

L.N. 194 of 2006**MERCHANT SHIPPING (LOCAL VESSELS)
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MERCHANT SHIPPING (LOCAL VESSELS) (SAFETY AND SURVEY) REGULATION

(Made by the Secretary for Economic Development and Labour
under section 89 of the Merchant Shipping
(Local Vessels) Ordinance (Cap. 548))

PART 1

PRELIMINARY

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for Economic Development and Labour by notice published in the Gazette.

2. Interpretation

In this Regulation, unless the context otherwise requires—

“agent” (代理人), in relation to the owner of a local vessel, means a person appointed by the owner as his agent under section 4;

“category” (分類), in relation to a local vessel, means a category of local vessel specified in column 3 of Schedule 1;

“Category A vessel” (A 類船隻) means a local vessel that is—

(a) of a class and type specified in columns 1 and 2 of Schedule 1;
and

(b) categorized as a Category A vessel in column 3 of Schedule 1;

“Category B vessel” (B 類船隻) means a local vessel that is—

(a) of a class and type specified in columns 1 and 2 of Schedule 1;
and

(b) categorized as a Category B vessel in column 3 of Schedule 1;

“certificate of inspection” (檢查證明書) means a certificate of inspection issued under section 19(2);

“certificate of survey” (驗船證明書) means a certificate of survey issued under section 24(1);

“Certification and Licensing Regulation” (《證明書及牌照規例》) means the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Cap. 548 sub. leg. D);

“class” (類別), in relation to a local vessel, means a class of local vessel specified in column 1 of Schedule 1 to the Certification and Licensing Regulation;

- “Class I vessel” (第 I 類別船隻) means a local vessel that is certificated for Class I under the Certification and Licensing Regulation;
- “Class II vessel” (第 II 類別船隻) means a local vessel that is certificated for Class II under the Certification and Licensing Regulation;
- “Class III vessel” (第 III 類別船隻) means a local vessel that is certificated for Class III under the Certification and Licensing Regulation;
- “Class IV vessel” (第 IV 類別船隻) means a local vessel that is certificated for Class IV under the Certification and Licensing Regulation;
- “competent surveyor” (合資格驗船師), in relation to the carrying out of any survey or the approval of any plan of any local vessel, means—
- (a) an authorized surveyor; or
 - (b) a recognized authority;
- “conditions of assignment” (勘定條件) means the provisions of—
- (a) Schedule 4 to the Merchant Shipping (Safety) (Load Line) Regulations (Cap. 369 sub. leg. AD); and
 - (b) the Load Lines Convention,
- that relate to the assignment of freeboard;
- “declaration of fitness” (適合運載危險品聲明) means a declaration of fitness for the carriage of dangerous goods issued under section 54 or 65(4);
- “FA certificate” (乾舷勘定證明書) means a freeboard assignment certificate issued under section 46 or 65(4);
- “HKLL certificate” (香港載重線證明書) means a Hong Kong load line certificate issued under section 46 or 65(4);
- “length” (長度) or the symbol “(L)”, in relation to a local vessel, means the greater of the following—
- (a) the distance between the foreside of the stem and the axis of the rudder stock;
 - (b) 96% of the distance between the foreside of the stem and the aftside of the stern,
- measured on a waterline at 85% of the least moulded depth, except that—
- (c) if the vessel has a rake of keel, the waterline on which the distance is measured shall be parallel to the designed waterline; and
 - (d) if the vessel is not fitted with a rudder stock, the length shall be determined in accordance with paragraph (b);
- “Load Lines Convention” (《載重線公約》) means—
- (a) the International Convention on Load Lines (including its annexes) which constitutes Attachment 1 to the Final Act of the International Conference on Load Lines signed in London on 5 April 1966;
 - (b) the Protocol of 1988 (including its annexes) relating to the International Convention on Load Lines adopted by the International Conference on the Harmonized System of Survey and Certification in London on 11 November 1988; and

- (c) any amendment to the Convention and Protocol referred to in paragraphs (a) and (b) which is specified in a Marine Department Notice;

“Marine Department Notice” (海事處佈告) means a notice issued by the Director which is described as such, and any reference to a particular Marine Department Notice includes a reference to that Notice as amended from time to time by a subsequent Marine Department Notice;

“moulded depth” (型深), in relation to a local vessel, means the vertical distance measured from the top of the keel to the top of the freeboard deck beam at side, except that—

- (a) if the vessel is a wood or composite vessel, it shall be measured from the lower edge of the keel rabbet;
- (b) if the form at the lower part of the midship section of the vessel is of a hollow character, or if thick garboards are fitted, it shall be measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel;
- (c) if the vessel has rounded gunwales, it shall be measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwales were of angular design;
- (d) if the freeboard deck of the vessel is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, it shall be measured to a line of reference extending from the lower part of the deck along a line parallel to the raised part of the deck;

“new vessel” (新船隻) means—

- (a) a local vessel—
 - (i) that has never been licensed under Part IV of the Shipping and Port Control Ordinance (Cap. 313) before the commencement date of this Regulation; and
 - (ii) in respect of which an application for an operating licence is made for the first time on or after the commencement date of this Regulation, but does not include a vessel the keel of which is laid, or which is at a similar stage of construction, within 12 months immediately before that date and is still under construction on that date;
- (b) a local vessel that does not fall within paragraph (a) and undergoes, on or after the commencement date of this Regulation, alteration—
 - (i) of—
 - (A) its length, breadth or depth as recorded in the certificate of ownership issued or endorsed under the Certification and Licensing Regulation;

- (B) the output of its main propulsion engine so that—
 - (I) the output is increased by 10% or more than what is recorded in its certificate of inspection or certificate of survey; or
 - (II) particulars relating to the materials, scantlings or design of the propulsion shafting or stern tube, as shown in the plans approved under Part 3, are no longer accurate; or
- (C) its passenger capacity so that it increases from not more than 60 to more than 60, or from not more than 100 to more than 100; or
- (ii) to an extent that it is no longer suitable—
 - (A) to remain certificated for the particular class or type that it is certificated for under the Certification and Licensing Regulation; or
 - (B) to be categorized as a Category A vessel or a Category B vessel;

“prescribed fee” (訂明費用), in relation to any matter, means the fee prescribed for that matter in the regulation made under section 88 of the Ordinance;

“recognized authority” (獲承認的當局) means a government authority recognized under section 7A of the Ordinance;

“river trade limits” (內河航限) means—

- (a) the waters in the vicinity of Hong Kong within the following boundaries—
 - (i) to the East, meridian 114° 30' East;
 - (ii) to the South, parallel 22° 09' North; and
 - (iii) to the West, meridian 113° 31' East; and
- (b) all inland waterways in the Guangdong Province and Guangxi Zhuang Autonomous Region which have navigational access to the waters referred to in paragraph (a);

“SOLAS Convention” (《人命安全公約》) means—

- (a) the International Convention for the Safety of Life at Sea (including its annexes) signed in London on 1 November 1974;
- (b) the Protocol of 1988 (including its annexes) relating to the International Convention for the Safety of Life at Sea adopted by the International Conference on the Harmonized System of Survey and Certification in London on 11 November 1988; and
- (c) any amendment to the Convention and Protocol referred to in paragraphs (a) and (b) which is specified in a Marine Department Notice;

“specified sheltered waters” (指明遮蔽水域) means the waters specified in Schedule 2 of the Certification and Licensing Regulation;

- “survey record of safety equipment” (安全設備檢驗紀錄) means the survey record of safety equipment issued under section 39 or 65(4);
- “type” (類型), in relation to a local vessel, means a type of local vessel specified in column 2 of Schedule 1 to the Certification and Licensing Regulation;
- “Victoria port” (維多利亞港口) means the area of the waters of Hong Kong declared under section 56 of the Shipping and Port Control Ordinance (Cap. 313) as Victoria port.

3. Application

This Regulation applies to local vessels to which Part IV of the Ordinance applies.

PART 2

APPOINTMENT AND TERMINATION OF APPOINTMENT OF AGENT

4. Appointment of agent

(1) The owner of a local vessel may appoint another person as his agent for the purposes of this Regulation.

(2) Where the owner of a local vessel has appointed an agent, he shall, within 14 days after the appointment, deliver to the Director—

- (a) a notice of appointment that complies with subsection (3); and
- (b) a certified copy of the document of identification of the agent.

(3) A notice of appointment shall contain the following particulars—

- (a) the name of the local vessel concerned, if any;
- (b) if a certificate of ownership is in force in respect of the vessel, the number of the certificate;
- (c) the name, telephone number and address in Hong Kong of the owner of the vessel;
- (d) the name, telephone number and address in Hong Kong of the agent;
- (e) a statement by the owner that he has appointed the agent for the purposes of this Regulation;
- (f) a statement by the agent that he has accepted the appointment to be the agent of the owner for the purposes of this Regulation;
- (g) the date of appointment;
- (h) the signature or, if applicable, the company seal of the owner; and
- (i) the signature or, if applicable, the company seal of the agent.

