoP will also set out amendments relating to the reform proposal (such as the requirements for the provision of additional lifebuoys and VHF radiotelephones), and revisions will be made to some unclear parts in the CoP. The Consultation Draft of the CoP (see *Annex I* for details) has gained the support and recognition from the trade.

Consultation

6. MD consulted the Subcommittee on Class IV Vessels under LVAC in early November 2018 on the refined reform proposal and the revised draft CoP.

Way Forward

7. Members are invited to comment on the refined reform proposal and the the draft CoP set out above. Subject to the comments of the LVAC, MD will take follow-up actions and amend the CoP accordingly.

Task Force on Reform
Marine Department
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