

Provisional Local Vessel Advisory Committee

New Requirements for Pleasure Vessels

Purpose

The purpose of this paper is to seek members comments on new requirements for certain pleasure vessels so as to safeguard their passengers safety.

Background

2. Under existing legislation, any pleasure vessel shall be used for pleasure purpose. Unless a pleasure vessel is exceeding 150 gross tons, it is not subject to mandatory safety inspection. Although pleasure vessels are prohibited to be used for commercial purpose, they are allowed to be let for hire or reward under the terms of a charter agreement or hire-purchase agreement.

3. A new Merchant Shipping (Local Vessels) Bill (MS(LV)B), aiming at consolidating and updating the existing legislation for licensing, controlling and regulation of local vessels, was introduced to the Legislative Council (LegCo) on 31 March 1999. Under the MS(LV)B, the existing safety requirements for pleasure vessels will remain unchanged.

4. A Bills Committee was set up to scrutinize the provisions of the MS(LV)B. At the meetings of the Bills Committee, the LegCo members expressed their concerns about the safety and use of pleasure vessels, particularly for those pleasure vessels which were let for hire or reward under the terms of a charter agreement. In this respect, they considered that the existing requirements were inadequate and suggested Marine Department to tighten the safety requirements for pleasure vessels.

Proposal

5. In view of the above, it is proposed to impose new safety requirements on pleasure vessels which are allowed to carry a larger number of passengers or engaged in chartering activities as follows :-

- (i) any pleasure vessel which is allowed to carry more than 60 passengers should be subject to mandatory safety inspection; and
- (ii) any pleasure vessel which is let under a charter agreement should have a valid certificate of seaworthiness.

6. In line with the above proposal, it is also proposed that :-

- (i) appropriate codes of practices would be drawn up for pleasure vessels which are allowed to carry more than 60 passengers;
- (ii) the certificate of seaworthiness as mentioned in paragraph 5(ii) should be issued by an authorized surveyor appointed by Director of Marine under the Merchant Shipping (Local Vessels) Ordinance (MS(LV)O); and
- (iii) it would be an offence if either a charter agreement, a certificate of seaworthiness or a valid certificate of insurance (third party risks) is not kept on board a chartered pleasure vessel.

7. To implement the above proposals, the new requirements will be specified in the subsidiary legislation under the MS(LV)O. It is estimated that out of the existing 4 900 licensed pleasure vessels, about 200 pleasure vessels would be affected by the new safety requirements.

Consultation

8. Members are invited to give their comments on the proposals as mentioned in paragraphs 5 and 6.