(4) In this section, “document of identification” (身分證明文件) means—

- (a) in relation to an individual who holds a valid identity card, the identity card;
- (b) in relation to a company within the meaning of the Companies Ordinance (Cap. 32), the certificate of incorporation issued under that Ordinance in respect of the company; or
- (c) in relation to an oversea company within the meaning of the Companies Ordinance (Cap. 32), the certificate of registration issued under that Ordinance in respect of the company.

5. Owner of local vessel or his agent to notify change in particulars

(1) If there is any change in a particular given under section 4(3), the owner of the local vessel concerned or his agent shall, within 14 days after the change, give a written notice of it to the Director.

(2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1.

6. Termination of appointment of agent

(1) Where the appointment of an agent is terminated for any reason, both the owner of the local vessel concerned and the agent shall immediately give a written notice of the termination to the Director.

(2) A notice given under subsection (1) shall be signed by or stamped with the company seal of (as may be appropriate) the person who gives the notice.

(3) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2.

PART 3

APPROVAL OF PLANS

7. Application of Part 3

(1) Subject to subsection (2), this Part applies to a local vessel—

- (a) that is a new vessel; or
- (b) in respect of which an application is made for the first time for approval of plans with a view to apply for any of the following items—
 - (i) a certificate of inspection;
 - (ii) a certificate of survey;

- (iii) a survey record of safety equipment;
 - (iv) a HKLL certificate;
 - (v) a FA certificate; or
 - (vi) a declaration of fitness.
- (2) This Part does not apply to—
- (a) a Class II vessel that falls within Schedule 2;
 - (b) a Class III vessel (including a Class III vessel that falls within Schedule 2) unless it is—
 - (i) a fish carrier that is a Category A vessel;
 - (ii) a fishing sampan made of glass reinforced plastic; or
 - (iii) a fishing vessel that is a Category A vessel; and
 - (c) subject to subsection (3), a Class IV vessel.
- (3) This Part applies to a Class IV vessel that is—
- (a) licensed to carry more than 60 passengers;
 - (b) licensed to carry not more than 60 passengers but is let for hire or reward, except a vessel that also falls within paragraph (c) or (d);
 - (c) of more than 150 gross tonnage; or
 - (d) of novel construction.
- (4) In this Part, unless the context otherwise requires, “plan” (圖則) includes drawings, details, diagrams and calculations.

8. Approval of plans upon application

(1) Subject to subsection (2), the Director or a competent surveyor may, upon application, approve plans relating to a local vessel in accordance with this Part.

(2) Plans relating to a Class IV vessel that falls within section 7(3)(b) shall be approved—

- (a) by a competent surveyor; or
- (b) where the Director so directs in any particular case, by the Director.

(3) Where the Director directs under subsection (2)(b) that the plans shall be approved by him, an application shall be made to the Director under subsection (1).

(4) The following provisions apply in relation to an application made to the Director under subsection (1)—

- (a) the application shall be in the specified form;
- (b) plans that have to be approved under section 9(1), (2), (3) or (4) may be submitted separately;
- (c) approval of plans under more than one subsection of section 9 may be applied for in a single application;

- (d) 3 copies of each of the plans to be approved shall be submitted; and
- (e) the applicant shall, at the request of the Director, pay the prescribed fee for—
 - (i) considering the plans; and
 - (ii) if the plans are approved, the approval of the plans.
- (5) The Director may—
 - (a) by a written notice to an applicant, require the applicant to provide such information that the Director considers necessary for determining the application; and
 - (b) refuse to proceed with the application if the applicant fails to comply with the notice.
- (6) Where an application is made to a competent surveyor under subsection (1), the applicant shall, as soon as practicable after engaging the surveyor and in any event before any plans are submitted to the surveyor, notify the Director of the engagement in the specified form.

9. Plans shall be approved before issue of certificates, etc.

(1) No certificate of inspection or certificate of survey shall be issued in respect of a local vessel that falls within section 7(1)(a) or (b)(i) or (ii) unless plans relating to the following parts or aspects of the vessel, in so far as they are applicable, have been approved under this Part—

- (a) general arrangements;
- (b) tonnage measurements and calculations;
- (c) structures and scantlings;
- (d) freeboard calculations;
- (e) arrangements relating to watertightness, weathertightness, bulkheads, hatchways, coamings, side scuttles, air vents, freeing ports, scuppers, inlets and discharges;
- (f) stability;
- (g) accommodation layouts;
- (h) passenger space, seating arrangements, number of passengers and escape routes;
- (i) fuel, machinery, shafting and electrical systems;
- (j) safety equipment including life-saving appliances, fire-fighting apparatus and emergency controls;
- (k) structural fire protection;
- (l) navigational and communication equipment including lights, shapes and sound signals;
- (m) lifting appliances;
- (n) prevention and control of pollution; and

(o) measures against potential hazards to the safety of the vessel and any person or property on board the vessel.

(2) No survey record of safety equipment shall be issued in respect of a local vessel that falls within section 7(1)(a) or (b)(iii) unless plans relating to the following parts or aspects of the vessel, in so far as they are applicable, have been approved under this Part—

- (a) general arrangements;
- (b) stability;
- (c) safety equipment including life-saving appliances, fire-fighting apparatus and emergency controls;
- (d) navigational and communication equipment including lights, shapes and sound signals; and
- (e) emergency electrical systems.

(3) No HKLL certificate or FA certificate shall be issued in respect of a local vessel that falls within section 7(1)(a) or (b)(iv) or (v) unless plans relating to the following parts or aspects of the vessel, in so far as they are applicable, have been approved under this Part—

- (a) general arrangements;
- (b) structures and scantlings;
- (c) conditions of assignment;
- (d) freeboard calculations; and
- (e) stability.

(4) No declaration of fitness shall be issued in respect of a local vessel that falls within section 7(1)(a) or (b)(vi) unless plans relating to the following parts or aspects of the vessel, in so far as they are applicable, have been approved under this Part—

- (a) general arrangements;
- (b) electrical systems, installations and equipment;
- (c) safety equipment including life-saving appliances, fire-fighting apparatus and emergency controls;
- (d) structural fire protection; and
- (e) measures against potential hazards to the safety of the vessel and any person or property on board the vessel.

10. Determination of applications made to Director

(1) After considering an application made under section 8(1) for approval of any plan, the Director may—

- (a) approve the plan;
- (b) approve the plan subject to any reasonable conditions or alterations that he may endorse on the plan;
- (c) refuse to approve the plan; or
- (d) temporarily withhold the approval of the plan.

(2) The Director shall only approve a plan if he is satisfied that the local vessel concerned or any part of it, if built or arranged in accordance with the plan, will comply with the requirements under this Regulation for the issue of the certificate, record or declaration in respect of which approval of such plan is required under section 9.

(3) Upon approving a plan, the Director shall, in respect of each copy of the plan submitted to him, endorse and sign on—

- (a) every page of the plan; and
- (b) where the plan includes any booklet, a conspicuous part of the booklet.

(4) The following particulars shall be entered in the plan and booklet referred to in subsection (3)—

- (a) the name of the public officer to whom the power to approve the plan is delegated under section 72 of the Ordinance;
- (b) the rank of the public officer; and
- (c) the date of approval.

(5) The Director shall retain one copy of each plan approved by him and forward the other 2 copies to the applicant.

(6) Within 7 days after refusing to approve a plan under subsection (1)(c), the Director shall—

- (a) give a written notice of the refusal to the applicant; and
- (b) state in such notice the reasons for the refusal.

11. Approval of re-submitted plans

(1) Within 7 days after deciding to temporarily withhold the approval of a plan under section 10(1)(d), the Director shall—

- (a) give a written notice of the decision to the applicant; and
- (b) state in such notice—
 - (i) the reasons for the decision; and
 - (ii) the requirements as regards rendering the plan fit for re-submission for approval.

(2) An applicant to whom a notice is given under subsection (1) may, when he considers the requirements stated in the notice have been complied with, apply to the Director for approval of the re-submitted plan.

(3) An application made under subsection (2) shall be in the specified form and the applicant shall, at the request of the Director, pay the prescribed fee for—

- (a) considering the re-submitted plan; and
- (b) if the re-submitted plan is approved, the approval of the plan.

- (4) If the Director is satisfied that the requirements stated in a notice given under subsection (1) have been complied with, he shall—
- (a) approve the re-submitted plan; or
 - (b) approve the re-submitted plan subject to any reasonable conditions or alterations that he may endorse on the plan.

12. Determination of applications made to competent surveyor

(1) Where an application is made to a competent surveyor under section 8(1), he shall only approve the plan if he is satisfied that the local vessel concerned or any part of it, if built or arranged in accordance with the plan, will comply with the requirements under this Regulation for the issue of the certificate, record or declaration in respect of which approval of such plan is required under section 9.

