

## **LOCAL VESSELS ADVISORY COMMITTEE**

### **Reform of 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 and make corresponding amendments to relevant legislation and Code of Practice – Safety Standards for Class IV Vessels (CoP). This paper seeks the views of the members of the Committee on the proposal.

#### **Background**

2. MD has prioritised local passenger vessels as the focus of maritime safety enhancement since late 2012. With the improvement measures for Class I vessels being successively implemented, there is the need for MD to proceed with the reform of the regulatory regime for local pleasure vessels.

3. Since 2013, many maritime expert reports have recommended MD to review the regulatory regime for local pleasure vessels, particularly the regulation of pleasure vessels let for hire or reward. As observed by the benchmark survey and the UK maritime experts, the current regulatory regime for local pleasure vessels licensed to carry no more than 60 passengers is comparatively more relaxed than that for local passenger vessels. Besides, a vessel owner is not required to register with or seek prior approval from MD for his mode of operation regarding the letting of a local pleasure vessel for hire or reward. Having reviewed the current regime and taking into consideration the rising safety requirements for pleasure vessels imposed by other jurisdictions (including the UK, the US and Australia, etc.) in recent years, MD takes the view that it should progress with the times and reform the regulatory regime to enhance the safety standards for local pleasure vessels.

#### **Reform Measures**

4. MD proposes to reform the regulatory regime by introducing a series of key improvement measures as follows:

- (i) With reference to other advanced maritime authorities and to align with the international norms, MD proposes to change the current

criterion for deciding whether a new<sup>1</sup> pleasure vessel is a large-scale vessel from gross tonnage (i.e. 150 gross tonnage) to vessel length<sup>2</sup> (i.e. 24 metres);

- (ii) For a more effective grasp of the number of pleasure vessels let for hire or reward and of their passengers with a view to strengthening the regulatory control over the safety of these vessels, MD proposes that only pleasure vessels that have obtained approval from MD can be let for hire or reward;
- (iii) For safe navigation of vessels and facilitation of communications at sea, all pleasure vessels let for hire or reward which are permitted to carry more than 12 passengers should be required to carry a Very High Frequency (VHF) radiotelephone. At least one crew member on board should have the certificate of competency issued by the Communications Authority for using the equipment, and the vessel operator should be required to continuously listen to the VHF channel so that emergency messages can be received as they arise. It is also proposed that all pleasure vessels permitted to carry more than 100 passengers should be required to carry and use the Automatic Identification System (i.e. AIS) and radar, and at all times when underway have on board a radar operator who has successfully completed a radar training course approved by the Director of Marine for the operation of the radar;
- (iv) New local pleasure vessels let for hire or reward and new large-scale vessels (i.e. vessels of 24 metres or more in length) should be required to meet the new construction standards for vessels such as the requirements on structural fire protection and stability; as well as to meet the requirements on plan approval, quality and standards of vessel construction, etc. Furthermore, new local pleasure vessels let for hire or reward which are permitted to carry more than 12 passengers should also be required to meet the requirements on damage stability; and
- (v) Existing<sup>3</sup> local pleasure vessels let for hire or reward and existing large-scale vessels (i.e. vessels of more than 150 gross tonnage)

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<sup>1</sup> “New” refers to pleasure vessels constructed or licensed after the implementation of the new requirements.

<sup>2</sup> The definition of “length” is the same as its interpretation in Section 2 of the Merchant Shipping (Local Vessels) (Safety And Survey) Regulation (Cap. 548G).

<sup>3</sup> “Existing” refers to pleasure vessels licensed before the implementation of the new requirements.

should be required to provide additional life-saving appliances<sup>4</sup> to increase the chance of speedy escape in case the vessels were in distress.

5. Please refer to *Annex* for details of the safety requirements.

### **Amendments to Legislation**

6. MD proposes to amend the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Cap. 548D), Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548F) and Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548G) for implementation of the requirements set out in paragraphs 4(i), 4(ii) and 4(iii).

