

## **LEGISLATIVE COUNCIL BRIEF**

### **MERCHANT SHIPPING (LOCAL VESSELS) (TYPHOON SHELTERS) REGULATION (AMENDMENT OF SCHEDULE) NOTICE 2010**

#### **INTRODUCTION**

The Director of Marine (“the Director”) has made the Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation (Amendment of Schedule) Notice 2010 (“the Notice”) at **Annex** under the Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation (Cap. 548 sub. leg. E) (“the Regulation”). The purpose of the Notice is to amend the Schedule to the Regulation so that local vessels with length overall exceeding 50 metres but not more than 75 metres will also be allowed to enter and remain in the Hei Ling Chau Typhoon Shelter. This paper briefs Members on the Notice.

#### **BACKGROUND AND JUSTIFICATIONS**

2. Currently, there are 14 typhoon shelters operated by the Marine Department (“MD”) for local vessels. Based on section 4 of the Regulation and its Schedule, a local vessel with length overall exceeding 50 metres is not permitted to enter or remain in any typhoon shelters except with the permission of the Director. Section 12 of the Regulation empowers the Director to amend the Schedule by notice published in the Gazette.

3. The MD has received requests from some local vessel traders to relax the requirement. The MD has reviewed the subject in the context of the assessment on the space requirements of typhoon shelters conducted in 2009. Taking into account the historical usage patterns, occupancy rates, site conditions and layouts of the mooring areas of all typhoon shelters and allowing for future growth in demand, the Director

concludes that the Hei Ling Chau Typhoon Shelter can be used to accommodate also the local vessels with length overall exceeding 50 metres but not more than 75 metres. The newly admitted vessels, estimated to be around 100 in number, will occupy a maximum of 25 hectares equivalent to 33% of the total space of the Hei Ling Chau Typhoon Shelter.

## **THE NOTICE**

4. The Notice amends the Schedule to the Regulation in item 5, by replacing “50” with “75”. Upon the commencement of the amendment, the permitted length overall for local vessels in the Hei Ling Chau Typhoon Shelter will be increased from 50 metres to 75 metres.

## **LEGISLATIVE TIMETABLE**

5. The Notice will be gazetted on 20 May 2010 and tabled at the Legislative Council on 26 May 2010.

## **IMPLICATIONS OF THE PROPOSAL**

6. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548). It has no economic, productivity, financial, civil service, environmental and sustainability implications.

## **PUBLIC CONSULTATION**

7. The Local Vessels Advisory Committee and the Port Operations Committee were consulted in June 2009, while the Hong Kong Port Development Council was consulted in December 2009. They all supported the proposal.

## **PUBLICITY**

8. A press release will be issued on 20 May 2010. A spokesman will be available to handle enquires.

## **ENQUIRES**

9. Any enquires on this brief can be addressed to Mr. K C CHAN, Senior Marine Officer/Harbour Patrol Section (2), Marine Department (Tel: 2852 4382).

**Transport and Housing Bureau**  
**Marine Department**  
**19 May 2010**

**MERCHANT SHIPPING (LOCAL VESSELS)  
(TYPHOON SHELTERS) REGULATION  
(AMENDMENT OF SCHEDULE) NOTICE 2010**

(Made by the Director of Marine under section 12 of the Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation (Cap. 548 sub. leg. E))

**1. Commencement**

This Notice comes into operation on 24 July 2010.

**2. Permitted length overall for local vessels in typhoon shelters**

The Schedule to the Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation (Cap. 548 sub. leg. E) is amended, in item 5, by repealing “50” and substituting “75”.

Director of Marine

2010

**Explanatory Note**

A local vessel the length overall of which exceeds 50 m as specified in the Schedule to the Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation (Cap. 548 sub. leg. E) is prohibited from entering or remaining in the Hei Ling Chau Typhoon Shelter. The object of this Notice is to amend that Schedule so that local vessels with length overall exceeding 50 m but not more than 75 m will also be allowed to enter and remain in the Hei Ling Chau Typhoon Shelter.