(2) Upon approving a plan, a competent surveyor shall, in respect of each copy of the plan submitted to him, endorse and sign on—

- (a) every page of the plan; and
- (b) where the plan includes any booklet, a conspicuous part of the booklet.

(3) The following particulars shall be entered in the plan and booklet referred to in subsection (2)—

- (a) the name of the competent surveyor;
- (b) if the plan is approved by a recognized authority, the name of the individual who is authorized to approve the plan for and on behalf of the authority;
- (c) the post title of the individual referred to in paragraph (b); and
- (d) the date of approval.

(4) The competent surveyor shall retain at least one copy of each plan approved by him and forward the other copies to the applicant.

13. Preparation of declaration of plan approval under Part 3

(1) This section applies to any plan relating to a local vessel that has been approved by a competent surveyor under this Part, except plans relating to a Class IV vessel that falls within section 7(3)(b).

(2) A competent surveyor who has approved a plan shall submit a declaration of plan approval to the Director within 14 days after the date of approval.

(3) A declaration of plan approval shall be in the specified form.

(4) If a plan approved by a competent surveyor relates to any of the following parts or aspects of a local vessel, he shall submit a copy of the plan together with the declaration of plan approval to the Director—

- (a) general arrangements;
- (b) tonnage measurements and calculations;
- (c) freeboard calculations;
- (d) stability;
- (e) passenger space, seating arrangements, number of passengers and escape routes;
- (f) fuel systems;
- (g) safety equipment including life-saving appliances, fire-fighting apparatus and emergency controls;
- (h) structural fire protection;
- (i) navigational and communication equipment including lights, shapes and sound signals;
- (j) prevention and control of pollution; and
- (k) measures against potential hazards to the safety of the vessel and any person or property on board the vessel.

14. Director may require approved plans be amended

(1) This section applies to any plan relating to a local vessel that has been approved by the Director or a competent surveyor under this Part.

(2) The Director may, at any time before he issues the certificate, record or declaration in respect of which any plan is approved under this Part, require—

- (a) the plan be amended in such manner as he considers appropriate; and
- (b) the amended plan be submitted for further approval by the Director, or the competent surveyor who is initially engaged to approve the plan.

(3) Where the Director requires an amended plan be submitted to him for further approval, the applicant who made the initial application for approval of plan under section 8(1) shall, at the request of the Director, pay the prescribed fee for—

- (a) considering the amended plan; and
- (b) if the amended plan is approved, the approval of the plan.

(4) The owner of the local vessel concerned or his agent shall ensure that the vessel is built or arranged in accordance with the amended plan.

PART 4

CERTIFICATE OF INSPECTION AND CERTIFICATE OF SURVEY

15. Application of Part 4

- (1) This Part does not apply to—
 - (a) a Class II vessel or a Class III vessel that falls within Schedule 2; and
 - (b) subject to subsection (2), a Class IV vessel.
- (2) This Part applies to a Class IV vessel that is—
 - (a) licensed to carry more than 60 passengers;
 - (b) licensed to carry not more than 60 passengers but is let for hire or reward, except a vessel that also falls within paragraph (c) or (d);
 - (c) of more than 150 gross tonnage; or
 - (d) of novel construction.

16. Offence for operating local vessel without certificate of inspection or certificate of survey

- (1) A local vessel shall not be operated unless—
 - (a) in the case of a Class IV vessel that falls within section 15(2)(b), a certificate of inspection; or
 - (b) in the case of any other local vessel, a certificate of survey,is in force in respect of the vessel.
- (2) If, without reasonable excuse, subsection (1) is contravened, the owner of the local vessel concerned, his agent and the coxswain each commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

17. Application for survey under Part 4

- (1) Subject to subsection (2), the Director or a competent surveyor may, upon an application by the owner of a local vessel or his agent, carry out a survey of the vessel in order that a certificate of inspection or certificate of survey may be issued in respect of the vessel.
- (2) A survey of a Class IV vessel that falls within section 15(2)(b) shall be carried out—
 - (a) by a competent surveyor; or
 - (b) where the Director so directs in any particular case, by the Director.

(3) Where the Director directs under subsection (2)(b) that a survey shall be carried out by him, the owner of the vessel or his agent shall make an application to the Director under subsection (1).

(4) The following provisions apply in relation to an application made to the Director under subsection (1)—

- (a) the application shall be in the specified form; and
- (b) the applicant shall, at the request of the Director, pay the prescribed fee for—
 - (i) the survey; and
 - (ii) if a certificate of inspection or certificate of survey is issued, the issue of the certificate.

(5) Where an application is made to a competent surveyor under subsection (1), the applicant shall, as soon as practicable after engaging the surveyor and in any event before the survey is carried out, notify the Director of the engagement in the specified form.

(6) Subsection (5) does not apply to a survey of a Class IV vessel that falls within section 15(2)(b).

18. Matters to be surveyed under Part 4

(1) A certificate of inspection or certificate of survey shall only be issued in respect of a local vessel if the vessel is fit for the service intended and in good condition.

(2) In determining whether a local vessel is fit for the service intended and in good condition, the Director or the competent surveyor who carries out the survey shall, in addition to any other matters that he considers relevant, have regard to—

- (a) the vessel's compliance with requirements stated in the following provisions or regulations in so far as they are applicable—
 - (i) section 31;
 - (ii) section 32(1) and (2);
 - (iii) section 33(1) and (2);
 - (iv) section 69 or 70;
 - (v) section 76 or 77;
 - (vi) section 80;
 - (vii) section 81;
 - (viii) the collision regulations;
 - (ix) the use of signals of distress regulations;
- (b) in the case of a local vessel to which Part 3 applies, whether the vessel is built or arranged in accordance with the plans approved under section 9(1) and the plans amended under section 14, if any; and

- (c) without limiting the generality of paragraph (a)(v), if the Director has issued a notice under section 78(2) in respect of the vessel, whether the notice has been complied with.

19. Issue of certificate of inspection

(1) This section applies to a Class IV vessel that falls within section 15(2)(b).

(2) If, upon completion of a survey of a Class IV vessel, the Director or competent surveyor who carries out the survey is satisfied that the vessel is fit for the service intended and in good condition, he shall issue a certificate of inspection in respect of the vessel.

(3) A certificate of inspection may be subject to such reasonable conditions or restrictions as the Director or competent surveyor (as may be appropriate) may impose.

(4) The Director or competent surveyor (as may be appropriate) may, by giving a written notice to the owner of a Class IV vessel or his agent—

- (a) amend or revoke any conditions or restrictions imposed by him; or
- (b) impose such new conditions or restrictions as may be reasonable in the circumstances.

(5) The Director or competent surveyor (as may be appropriate) may, for the purposes of subsection (4), direct the owner of a Class IV vessel or his agent to deliver to him the certificate of inspection issued in respect of the vessel.

(6) A certificate of inspection shall be in the specified form.

20. Director may refuse or temporarily withhold issue of certificate of inspection

(1) This section applies to a survey carried out by the Director on a Class IV vessel that falls within section 15(2)(b).

(2) If, having regard to the findings in a survey of a Class IV vessel, the Director is not satisfied that the vessel is fit for the service intended and in good condition, the Director may either—

- (a) refuse to issue a certificate of inspection in respect of the vessel; or
- (b) temporarily withhold the issue of the certificate of inspection.

(3) Within 14 days after refusing to issue a certificate of inspection under subsection (2)(a), the Director shall—

- (a) give a written notice of the refusal to the applicant; and
- (b) state in such notice the reasons for the refusal.

21. Provisions applicable where issue of certificate of inspection is temporarily withheld

(1) Within 14 days after deciding to temporarily withhold the issue of a certificate of inspection in respect of a Class IV vessel under section 20(2)(b), the Director shall—

- (a) give a written notice of the decision to the applicant; and
- (b) state in such notice—
 - (i) the reasons for the decision;
 - (ii) the requirements as regards rendering the vessel fit for the issue of the certificate; and
 - (iii) if the Director sees fit, a requirement that the vessel be re-inspected by him.

(2) If, in a notice given under subsection (1), the Director requires a re-inspection of the Class IV vessel concerned, the owner of the vessel or his agent may, when he considers the requirements stated under subsection (1)(b) have been complied with, apply to the Director for the re-inspection.

(3) An application made under subsection (2) shall be in the specified form and the applicant shall, at the request of the Director, pay the prescribed fee for the re-inspection.

(4) If the Director is satisfied that the requirements stated under subsection (1)(b) have been complied with, he shall issue a certificate of inspection in respect of the Class IV vessel concerned under section 19.

22. Preparation of declaration of survey under Part 4

(1) This section applies to a survey carried out by a competent surveyor under this Part, except a survey of a Class IV vessel that falls within section 15(2)(b).

