

## PROVISIONAL LOCAL VESSELS ADVISORY COMMITTEE

### **Merchant Shipping (Local Vessels) (Safety Survey) Regulation** **Merchant Shipping (Local Vessels) (Works) Regulation**

#### **Purpose**

1. This paper follows the previous paper No. 1/2004 submitted to this Committee to brief members on a new set of Merchant Shipping (Local Vessels)(Safety Survey) Regulation (“(Safety Survey)R.”) made aiming to improve the safety, control and regulation of local vessels ; and the Merchant Shipping (Local Vessels) (Works) Regulation (“(Works)R”) to improve the safety of workers engaged in marine work activities. These two regulations will be tabled at the Legislative Council shortly.

#### **Regulations**

##### *(A) Merchant Shipping (Local Vessels) (Safety Survey) Regulation*

2. Over the years, the requirements regarding the safety construction, machinery installation, equipment and survey of local vessels are prescribed in the following instruments, namely –

- (i) The Shipping and Port Control Ordinance, Cap. 313;
- (ii) Merchant Shipping (Launches and Ferry Vessels) Regulations;
- (iii) Merchant Shipping (Miscellaneous Craft) Regulations ;
- (iv) Merchant Shipping (Pleasure Vessels) Regulations ; and
- (v) Marine Department Notice.

In addition, there are practices on the control of safety of vessels currently implemented by administrative means having obtained the support of the industry or this Committee.

3. The proposed provisions in the (Safety Survey)R seek to transfer these scattered provisions to one single regulation; and the above Regulations will be repealed upon commencement of the Ordinance and its subsidiary legislations.

4. Most of the requirements have been adopted from the relevant provisions of the above existing regulations. In addition, the (Safety Survey)R will make provisions to streamline existing arrangements, codify existing practices and adopt appropriate internationally-accepted practices applied to vessel operation which include the following major areas:- :

- (i) Application of freeboard and related certification requirements currently applied to dumb lighters will be extended to all cargo carrying vessels, e.g. dry cargo vessels, small oil tankers, waterboats, etc.;
- (ii) Certain types of dry cargo vessels and oil carriers operating within Hong Kong waters or river trade limits are regarded as "high risk" vessels. These vessels are required to be surveyed and issued with a Record of Safety Equipment ;
- (iii) Radar will be regarded as the necessary navigational equipment to be fitted on ferry vessels to facilitate navigation in restricted visibility and under heavy marine traffic situation. This will be achieved by codifying the existing requirement for approved-type radar and the associated requirement for trained radar operator in ferry vessels plying outside Victoria port;
- (iv) The international standard that any space on a vessel, where the noise level at maximum operating speed of propulsion engines exceeds 85dB, should not be assigned for passenger space will be codified. The Marine Department has been applying this to the local passenger vessels administratively through prescribing the requirement in the "Instructions for the Survey of Class I and Class II Launches and Ferry Vessels" issued in 1995;
- (v) Pleasure vessels which are –
  - (a) licensed to carry more than 60 passengers; (PLVAC paper no. 11/99 refers)
  - (b) engaged in letting for hire or reward under the terms of a charter agreement or hire-purchase agreement; (PLVAC paper no. 2/99 and 11/99 refer)
  - (c) of gross tonnage exceeding 150 tons; or
  - (d) of novel constructionwill be subject to inspection required by the Marine Department which is a condition for licensing;
- (vi) The arrangement on the delegation of survey of local vessels other than “high risk vessels”. (PLVAC paper no. 10/00, 8/02, 6/04 and 9/04 refer); and
- (vii) The construction and safety equipment standards specified by Director will be issued in the form of codes of practice. (PLVAC paper no. 6/97, 12/01, 7/02 and 5/04 etc. refer).

*(B) Merchant Shipping (Local Vessels) (Works) Regulation*

5. At present, the Shipping and Port Control (Cargo Handling) Regulation (SAPC(CH)R) regulates workers' activities on board both local and ocean-going vessels. Proposal had been made to improve the safety of workers engaged in marine work activities by amending the SAPC(CH)R and the PLVAC was consulted and endorsed in principle the proposal in April 1997 (PLVAC paper no. 3/97 refers).

6. With the enactment of the Ordinance, regulation of work activities on board local vessels will be moved to the new Merchant Shipping (Local Vessels) (Works) Regulation (“(Work)R”). The provisions of (Works)R are based on the provisions of existing SAPC(CH)R and the amendment proposal in 1998.

7. (Work)R aims to produce a set of regulations related to safety at works (including cargo handling, ship repairing and breaking, and marine construction carried out on local vessels). In addition, we propose to improve the safety of workers engaged in marine work activities and increase the penalty charges for certain offences. The major improvements include the followings-

- (i) The repairing and breaking of local vessels and marine construction in which local vessels are used will also be brought under the control of (Works)R;
- (ii) The safe means of access to and from a local vessel and on board a local vessel will be enhanced.;
- (iii) The qualifications of a competent examiner for lifting equipment will be clearly specified (e.g. registered professional engineers and recognized classification societies);
- (iv) Derricks will be subject to the requirement for thorough examination by a competent examiner once at least every 12 months. Also, lifting appliances will be subject to the requirement for test and examination by a competent examiner not only when first taken into use but also periodically (once at least every 4 years) thereafter;
- (v) The mandatory safety training courses (i.e., Shipboard Cargo Handling Basic Safety Training, Shipboard Crane operator Safety Training and Works Supervisors Safety Training) for persons engaged in works carried on local vessels will be specified. Director of Marine will be empowered to approve the training and certificate-issuing authorities;
- (vi) The occupational safety requirements (e.g. provision and wearing of protective equipment such as safety helmets, maintenance of first aid equipment, appointment of works supervisors, etc.) will be prescribed;

- (vii) The owner of a lifting gear or the coxswain of a local vessel will need to appoint a competent person in writing for the purposes of inspecting lifting gear;
- (viii) Penalty will also be specified for contravention of various provisions in the (Works)R. The penalty for contravention of some provisions in the (Works)R will be increased from \$2,000 or \$5,000 to level 2 (max. \$5,000) or level 3 (max. \$10,000) respectively.

## **Consultation**

8. During the drafting process, the proposed provisions under the (Safety Survey)R were consulted and accepted by the Technical Sub-committee under this Committee and the relevant owner and operator associations have been consulted.

9. The proposed provisions under (Works)R were consulted and accepted by the relevant industries and interested parties including the employers associations and workers union of the trade, safety and health committees under the Occupational Safety and Health Council and the Labour Advisory Board.

10. The Legislative Council Panel on Economic Services was briefed on the (Safety Survey)R at its meeting on 20 March 2002. The (Works)R was briefed at the Panel meetings on 25 November 2002 and 27 January 2003. Members of the Panel have given their in-principle support to the Regulations.

## **Advice Sought**

11. Members are invited to comment on the safety control and requirement of local vessels proposed in the two Regulations.

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