### **Amendments to the CoP**

7. Apart from amending the legislation, MD also proposes to amend the CoP for:

- (i) clarifying the construction standards, including structural fire protection standards as well as requirements on stability, plan approval, quality and standards of vessel construction, etc., for new local pleasure vessels let for hire or reward and new large-scale vessels (of 24 metres or more in length);
- (ii) setting out the criterion requiring existing local pleasure vessels let for hire and reward to provide additional life-saving appliances; and
- (iii) revising any other unclear guidelines in the Code.

### **Consultation**

8. MD consulted the Sub-committee on Survey Work of Local Vessels under the Local Vessels Advisory Committee (LVAC) on 10 April 2017. Members unanimously agreed with the direction of the reform of the regulatory regime and the relevant legislative amendments but indicated that they had yet to reach a consensus with the industry on some of the proposed amendments to the CoP set out in *Annex*.

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<sup>4</sup> Refer to lifebuoys, liferafts, buoyant apparatus or a combination of them.

9. MD also consulted the Sub-committee on Class IV Vessels under the LVAC on 25 May 2017. Most of the members<sup>5</sup> agreed with the direction of the reform of the regulatory regime and the relevant legislative amendments but indicated that they had yet to reach a consensus with the industry on some of the proposed amendments to the CoP set out in *Annex*.

### **Way Forward**

10. Subject to the views of the Committee, MD will consult the Panel on Economic Development of the Legislative Council on the proposed legislative amendments.

11. MD will also continue to discuss with the industry and the Committee the proposed amendments to the CoP set out in *Annex* on which a consensus had yet to be achieved.

### **Advice Sought**

12. Members are invited to comment on the above reform of the regulatory regime.

Task Force on Reform  
Marine Department  
September 2017

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<sup>5</sup> Only one member objected to the proposal set out in paragraph 4(i) above at the meeting. The member had declared that he ran yacht buying and selling business.

**Code of Practice - Safety Standards for Class IV Vessels  
Summary of Amendments**

**New Local Pleasure Vessel (“PV”)**

Item	Requirement	PV for Hire > 12 P	PV for Hire ≤ 12 P	PV ≥ 24m
<b>1</b>	<b>Vessel Plan</b>			
1.1	Plans and Data for approval	<p>Authorized Surveyor(AS) / Authorized Organization (AO) to approve the follow plans and data item (1) ~ (8):</p> <p>(one copy of such approved plans and data shall be submitted to the Marine Department for record)</p> <p>(1) General Arrangement (Including passenger space, seating arrangement, etc);</p> <p>(2) Safety Plan(Including life-saving appliances, fire-fighting apparatus, light and sound signals, means of escape, escape installation and arrangement, etc);</p> <p>(3) Structures and Scantlings, Weathertight/Watertight Closing Appliances Arrangement;</p> <p>(4) Machinery Installation;</p> <p>(5) Electrical Installation;</p> <p>(6) Prevention of Oil/Air Pollution Installation;</p> <p>(7) Stability Information Booklet</p> <p>(8) Damage Stability Calculation (see 3.3 below).</p> <p>Remark: Sister ship of same model / series would consider to</p>	<p>Authorized Surveyor(AS) / Authorized Organization (AO)to approve plans and data item (1) ~ (7) listed at LHS:</p> <p>(one copy of such approved plans and data shall be submitted to the Marine Department for record)</p> <p>Remark: Sister ship of same model / series would consider to minimize the number of copies required.</p>	<p>Authorized Surveyor(AS) / Authorized Organization (AO) to approve plans and data item (1) ~ (7) listed at LHS:</p> <p>(Including item (8) if PV for Hire&gt;12P)</p> <p>Remark: Sister ship of same model / series would consider to minimize the number of copies required.</p>