(2) A competent surveyor who has carried out a survey of a local vessel shall, if he considers appropriate to do so, submit a declaration of survey to the Director within 14 days after the date of completion of the survey.

(3) A declaration of survey submitted under subsection (2) shall state—

- (a) whether, in the opinion of the competent surveyor, the vessel is fit for the service intended and in good condition;
- (b) in the case of a local vessel to which Part 3 applies, whether the vessel is built or arranged in accordance with the plans approved under section 9(1) and the plans amended under section 14, if any;
- (c) any conditions or restrictions that the operation of the vessel should be made subject to; and

- (d) any other observations, elaborations, qualifications or explanations that are relevant to the issue of the certificate of survey.
- (4) A declaration of survey shall be in the specified form.
- (5) Upon the receipt of a declaration of survey, the Director may—
- (a) by a written notice require—
- (i) the competent surveyor who submitted the declaration; or
- (ii) the owner of the local vessel concerned or his agent, to provide any information that the Director considers relevant to the issue of the certificate of survey; and
- (b) refuse to proceed with the application if the information required under paragraph (a) is not provided.
- (6) Where a declaration of survey is submitted to the Director in respect of a local vessel, the owner of the vessel or his agent shall, at the request of the Director, pay the prescribed fee for—
- (a) considering the declaration of survey; and
- (b) if a certificate of survey is issued, the issue of the certificate.

23. Director may recognize another document as equivalent to declaration of survey

(1) Notwithstanding section 22, where a survey is carried out by a recognized authority, the Director may recognize another document submitted by the authority as equivalent to a declaration of survey.

(2) Where a document is recognized under subsection (1), references to “declaration of survey” in this Part shall be construed as references to that document.

24. Issue of certificate of survey

(1) The Director shall issue a certificate of survey in respect of a local vessel if—

(a) in a case where the survey is carried out by the Director, he is satisfied that; or

(b) in a case where the survey is carried out by a competent surveyor, the matters stated in the declaration of survey submitted under section 22(2) and any information provided pursuant to section 22(5)(a) show that,

the vessel is fit for the service intended and in good condition.

(2) A certificate of survey may be subject to such reasonable conditions or restrictions as the Director may impose.

(3) The Director may, by giving a written notice to the owner of a local vessel or his agent—

- (a) amend or revoke any conditions or restrictions imposed by him; or
- (b) impose such new conditions or restrictions as may be reasonable in the circumstances.

(4) The Director may, for the purposes of subsection (3), direct the owner of a local vessel or his agent to deliver to him the certificate of survey issued in respect of the vessel.

(5) A certificate of survey shall be in the specified form.

25. Director may refuse or temporarily withhold issue of certificate of survey

(1) If, having regard to the findings in a survey of a local vessel carried out by the Director, or to the matters stated in the declaration of survey submitted under section 22(2) and any information provided pursuant to section 22(5)(a), the Director is not satisfied that the vessel is fit for the service intended and in good condition, the Director may either—

- (a) refuse to issue a certificate of survey in respect of the vessel; or
- (b) temporarily withhold the issue of the certificate of survey.

(2) Within 14 days after refusing to issue a certificate of survey under subsection (1)(a), the Director shall—

- (a) give a written notice of the refusal to the applicant; and
- (b) state in such notice the reasons for the refusal.

26. Provisions applicable where issue of certificate of survey is temporarily withheld

(1) Within 14 days after deciding to temporarily withhold the issue of a certificate of survey in respect of a local vessel under section 25(1)(b), the Director shall—

- (a) give a written notice of the decision to the applicant; and
- (b) state in such notice—
 - (i) the reasons for the decision;
 - (ii) the requirements as regards rendering the vessel fit for the issue of the certificate; and
 - (iii) if the Director sees fit, a requirement that the vessel be re-inspected by him or the competent surveyor who submitted the declaration of survey in respect of the vessel under section 22(2).

(2) If, in a notice given under subsection (1), the Director requires a re-inspection of the local vessel concerned and such re-inspection is to be carried out by the Director, the owner of the vessel or his agent may, when he considers the requirements stated under subsection (1)(b) have been complied with, apply to the Director for the re-inspection.

(3) An application made under subsection (2) shall be in the specified form and the applicant shall, at the request of the Director, pay the prescribed fee for the re-inspection.

(4) If the Director is satisfied that the requirements stated under subsection (1)(b) have been complied with, he shall issue a certificate of survey in respect of the local vessel concerned under section 24.

(5) If the issue of a certificate of survey in respect of a local vessel is temporarily withheld under section 25(1)(b), any full licence or temporary licence issued under Part 2 of the Certification and Licensing Regulation in respect of the vessel is regarded as having been suspended pending the issue of the certificate of survey.

27. Validity of certificate of inspection and certificate of survey

(1) A certificate of inspection is valid for the period specified in the certificate, which shall not exceed 12 months from—

- (a) the date of completion of the survey; or
- (b) if a certificate of inspection is in force in respect of the local vessel concerned, the expiry date of such certificate,

whichever is the later.

(2) Notwithstanding subsection (1), in no circumstances shall the validity of a certificate of inspection exceed 14 months.

(3) A certificate of survey is valid for—

- (a) 12 months from the date of completion of the survey; or
- (b) such longer or shorter period as the Director may specify in the certificate.

28. Cancellation or suspension of certificate of inspection and certificate of survey

(1) The Director may, for any of the reasons prescribed in subsection (2), cancel or suspend a certificate of inspection or certificate of survey.

(2) The reasons prescribed for the purposes of subsection (1) are—

(a) the Director reasonably believes that—

- (i) in a case where Part 3 applies, any information provided in the application for approval of any plan leading to the issue of the certificate of inspection or certificate of survey is erroneous, false or misleading in a material particular;
- (ii) any information provided in the application for the issue of the certificate of inspection or certificate of survey is erroneous, false or misleading in a material particular;

- (iii) the survey leading to the issue of the certificate of inspection or certificate of survey is founded on information that is erroneous, false or misleading in a material particular;
 - (iv) in a case where the survey leading to the issue of the certificate of survey is carried out by a competent surveyor, any matters stated in the declaration of survey submitted under section 22(2), or any information provided pursuant to section 22(5)(a), is erroneous, false or misleading in a material particular;
 - (v) any material change occurs after the survey leading to the issue of the certificate of inspection or certificate of survey;
 - (vi) any condition or restriction imposed under section 19(3) or (4)(b) or 24(2) or (3)(b) is contravened;
 - (vii) any provision of the Ordinance or any regulation made under it is contravened in relation to the local vessel concerned; or
 - (viii) the local vessel concerned is no longer—
 - (A) fit for the service intended; or
 - (B) in good condition;
 - (b) the local vessel concerned is arrested, detained, removed or seized pursuant to any provision of any Ordinance.
- (3) Within 14 days after deciding to cancel or suspend a certificate of inspection or certificate of survey under subsection (1), the Director shall—
- (a) give a written notice of the decision to the owner of the local vessel concerned or his agent; and
 - (b) state in such notice—
 - (i) the reasons for the decision;
 - (ii) the date on which the cancellation or suspension takes effect; and
 - (iii) if applicable, the time within which and the manner in which the owner or agent shall return the certificate to the Director.
- (4) Where a certificate of inspection or certificate of survey is suspended under this section, the Director may, upon application made to him or on his own initiative, lift the suspension either conditionally or unconditionally.
- (5) A person who, without reasonable excuse, fails to return in accordance with a notice given under subsection (3) a certificate of inspection or certificate of survey that is cancelled or suspended commits an offence and is liable on conviction to a fine at level 3.

29. Certificate of survey to be kept on board the vessel

- (1) A certificate of survey in force in respect of a local vessel shall—
 - (a) be kept at all times on board the vessel; and
 - (b) be produced for inspection on request by an authorized officer.
- (2) If a certificate of survey issued in respect of a local vessel is returned to or deposited with the Director for any reason other than cancellation or suspension, the Director shall issue an official receipt as proof of the return or deposit of the certificate.
- (3) An official receipt issued under subsection (2) shall—
 - (a) be kept at all times on board the vessel to which it relates; and
 - (b) be produced for inspection on request by an authorized officer, in lieu of the certificate of survey.
- (4) If, without reasonable excuse, subsection (1) or (3) is contravened, the owner of the local vessel concerned, his agent and the coxswain each commits an offence and is liable on conviction to a fine at level 2.

30. Display of certificate of inspection or certificate of survey in respect of certain local vessels

- (1) The—
 - (a) certificate of inspection in force in respect of a Class IV vessel; or
 - (b) certificate of survey in force in respect of—
 - (i) a Class I vessel;
 - (ii) a Class II vessel that is—
 - (A) a pilot boat;
 - (B) a transportation boat; or
 - (C) a tug;
 - (iii) a Class IV vessel that is licensed to carry more than 60 passengers,shall be displayed at all times in a conspicuous place on the vessel.
- (2) If, without reasonable excuse, subsection (1) is contravened, the owner of the local vessel concerned, his agent and the coxswain each commits an offence and is liable on conviction to a fine at level 2.

