

LOCAL VESSELS ADVISORY COMMITTEE

Miscellaneous Amendments to the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548G)

Purpose

Having reviewed the existing provisions of the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548G) (the “Regulation”), the Marine Department (“MD”) proposes making miscellaneous amendments to the Regulation. Some of the proposed amendments are derived from the recommendations of British maritime experts¹. This paper seeks the comments of this Committee on the proposed legislative amendments.

Details

Plans shall be approved before issue of certificates, etc.

2. Section 9 of the Regulation stipulates the plans required to be approved prior to the issue of a certificate of inspection, certificate of survey, survey record of safety equipment, Hong Kong load line certificate (“HKLLC”), freeboard assignment certificate (“FAC”) or declaration of fitness (“relevant certificate, record and declaration”) in respect of a local vessel. British maritime experts indicated in their report that the number of plans prescribed under the current Regulation were excessive and that some of them could be substituted by the final survey result of the vessel. Having considered the advice of the experts, MD proposes amending the Regulation to require that no relevant certificate, record and declaration shall be issued unless specified plans have been approved, and the specified plans concerned will be prescribed in the codes of practice having regard to factors including vessel class, type, category, construction material and year of construction. MD will consult the Department of Justice on the feasibility of the proposed amendments.

Number of lifebuoys on Class II vessels that operate within river trade limits

3. Table 4 of Schedule 3 to the Regulation stipulates the requirements for life-saving appliances on Class II vessels that operate within river trade limits. For lifebuoys, Table 4 currently only requires the compliance of oil carriers having cargoes

¹ MD commissioned a maritime consultancy company in the United Kingdom in 2014 to provide expert advice on various regulatory, management and administrative issues by drawing upon the experience of overseas maritime authorities which adopt regulatory regimes similar to Hong Kong’s. The advice of the British maritime experts covered, inter alia, vessel survey and inspection.

with flash point not exceeding 60°C (closed cup test). To ensure that other Class II vessels that operate within river trade limits are also equipped with a sufficient number of lifebuoys, MD proposes requiring other vessels in Table 4 to be equipped with the minimum number of buoys as stipulated in Table 5 as well.

Requirements for inflatable liferafts on Class II vessels that operate within river trade limits

4. After reviewing the actual needs, MD proposes to amend Table 4 of Schedule 3 to the Regulation to specify that for a dumb lighter or hopper barge that operates within river trade limits, inflatable liferafts may be waived if it is at all times accompanied by another local vessel (e.g. a tug) equipped with life-saving appliances sufficient for complements of both vessels.

Fire protection and provision of fire-fighting apparatus

5. After reviewing the actual needs, MD proposes to make the following amendments to Schedule 4 to the Regulation:

- (a) For vessels under Table 1, requiring those of 24 metres or more but less than 75 metres in length to be provided with at least four and not more than six portable fire extinguishers in each engine room;
- (b) For vessels under Table 4, specifying the requirement for portable fire extinguishers in galleys on kitchen boats as follows: one within not more than 10 metres walking distance, but at least two on each deck, and not less than half shall be foam/CO₂ fire extinguishers; and
- (c) For Class III Category A vessels under Table 7 of less than 45 metres in length, requiring one portable fire extinguisher to be provided in the machinery space.

New schedule setting out the requirements for the provision of fire-fighting apparatus on oil carriers that operate within the waters of Hong Kong

6. MD issued the Marine Department Notice No. 63/2015² in April 2015 to inform owners, agents and coxswains of local vessels that Class II oil carriers locally licensed under the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) that operate within the waters of Hong Kong shall follow the practical guidance set out in the **attached table** for compliance with the specific requirements with regard to the provision of fire-fighting apparatus. MD proposes to add a new schedule to the Regulation to convert the practical guidance into statutory provision requirements.

² <http://www.mardep.gov.hk/en/notices/pdf/mdn15063.pdf>

Amendments to the requirements with regard to the load line certificate and FAC for special purpose vessels

7. It is prescribed in Schedule 5 to the Regulation that an HKLLC is required for a special purpose vessel of less than 24 metres in length. As the HKLLC is not applicable to vessels with length under 24 metres, MD proposes that an FAC be required for special purpose vessels with plying limits within the waters of Hong Kong, whereas those with river trade limits as their plying limits be “not permitted”.

Consultation

8. The Sub-committee on Survey Work of Local Vessels and the Sub-committee on Class III Vessels endorsed the proposed amendments to the Regulation set out in this paper at their meetings on 23 May 2017 and 6 June 2017 respectively, and agreed to submit the proposal to the Local Vessels Advisory Committee for discussion.

Way Forward

9. Subject to the comments of the Committee, MD will consult the Department of Justice on the details of the above legislative amendments and take forward the amendments in due course.

Advice Sought

10. Members are invited to express their views on the proposed legislative amendments set out in this paper.

Task Force on Reform
Marine Department
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