Item	Requirement	PV for Hire > 12 P	PV for Hire ≤ 12 P	PV ≥ 24m
		minimize the number of copies required.		
<b>2</b>	<b>Quality and Standard of Vessel Construction</b>			
2.1	Shipyards Quality	Approval/endorsement to be granted by classification societies or relevant authorities; or AS to inspect the shipyard and to satisfy with the following aspects :  (1) facilities & equipment ; (2) quality control ; (3) production process ; (4) competency of staff/workman	Same as LHS	Same as LHS
2.2	Building Standard / Requirement	Design and build to relevant standards and requirements of rules and regulations of recognized classification society/marine authority	Same as LHS	Same as LHS
<b>3</b>	<b>Freeboard, Stability</b>			
3.1	Freeboard	A minimum freeboard based on vessel length	Same as LHS	Same as LHS
3.2	Intact Stability	Intact stability to meet – full inclining test;  (1) passenger crowding, turning, wind effects criteria; (2) IMO criteria for conventional type vessels;	Intact stability to meet –  (1) full inclining test; (2) IMO criteria for conventional type vessels;	Intact stability to meet –  (1) full inclining test; (2) passenger crowding, turning, wind effects criteria (for PV for Hire>12P only); (3) IMO criteria for conventional type vessels;
3.3	Damage Stability	1 compartment flooding standard	No requirement	1 compartment flooding standard (for PV for

Item	Requirement	PV for Hire > 12 P	PV for Hire ≤ 12 P	PV ≥ 24m
				Hire>12P only)
<b>4</b>	<b>Survey, Certification</b>			
4.1	Survey requirement, Survey cycle	Remain unchanged	Remain unchanged	Remain unchanged
<b>5</b>	<b>Vessel Construction</b>			
5.1	WT bulkhead	(1) collision bulkhead; (2) engine room fore and after bulkhead; (3) Alarm for WT door below waterline	(1) Alarm for WT door below waterline	(1) collision bulkhead; (2) engine room fore and after bulkhead; (3) additional bulkhead when length of compartment > 2/5 ship length; (4) Alarm for WT door below waterline
5.2	Watertight integrity	Closing appliances to have 300mm min. coaming height or Closing appliances to be of watertight/weather tight design	Same as LHS	Same as LHS
<b>6</b>	<b>Safety Equipment and installation</b>			
6.1	Fire-fighting apparatus	Statutory requirement remain unchanged  (1) Standard of fire pumps, fire main, fire hose and nozzles (if applicable)	Same as LHS	Same as LHS

Item	Requirement	PV for Hire > 12 P	PV for Hire ≤ 12 P	PV ≥ 24m
6.2	Structural Fire Protection	(1) Furnishing materials in accomm. shall be of non-combustible material (2) sufficient number, sizes and proper construction for means of escape (3) engine room boundary deck and bulkheads to have structural fire protection of 30 min (GRP vessel only)	Same as LHS	Same as LHS
6.3	Navigational and Radio-communication equipment	VHF For PV >100P : AIS For PV >100P : Radar	No requirement	For PV for Hire >12P: VHF  For PV >100P : AIS  For PV >100P : Radar
6.4	Lifejacket instruction	(1) Clear indication/signs of location of lifejacket  demonstration of donning and stowage	Same as LHS	Same as LHS
<b>7</b>	<b>Passenger Facilities</b>			
7.1	Passenger Accom.	(1) Passenger seats shall be fixed seats, design and attachments shall be adequate for the intended service	Same as LHS	Same as LHS
		(2) stairway, passageway, door and exit to meet a specified min. width	Same as LHS	Same as LHS
<b>8</b>	<b>Miscellaneous</b>			
8.1	First Aid Kit	1	No requirement	1



## Existing Local PV

Item	Requirement	PV for Hire > 12 P	PV for Hire ≤ 12 P	PV ≥ 24m
<b>1</b>	<b>Safety Equipment</b>			
1.1	Lifebuoy	Adding lifebuoys for rapid evacuation of crew and passengers during emergencies	Same as LHS	Same as LHS
1.2	Navigational and Radio-communication equipment	VHF For PV >100P : AIS For PV >100P : Radar	No requirement	For PV for Hire >12P: VHF  For PV >100P : AIS  For PV >100P : Radar
1.3	Lifejacket instruction	(1) Clear indication/signs of location of lifejacket;  (2) demonstration of donning and stowage	Same as LHS	Same as LHS
1.4	First Aid Kit	1	No requirement	1