PART 5

CONSTRUCTION AND MAINTENANCE OF LOCAL VESSELS, REQUIREMENTS
RELATING TO LIFE-SAVING APPLIANCES, FIRE-FIGHTING
APPARATUS AND FIRE PROTECTION MEASURES, ETC.**Division 1—General and specific requirements****31. Construction and maintenance of local vessels**

A local vessel shall be—

- (a) of good design and construction;
- (b) of adequate stability;
- (c) of sufficient freeboard;
- (d) made of sound materials;
- (e) properly assembled;
- (f) properly maintained;
- (g) regularly inspected;
- (h) fit for the service intended; and
- (i) in good and serviceable condition.

32. Provision of life-saving appliances on board the local vessels

- (1) All life-saving appliances provided on board a local vessel shall be—
 - (a) sufficient to ensure the safety of persons on board the vessel;
 - (b) properly maintained;
 - (c) regularly inspected;
 - (d) fit for the function intended; and
 - (e) in good and serviceable condition.

- (2) Without limiting the generality of subsection (1)—

- (a) every local vessel shall comply with the general requirements as regards the provision of life-saving appliances set out in Part 1 of Schedule 3; and
- (b) every local vessel belonging to any class, type, category or description of vessel specified in any Table in Part 2 of Schedule 3 shall comply with the specific requirements as regards the provision of life-saving appliances set out in that Table.

(3) If, without reasonable excuse, subsection (1) or (2) is contravened, the owner of the local vessel concerned, his agent and the coxswain each commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

33. Fire protection and provision of fire-fighting apparatus on board the local vessels

(1) The measures to be taken to prevent, detect and deal with outbreaks of fire on board a local vessel, including the fire-fighting apparatus provided on board the vessel, shall be—

- (a) sufficient to protect the persons and property on board the vessel;
 - (b) properly maintained;
 - (c) regularly inspected;
 - (d) fit for the function intended; and
 - (e) in good and serviceable condition.
- (2) Without limiting the generality of subsection (1)—
- (a) every local vessel shall comply with the general requirements as regards fire protection and the provision of fire-fighting apparatus set out in Part 1 of Schedule 4; and
 - (b) every local vessel belonging to any class, type, category or description of vessel specified in any Table in Part 2 of Schedule 4 shall comply with the specific requirements as regards fire protection and the provision of fire-fighting apparatus set out in that Table.

(3) If, without reasonable excuse, subsection (1) or (2) is contravened, the owner of the local vessel concerned, his agent and the coxswain each commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

Division 2—Survey records of safety equipment for Class II vessels

34. Application of Division 2 of Part 5

(1) Subject to subsection (2), this Division applies to a Class II vessel that is fitted with a propulsion engine and is—

- (a) a dry cargo vessel—
 - (i) of 24 m or more in length; and
 - (ii) that operates within the river trade limits; or
- (b) a dangerous goods carrier, a noxious liquid substance carrier, an oil carrier or a special purpose vessel—
 - (i) of 24 m or more in length; and
 - (ii) that operates within the waters of Hong Kong or the river trade limits.

(2) This Division does not apply to a Class II vessel if a cargo ship safety equipment certificate issued by—

- (a) a recognized authority; or

- (b) an organization approved under section 8(1) of the Merchant Shipping (Safety) Ordinance (Cap. 369) for the purposes of issuing such a certificate,

is in force in respect of the vessel.

(3) In this section, “cargo ship safety equipment certificate” (貨船設備安全證明書) means—

- (a) a cargo ship safety equipment certificate issued in accordance with Chapter I of the SOLAS Convention; or
- (b) any certificate that is recognized under that Chapter as the equivalent of or alternative to a certificate specified in paragraph (a).

35. Offence for operating Class II vessel without survey record of safety equipment

(1) A Class II vessel to which this Division applies shall not be operated unless a survey record of safety equipment is in force in respect of the vessel.

(2) If, without reasonable excuse, subsection (1) is contravened, the owner of the Class II vessel concerned, his agent and the coxswain each commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

36. Survey leading to issue of survey record of safety equipment

(1) The Director or a competent surveyor may, upon an application by the owner of a Class II vessel that falls within section 34(1)(a) or his agent, carry out a survey of the vessel in order that a survey record of safety equipment may be issued in respect of the vessel.

(2) The Director may, upon an application by the owner of a Class II vessel that falls within section 34(1)(b) or his agent, carry out a survey of the vessel in order that a survey record of safety equipment may be issued in respect of the vessel.

37. Matters to be surveyed under Division 2 of Part 5

A survey record of safety equipment shall only be issued in respect of a Class II vessel if sections 31, 32(1) and (2), 33(1) and (2) and 81, in so far as they are applicable, have been complied with in relation to the vessel.

38. Preparation of declaration of survey under Division 2 of Part 5

(1) A competent surveyor who has carried out a survey under section 36(1) shall, if he considers appropriate to do so, submit a declaration of survey to the Director within 14 days after the date of completion of the survey.

- (2) A declaration of survey submitted under subsection (1) shall state—
- (a) whether, in the opinion of the competent surveyor, sections 31, 32(1) and (2), 33(1) and (2) and 81, in so far as they are applicable, have been complied with in relation to the Class II vessel concerned;
 - (b) in the case of a Class II vessel to which Part 3 applies, whether the vessel is built or arranged in accordance with the plans approved under section 9(2) and the plans amended under section 14, if any; and
 - (c) the matters stated in section 58.

39. Issue of survey record of safety equipment

The Director shall issue a survey record of safety equipment in respect of a Class II vessel to which this Division applies if—

- (a) in a case where the survey is carried out by the Director, he is satisfied that; or
 - (b) in a case where the survey is carried out by a competent surveyor, the matters stated in the declaration of survey submitted under section 38(1) and any information provided pursuant to section 60(a) show that,
- sections 31, 32(1) and (2), 33(1) and (2) and 81, in so far as they are applicable, have been complied with in relation to the vessel.

40. Validity of survey record of safety equipment

A survey record of safety equipment is valid for—

- (a) 12 months from the date of completion of the survey; or
- (b) such longer or shorter period as the Director may specify in the record.

PART 6

HKLL CERTIFICATES AND FA CERTIFICATES FOR CLASS II VESSELS

41. Application of Part 6

- (1) Subject to subsection (2), this Part applies to a Class II vessel—
 - (a) which belongs to a type, category or description of vessel specified in Part 1 of Schedule 5; and
 - (b) in respect of which it is specified in that Part that a HKLL certificate or FA certificate is required.
- (2) This Part does not apply to a Class II vessel if an international load line certificate issued by—
 - (a) a recognized authority; or
 - (b) an organization approved under section 8(1) of the Merchant Shipping (Safety) Ordinance (Cap. 369) for the purposes of issuing such a certificate,in accordance with the Load Lines Convention is in force in respect of the vessel.

42. Offence for operating Class II vessel without HKLL certificate or FA certificate

- (1) A Class II vessel to which this Part applies shall not be operated unless a HKLL certificate or FA certificate is in force in respect of the vessel.
- (2) If, without reasonable excuse, subsection (1) is contravened, the owner of the Class II vessel concerned, his agent and the coxswain each commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

43. Survey leading to issue of HKLL certificate or FA certificate

The Director or a competent surveyor may, upon an application by the owner of a Class II vessel to which this Part applies or his agent, carry out a survey of the vessel in order that a HKLL certificate or FA certificate may be issued in respect of the vessel.

44. Matters to be surveyed under Part 6

A HKLL certificate or FA certificate shall only be issued in respect of a Class II vessel if—

- (a) in a case where the vessel has to be issued with a HKLL certificate for the first time—
 - (i) the conditions of assignment are complied with; and
 - (ii) its load lines are calculated and marked in accordance with the Load Lines Convention;
- (b) in a case where the vessel has to be issued with a FA certificate for the first time—
 - (i) its freeboard is calculated in accordance with Part 2 of Schedule 5; and
 - (ii) its freeboard marks are marked in accordance with Part 3 of Schedule 5;
- (c) in a case where the vessel has been issued with a HKLL certificate or FA certificate (whether or not such certificate has expired)—
 - (i) the conditions of assignment are complied with;
 - (ii) no alteration that would affect the accuracy of the data based on which freeboard was assigned to the vessel has been made to the vessel; and
 - (iii) the load line marks or freeboard marks are correctly and permanently marked on the vessel.

45. Preparation of declaration of survey under Part 6

(1) A competent surveyor who has carried out a survey under section 43 shall, if he considers appropriate to do so, submit a declaration of survey to the Director within 14 days after the date of completion of the survey.

