

**PROVISIONAL LOCAL VESSEL ADVISORY COMMITTEE**

**Merchant Shipping (Local Vessels) Ordinance  
Repeal Regulation related to Water Boats**

**Purpose**

The purpose of this paper is to inform members about the repeal of regulation related to water boats upon the commencement of the Merchant Shipping (Local Vessels) Ordinance, Cap. 548 (LVO).

**Background**

2. Water boats are required to be licensed under the Merchant Shipping (Miscellaneous Craft) Regulations, Cap. 313F (MCR). In particular, regulation 46 of the MCR stipulates -

- (i) When applying for a licence for a water boat, the applicant shall produce to the Director a certificate from the Assistant Director (Ship Surveys) certifying that the hull, tanks, piping and all other fittings are in good condition. No licence shall be issued to any water boat unless that boat is constructed of steel.
- (ii) Except with the written permission of the Director of Health, no water shall be taken into any water boat from any source other than the Government Waterworks at Aberdeen, Lai Chi Kok, Shau Kei Wan or the Taikoo Sugar Refinery at Quarry Bay. Such permission will be given only for limited periods in the discretion of the Director of Health.

3. The requirement for a water boat to be constructed of steel is however exempted generally under the Shipping and Port Control Ordinance (Exemption) (1984-89 Consolidation) Notice if -

- (i) the vessel supplies water only to vessels licensed under Part IV of the Shipping and Port Control Ordinance, Cap.313; and
- (ii) the water is carried in a steel tank or tanks.

### **Present situation**

4. At present, there are 25 water boats licensed in Hong Kong. 11 of them are constructed of steel and 14 are constructed of other material.

5. Currently, steel water boats may supply water to both foreign vessels and locally licensed vessels; whereas, non-steel water boats are restricted to supply water only to locally licensed vessel.

### **Review of regulation**

6. As the control of local vessels will be consolidated and updated under the LVO, the Marine Department has reviewed the legislation mentioned in paragraphs 2 and 3 above.

7. The review concluded that from safety construction point of view, it is not necessary for the hull of a water boat to be constructed of steel. There is also no safety or traffic control ground to require, specifically, a water boat to be constructed of steel.

8. The restriction applied to non-steel water boats to supply water only to locally licensed vessels is clearly not related to safety or traffic control concerns. The restriction is being used indirectly by the Water Supplies Department to implement their water supply policy of reselling water at domestic rate to locally licensed vessels and at a higher rate to foreign vessels.

9. The Director of Health advised that the sanitary conditions of a water boat and its water supply system are regulated under regulation 2 of the Boats and Wharves (Supply of water) Ordinance, Cap.141A and have to be approved by the Director of Health. Also to ensure the quality of water, the Director of Health will, from time to time, take water samples from water boats for checking.

10. Above all, the Department of Justice advised that regulation 46(2) of the MCR, which requires water boats to take water from certain specified Government Waterworks, indeed relates to public health. Hence, the regulation will not be reenacted under the LVO.

**Repeal of Regulation**

11. In light of the rationales mentioned in paragraphs 7 to 10, regulation 46 of the MCR and its related exemption will be repealed upon the commencement of the LVO.

**Implication**

12. The repeal should not have any safety or traffic control implication. Since the restriction on non-steel water boats will be removed, these water boats will be able to supply water to foreign vessels as well as locally licensed vessels upon the commencement of the LVO. In this respect, the Water Supplies Department has been informed to implement their water supply policy correspondingly.

**Presentation**

13. Mr. Chan Yau-ning, Senior Marine Officer/ Legislation and Prosecution will present the paper to members in the forthcoming meeting.

Port Control Division  
Marine Department  
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