

# Clear mind, safe seas Drink and drug boating are criminal offences

## Marine Safety (Alcohol and Drugs) Ordinance

### Background

To enhance marine safety and protect the safety of persons on board vessels, the Marine Safety (Alcohol and Drugs) Ordinance comes into effect on 1 January 2025.

### Scope of Application

The Ordinance applies to:

- All vessels underway in the waters of Hong Kong, including local vessels, river-trade vessels and ocean-going vessels. (Note 1)
- All persons involved in operating a vessel or performing designated duties on board a vessel that is underway. (Note 2)

### Drink and Drug Boating Offences

Any person involved in operating a vessel or performing designated duty on board a vessel that is underway commits an offence in the following circumstances:

- Under the influence of alcohol or drugs to such an extent as to be incapable of having proper control of the vessel or performing designated duties properly;
- While the proportion of alcohol in the person's breath, urine or blood exceeds the prescribed limit (Note 3);
- While any concentration of a specified illicit drug (Note 4) is present in the person's urine or blood; or
- Fails to undergo tests or provide specimen for analysis without reasonable excuse.

### Alcohol test

Step 1 :  
Require the person concerned to undergo a screening breath test



↓ If the person fails the test

Step 2 :  
Require the person to provide a specimen of breath, urine or blood for alcohol analysis or laboratory test



### Drug test

Step 1 :  
Require the person concerned to undergo one or more preliminary drug tests:  
- Rapid Oral Fluid Test  
- Urine Screening Test  
- Marine Field Sobriety Test (MFST)

↓ If the person fails the test



Step 2 :  
Require the person to provide specimen of urine and/or blood for laboratory test

### Penalty

Upon conviction of drink and drug boating, offenders are liable to one or more of the following penalties:

- A maximum fine of \$25,000
- A maximum imprisonment for 3 years
- Disqualification of relevant qualifications for life

**For legislation details, please refer to the Marine Safety (Alcohol and Drugs) Ordinance and its subsidiary legislation.**

Note 1 : Buoyancy devices such as swimming rings and floating beds in normal use by swimmers are not considered operating vessels.

Note 2 : Designated duties refer to: Duties on board a vessel relating to the safety or security of the vessel, or the protection of the marine environment.

Note 3 : Prescribed limit means: (a) 22 micrograms of alcohol in 100 millilitres of breath; (b) 50 milligrams of alcohol in 100 millilitres of blood; or (c) 67 milligrams of alcohol in 100 millilitres of urine.

Note 4 : Specified illicit drugs mean: Heroin, Cocaine, Ketamine ( "K" ), Methamphetamine ( "Ice" ), Cannabis ( "Grass" ) and MDMA ( "ecstasy" ).