- (2) A declaration of survey submitted under subsection (1) shall state—
- (a) whether, in the opinion of the competent surveyor, section 44, in so far as it is applicable, has been complied with in relation to the Class II vessel concerned;
 - (b) in the case of a Class II vessel to which Part 3 applies, whether the vessel is built or arranged in accordance with the plans approved under section 9(3) and the plans amended under section 14, if any; and
 - (c) the matters stated in section 58.

46. Issue of HKLL certificate or FA certificate

The Director shall issue a Hong Kong load line certificate or freeboard assignment certificate in respect of a Class II vessel to which this Part applies if—

- (a) in a case where the survey is carried out by the Director, he is satisfied that; or

(b) in a case where the survey is carried out by a competent surveyor, the matters stated in the declaration of survey submitted under section 45(1) and any information provided pursuant to section 60(a) show that, section 44, in so far as it is applicable, has been complied with in relation to the vessel.

47. Validity of HKLL certificate or FA certificate

A HKLL certificate or FA certificate is valid for—

- (a) 12 months from the date of completion of the survey; or
- (b) such longer or shorter period as the Director may specify in the certificate.

48. Alteration of load line marks or freeboard marks prohibited

A person who, without reasonable excuse, obliterates or alters any load line marks or freeboard marks marked on a Class II vessel commits an offence and is liable on conviction to a fine at level 3.

PART 7

DECLARATIONS OF FITNESS FOR CARRIAGE OF DANGEROUS GOODS

49. Application of Part 7

(1) Subject to subsections (2) and (3), this Part applies to a local vessel that is used or to be used for carrying any dangerous goods.

(2) In relation to the carrying of any dangerous goods to which, pursuant to regulation 12(4), (5) or (6) of the Dangerous Goods (Shipping) Regulations (Cap. 295 sub. leg. C), the Regulations do not apply, this Part does not apply to the carrying of such dangerous goods in a local vessel.

(3) This Part does not apply to a local vessel if a document of compliance issued by—

- (a) a recognized authority; or
- (b) an organization approved under section 8(1) of the Merchant Shipping (Safety) Ordinance (Cap. 369) for the purposes of issuing such a document,

is in force in respect of the vessel.

(4) In this Part—
“dangerous goods” (危險品) has the same meaning as in regulation 2 of the Dangerous Goods (Shipping) Regulations (Cap. 295 sub. leg. C);
“document of compliance” (符合證明) means a document evidencing compliance with the special requirements for ships carrying dangerous goods issued in accordance with Chapter II-2 of the SOLAS Convention.

50. Offence for operating local vessel without declaration of fitness

(1) A local vessel to which this Part applies shall not be operated unless a declaration of fitness is in force in respect of the vessel.

(2) If, without reasonable excuse, subsection (1) is contravened, the owner of the local vessel concerned, his agent and the coxswain each commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

51. Survey leading to issue of declaration of fitness

The Director or a competent surveyor may, upon an application by the owner of a local vessel to which this Part applies or his agent, carry out a survey of the vessel in order that a declaration of fitness may be issued in respect of the vessel.

52. Matters to be surveyed under Part 7

A declaration of fitness for the purposes of carrying any type of dangerous goods on a local vessel shall only be issued in respect of the vessel if, having regard to the structures, equipments, signals, flags and arrangements of the vessel, the Director is satisfied that the vessel is suitable and fit to carry that type of dangerous goods.

53. Preparation of declaration of survey under Part 7

(1) A competent surveyor who has carried out a survey under section 51 shall, if he considers appropriate to do so, submit a declaration of survey to the Director within 14 days after the date of completion of the survey.

(2) A declaration of survey submitted under subsection (1) shall state—
(a) whether, in the opinion of the competent surveyor, the local vessel concerned is suitable and fit to carry the type of dangerous goods concerned;

- (b) in the case of a local vessel to which Part 3 applies, whether the vessel is built or arranged in accordance with the plans approved under section 9(4) and the plans amended under section 14, if any; and
- (c) the matters stated in section 58.

54. Issue of declaration of fitness

The Director shall issue a declaration of fitness for the carriage of dangerous goods in respect of a local vessel to which this Part applies if—

- (a) in a case where the survey is carried out by the Director, he is satisfied that; or
 - (b) in a case where the survey is carried out by a competent surveyor, the matters stated in the declaration of survey submitted under section 53(1) and any information provided pursuant to section 60(a) show that,
- the vessel is suitable and fit to carry the type of dangerous goods concerned.

55. Validity of declaration of fitness

A declaration of fitness is valid for—

- (a) 12 months from the date of completion of the survey; or
- (b) such longer or shorter period as the Director may specify in the declaration.

PART 8

GENERAL PROVISIONS THAT APPLY TO LOCAL VESSELS TO WHICH PARTS 5, 6 AND 7 APPLY

56. Interpretation of Part 8

In this Part—

“declaration of survey” (檢驗聲明) means a declaration of survey submitted under section 38(1), 45(1) or 53(1), as may be appropriate;

“statutory instrument” (法定文書) means—

- (a) a survey record of safety equipment;
- (b) a HKLL certificate;
- (c) a FA certificate; or
- (d) a declaration of fitness,

as may be appropriate depending on the provision under which a survey is applied for;

“survey” (檢驗) means a survey carried out under section 36(1) or (2), 43 or 51, as may be appropriate.

57. Application for survey

(1) An application to the Director for survey of a local vessel shall be in the specified form and the applicant shall, at the request of the Director, pay the prescribed fee for—

- (a) the survey; and
- (b) if a statutory instrument is issued, the issue of the instrument.

(2) Where a survey of a local vessel is to be carried out by a competent surveyor, the owner of the vessel or his agent shall, as soon as practicable after engaging the surveyor and in any event before the survey is carried out, notify the Director of the engagement in the specified form.

58. Matters to be stated in declaration of survey

A declaration of survey shall state—

- (a) any conditions or restrictions that the operation of the local vessel concerned should be made subject to; and
- (b) any other observations, elaborations, qualifications or explanations that are relevant to the issue of the statutory instrument.

59. Specified form and prescribed fee

(1) A declaration of survey shall be in the specified form.

(2) Where a declaration of survey is submitted to the Director in respect of a local vessel, the owner of the vessel or his agent shall, at the request of the Director, pay the prescribed fee for—

- (a) considering the declaration of survey; and
- (b) if a statutory instrument is issued, the issue of the instrument.

60. Provision of further information

Upon the receipt of a declaration of survey, the Director may—

- (a) by a written notice require—
 - (i) the competent surveyor who submitted the declaration; or
 - (ii) the owner of the local vessel concerned or his agent, to provide any information that the Director considers relevant to the issue of the statutory instrument; and
- (b) refuse to proceed with the application if the information required under paragraph (a) is not provided.

61. Director may recognize another document as equivalent to declaration of survey

(1) Where a survey is carried out by a recognized authority, the Director may recognize another document submitted by the authority as equivalent to a declaration of survey.

(2) Where a document is recognized under subsection (1), references to “declaration of survey” in this Part and Part 5, 6 or 7 (as may be appropriate) shall be construed as references to that document.

62. Conditions and restrictions attached to statutory instrument

(1) A statutory instrument may be subject to such reasonable conditions or restrictions as the Director may impose.

(2) The Director may, by giving a written notice to the owner of a local vessel or his agent—

(a) amend or revoke any conditions or restrictions imposed by him; or

(b) impose such new conditions or restrictions as may be reasonable in the circumstances.

(3) The Director may, for the purposes of subsection (2), direct the owner of a local vessel or his agent to deliver to him the statutory instrument issued in respect of the vessel.

63. Statutory instrument to be in specified form

A statutory instrument shall be in the specified form.

64. Director may refuse or temporarily withhold issue of statutory instrument

(1) If, having regard to the findings in a survey of a local vessel carried out by the Director, or to the matters stated in a declaration of survey and any information provided pursuant to section 60(a), the Director is not satisfied that a statutory instrument should be issued in respect of the vessel, the Director may either—

(a) refuse to issue the instrument; or

(b) temporarily withhold the issue of the instrument.

(2) Within 14 days after refusing to issue a statutory instrument under subsection (1)(a), the Director shall—

(a) give a written notice of the refusal to the applicant; and

(b) state in such notice the reasons for the refusal.

65. Provisions applicable where issue of statutory instrument is temporarily withheld

(1) Within 14 days after deciding to temporarily withhold the issue of a statutory instrument in respect of a local vessel under section 64(1)(b), the Director shall—

- (a) give a written notice of the decision to the applicant; and
- (b) state in such notice—
 - (i) the reasons for the decision;
 - (ii) the requirements as regards rendering the vessel fit for the issue of the instrument; and
 - (iii) if the Director sees fit, a requirement that the vessel be re-inspected by him or the competent surveyor who submitted the declaration of survey in respect of the vessel.

(2) If, in a notice given under subsection (1), the Director requires for a re-inspection of the local vessel concerned and such re-inspection is to be carried out by the Director, the owner of the vessel or his agent may, when he considers the requirements stated under subsection (1)(b) have been complied with, apply to the Director for the re-inspection.

(3) An application made under subsection (2) shall be in the specified form and the applicant shall, at the request of the Director, pay the prescribed fee for the re-inspection.

(4) If the Director is satisfied that the requirements stated under subsection (1)(b) have been complied with, he shall issue a statutory instrument in respect of the local vessel concerned.

(5) For the avoidance of doubt, sections 62 and 63 applies to a statutory instrument issued under subsection (4).

66. Cancellation or suspension of statutory instrument

(1) The Director may, for any of the reasons prescribed in subsection (2), cancel or suspend a statutory instrument.

- (2) The reasons prescribed for the purposes of subsection (1) are—
- (a) the Director reasonably believes that—
 - (i) in a case where Part 3 applies, any information provided in the application for approval of any plan leading to the issue of the statutory instrument is erroneous, false or misleading in a material particular;
 - (ii) any information provided in the application for the issue of the statutory instrument is erroneous, false or misleading in a material particular;

- (iii) the survey leading to the issue of the statutory instrument is founded on information that is erroneous, false or misleading in a material particular;
 - (iv) in a case where the survey leading to the issue of a statutory instrument is carried out by a competent surveyor, any matters stated in the declaration of survey or any information provided pursuant to section 60(a), is erroneous, false or misleading in a material particular;
 - (v) any material change occurs after the survey leading to the issue of the statutory instrument;
 - (vi) any condition or restriction imposed under section 62(1) or (2)(b) is contravened;
 - (vii) any provision of the Ordinance or any regulation made under it is contravened in relation to the local vessel concerned; or
 - (viii) the local vessel concerned is no longer—
 - (A) fit for the service intended; or
 - (B) in good condition;
- (b) the local vessel concerned is arrested, detained, removed or seized pursuant to any provision of any Ordinance.
- (3) Within 14 days after deciding to cancel or suspend a statutory instrument under subsection (1), the Director shall—
- (a) give a written notice of the decision to the owner of the vessel or his agent; and
 - (b) state in such notice—
 - (i) the reasons for the decision;
 - (ii) the date on which the cancellation or suspension takes effect; and
 - (iii) if applicable, the time within which and the manner in which the owner or agent shall return the statutory instrument to the Director.
- (4) Where a statutory instrument is suspended under this section, the Director may, upon application made to him or on his own initiative, lift the suspension either conditionally or unconditionally.
- (5) A person who, without reasonable excuse, fails to return in accordance with a notice given under subsection (3) a statutory instrument that is cancelled or suspended commits an offence and is liable on conviction to a fine at level 3.

67. Statutory instrument to be kept on board the vessel

- (1) A statutory instrument in force in respect of a local vessel shall—
 - (a) be kept at all times on board the vessel; and

(b) be produced for inspection on request by an authorized officer.

(2) If a statutory instrument issued in respect of a local vessel is returned to or deposited with the Director for any reason other than cancellation or suspension, the Director shall issue an official receipt as proof of the return or deposit of the statutory instrument.

(3) An official receipt issued under subsection (2) shall—

(a) be kept at all times on board the vessel to which it relates; and

(b) be produced for inspection on request by an authorized officer, in lieu of the statutory instrument.

(4) If, without reasonable excuse, subsection (1) or (3) is contravened, the owner of the local vessel concerned, his agent and the coxswain each commits an offence and is liable on conviction to a fine at level 2.

PART 9

REQUIREMENTS RELATING TO CARRIAGE OF PASSENGERS

68. Meaning of “material considerations”

In sections 69(3), 70(3) and 72(1), “material considerations” (考慮因素), in relation to a local vessel, means, in so far as they apply to the vessel—

(a) its class, type and category;

(b) its mode of operation;

(c) its intended service;

(d) its stability;

(e) the clear space available;

(f) the number of seats available;

(g) the space occupied by cargo or baggage; and

(h) any other matter of public interest.

69. Carriage of passengers in local vessels other than certain Class IV vessels

(1) This section applies to any local vessel other than a Class IV vessel in respect of which a certificate of inspection is required.

(2) The Director shall determine the number of passengers that—

(a) a local vessel may carry; or

(b) local vessels belonging to a class, type, category or description of vessel may carry.

(3) When making a determination under subsection (2), the Director shall, in addition to any other matter that he considers relevant, have regard to—

- (a) the material considerations defined in section 68; and
 - (b) in a case where a certificate of survey is issued in respect of the local vessel concerned and the survey concerned is carried out by a competent surveyor, any information regarding the carriage of passengers contained in the declaration of survey submitted under section 22(2).
- (4) The number of passengers that a local vessel may carry as determined under subsection (2) shall be specified in—
- (a) its operating licence; and
 - (b) if a certificate of survey is issued in respect of the vessel, the certificate.

70. Carriage of passengers in Class IV vessels in respect of which certificates of inspection are required

(1) This section applies to a Class IV vessel in respect of which a certificate of inspection is required.

(2) The number of passengers that a Class IV vessel to which this section applies may carry shall be determined by—

- (a) if the survey leading to the issue of the certificate of inspection in respect of the vessel is carried out by the Director, the Director; or
- (b) if the survey is carried out by a competent surveyor, the competent surveyor.

(3) When making a determination under subsection (2), the Director or competent surveyor shall, in addition to any other matter that he considers relevant, have regard to the material considerations defined in section 68.

(4) The number of passengers that a Class IV vessel to which this section applies may carry as determined under subsection (2) shall be specified in—

- (a) its operating licence; and
- (b) the certificate of inspection issued in respect of the vessel.

71. Amendment to number of passengers shown in operating licence

(1) This section applies when the number of passengers that a local vessel may carry as shown in its existing operating licence is different from the number of passengers specified in the certificate of inspection or certificate of survey issued in respect of the vessel.

(2) The owner of the local vessel concerned or his agent shall, within 7 days after the date of issue of the certificate of inspection or certificate of survey, return the existing operating licence to the Director, and the Director shall, subject to subsection (3), issue a new operating licence in respect of the vessel in which the same number of passengers as that specified in the certificate shall be shown.

(3) If—

- (a) the number of passengers as shown in the existing operating licence of the local vessel concerned is less than the number of passengers specified in its certificate of inspection or certificate of survey, the issue of a new operating licence is subject to payment of the prescribed fee; and
- (b) the number of passengers as shown in the existing operating licence of the local vessel concerned is more than the number of passengers specified in its certificate of inspection or certificate of survey, the issue of a new operating licence shall be free of charge.

(4) A new operating licence issued under subsection (2) is valid for the remainder of the period of validity of the existing operating licence.

72. Director may reduce number of passengers that local vessel may carry

(1) If, having regard to the material considerations defined in section 68 and any special circumstances of the case, the Director considers a local vessel—

- (a) should no longer carry the number of passengers that it is allowed to carry; or
- (b) should not be allowed to carry the number of passengers that local vessels of the same class, type, category or description of vessel may carry,

the Director may, by a written notice given to the owner of the vessel or his agent, direct that the vessel shall only carry such lesser number of passengers as he may determine.

(2) The Director shall state in a notice given under subsection (1)—

- (a) the reasons for making the direction; and
- (b) the time within which and the manner in which the owner of the local vessel concerned or his agent shall return to the Director—
 - (i) the operating licence; and
 - (ii) the certificate of inspection or certificate of survey, if any, issued in respect of the vessel.

(3) Where an operating licence, certificate of inspection or certificate of survey is returned to the Director pursuant to subsection (2), the Director shall, upon payment of the prescribed fee, issue a new operating licence, certificate of inspection or certificate of survey, as the case may be, in respect of the local vessel concerned in which the lesser number of passengers shall be specified.

(4) A new operating licence, certificate of inspection or certificate of survey issued under subsection (3) is valid for the remainder of the period of validity of the existing operating licence, certificate of inspection or certificate of survey.

(5) A person who, without reasonable excuse, fails to comply with a notice given under subsection (1) commits an offence and is liable on conviction to a fine at level 3.

73. Spaces below main deck not to be used as passenger spaces

(1) Unless the Director directs otherwise, no space below the main deck of a local vessel shall be used as a passenger space.

(2) If, without reasonable excuse, subsection (1) is contravened, the owner of the local vessel concerned, his agent and the coxswain each commits an offence and is liable on conviction to a fine at level 2.

74. Additional requirement relating to passenger spaces in Class I vessels

(1) Any space in a Class I vessel that is a Category A vessel at which the noise level exceeds 85 dB(A) when measured at the maximum operating speed of the propulsion engine shall not be used as a passenger space.

(2) In this section—

“maximum operating speed” (最高運作速度) means the greatest speed that the propulsion shafting of a local vessel can achieve;

“noise level” (噪音聲級) means “A” weighted sound pressure level in decibels dB(A) as defined and tabulated in—

- (a) the British Standards specification number BS 5969:1981; or
- (b) any other equivalent standard.

PART 10

ALTERATION TO LOCAL VESSELS

75. Application of Part 10

This Part applies to a local vessel—

- (a) in respect of which one or more of the following instruments is in force—
 - (i) a certificate of inspection;
 - (ii) a certificate of survey;
 - (iii) a survey record of safety equipment;
 - (iv) a HKLL certificate;
 - (v) a FA certificate;
 - (vi) a declaration of fitness; and
- (b) that is to be altered—
 - (i) to an extent that will render the particulars stated in any certificate, record or declaration referred to in paragraph (a) inaccurate; but
 - (ii) not to the extent that will render the vessel a new vessel.

76. Alteration of local vessels other than certain Class IV vessels

(1) Subject to section 77(5), this section applies to a local vessel other than a Class IV vessel in respect of which a certificate of inspection is issued by a competent surveyor.

(2) The owner of a local vessel to which this section applies or his agent shall apply for a written permission of the Director before making any alteration to the vessel.

(3) An application made under subsection (2) shall be—

- (a) in the specified form; and
- (b) accompanied by information that the applicant considers necessary to enable the Director to determine the application.

(4) Upon considering an application made under subsection (2), the Director may—

- (a) either unconditionally or subject to any reasonable conditions or restrictions, give the applicant a written permission to make the alteration concerned; or
- (b) temporarily withhold the giving of the written permission and state, by a written notice to the applicant, the requirements to be complied with before a permission may be given.

(5) Without limiting the generality of subsection (4)(b), the Director may require—

- (a) the approval of plans relating to the alteration;
- (b) the survey of the local vessel concerned after the alteration;
- (c) the re-issue of any certificate, record or declaration referred to in section 75(a);
- (d) the payment of—
 - (i) the prescribed fee for—
 - (A) considering the plans; and
 - (B) if the plans are approved, the approval of the plans;
 - (ii) the prescribed fee for surveying the local vessel concerned; and
 - (iii) the prescribed fee for re-issuing any certificate, record or declaration referred to in section 75(a).

(6) If the Director is satisfied that the requirements stated in a notice given under subsection (4)(b) have been complied with, he may either unconditionally or subject to any reasonable conditions or restrictions, give the applicant a written permission to make the alteration concerned.

77. Alteration of Class IV vessels that are issued with certificates of inspection

(1) This section applies to a Class IV vessel in respect of which a certificate of inspection is issued by a competent surveyor.

(2) The owner of a Class IV vessel to which this section applies or his agent shall apply for a written permission of the competent surveyor who issued the certificate of inspection in respect of the vessel before making any alteration to the vessel.

(3) Upon considering an application made under subsection (2), a competent surveyor may—

- (a) either unconditionally or subject to any reasonable conditions or restrictions, give the applicant a written permission to make the alteration concerned; or
- (b) temporarily withhold the giving of the written permission and state, by a written notice to the applicant, the requirements to be complied with before a permission may be given.

(4) If a competent surveyor is satisfied that the requirements stated in a notice given under subsection (3)(b) have been complied with, he may either unconditionally or subject to any reasonable conditions or restrictions, give the applicant a written permission to make the alteration concerned.

(5) If for any reason the competent surveyor who issued the certificate of inspection in respect of the Class IV vessel concerned is unable to give a written permission under this section, the owner of the vessel or his agent may refer the matter to the Director and section 76 applies to the vessel accordingly.

78. Consequences for alteration without permission

(1) If a written permission given under section 76(4)(a) or (6) or 77(3)(a) or (4) is required under this Part for the alteration of a local vessel but the alteration is made, without reasonable excuse, in the absence of such permission, the person who makes or causes the making of the alteration commits an offence and is liable on conviction to a fine at level 3.

(2) If a local vessel has been altered as described in subsection (1), the Director may, by a written notice given to the owner of the vessel or his agent, require that the vessel be restored to the condition the vessel was in immediately before the alteration.

(3) The Director may suspend any certificate, record or declaration referred to in section 75(a) until he is satisfied that a requirement under subsection (2) has been complied with in relation to the local vessel concerned.

PART 11

SPECIFIC REQUIREMENTS RELATING TO PLYING LIMITS, RADARS AND ENGINES

79. Class II vessels not permitted to ply beyond waters of Hong Kong

(1) A Class II vessel of 24 m or more in length that—

(a) is—

- (i) a flat-top work barge;
- (ii) a floating workshop;
- (iii) a pilot boat;
- (iv) a transportation boat; or
- (v) a work boat,

fitted with any propulsion engine; or

(b) is—

- (i) a crane barge;
- (ii) a flat-top work barge;
- (iii) a floating workshop;
- (iv) a landing platform;
- (v) a landing pontoon;

(vi) a stationary vessel; or
(vii) a work boat,
not fitted with any propulsion engine,
shall not ply beyond the waters of Hong Kong.

(2) A Class II vessel of less than 24 m in length that—

(a) is—

- (i) a dangerous goods carrier;
- (ii) a dredger;
- (iii) a dry cargo vessel;
- (iv) an edible oil carrier;
- (v) a flat-top work barge;
- (vi) a floating workshop;
- (vii) a noxious liquid substance carrier;
- (viii) an oil carrier;
- (ix) a pilot boat;
- (x) a transportation boat;
- (xi) a transportation sampan;
- (xii) a water boat; or
- (xiii) a work boat,
fitted with any propulsion engine; or

(b) is—

- (i) a crane barge;
- (ii) a dangerous goods carrier;
- (iii) a dumb lighter;
- (iv) an edible oil carrier;
- (v) a flat-top work barge;
- (vi) a floating workshop;
- (vii) a hopper barge;
- (viii) a landing platform;
- (ix) a landing pontoon;
- (x) a noxious liquid substance carrier;
- (xi) an oil carrier;
- (xii) a stationary vessel;
- (xiii) a transportation sampan; or
- (xiv) a work boat,
not fitted with any propulsion engine,

shall not ply beyond the waters of Hong Kong.

(3) If, without reasonable excuse, subsection (1) or (2) is contravened, the owner of the Class II vessel concerned, his agent and the coxswain each commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

80. Radar

- (1) This section applies to a Class I vessel—
- (a) that is a ferry vessel or launch;
 - (b) that operates a franchised service or a licensed service as defined in the Ferry Services Ordinance (Cap. 104); and
 - (c) that plies outside the boundaries of the Victoria port.

(2) A Class I vessel to which this section applies shall be fitted with radar equipment that is capable of determining whether any risk of collision exists, including equipment that can, by long-range scanning, give early warning of any risk of collision.

(3) If, without reasonable excuse, subsection (2) is contravened, the owner of the Class I vessel concerned, his agent and the coxswain each commits an offence and is liable on conviction to a fine at level 3.

81. Restriction on use of certain engines

(1) Subject to subsection (2), a Class I vessel, Class II vessel or Class III vessel shall not be fitted with an engine that uses fuel oil with a flash point not exceeding 61°C (closed cup test).

(2) Subsection (1) does not apply to a Class III vessel that falls within Schedule 6.

- (3) A person who, without reasonable excuse—
- (a) uses or operates;
 - (b) permits to be used or operated; or
 - (c) is in charge of,

a local vessel in respect of which subsection (1) is contravened commits an offence and is liable on conviction to a fine at level 2.

PART 12**MISCELLANEOUS****82. Compliance with requirements of Merchant Shipping (Prevention of Oil Pollution) Regulations**

A local vessel belonging to any class, type, category or description of vessel specified in Schedule 7 shall comply with the requirements of the Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413 sub. leg. A).

83. Director may permit alternative fitting, etc.

- (1) This section applies where this Regulation requires—
 - (a) a local vessel to be fitted with, or to carry on board, any fitting, material, appliance or apparatus of a particular description or type; or
 - (b) any particular provision be made for a local vessel.
- (2) The Director may permit—
 - (a) a local vessel to be fitted with, or to carry on board, any other fitting, material, appliance or apparatus; or
 - (b) any other provision be made for a local vessel,

as an alternative to that required by this Regulation if the Director is satisfied by trial or otherwise that such fitting, material, appliance, apparatus or provision is at least as effective as that required under this Regulation.

84. Director may issue instructions or directions by way of Marine Department Notices

For the purposes of providing practical guidance with respect to specifications, standards or requirements relating to local vessels, the Director may from time to time issue instructions or directions by way of a Marine Department Notice.

85. Duplicate certificate of survey, etc.

- (1) This section applies where—
 - (a) any of the following instruments is in force in respect of a local vessel—
 - (i) a certificate of inspection;
 - (ii) a certificate of survey;
 - (iii) a survey record of safety equipment;
 - (iv) a HKLL certificate;
 - (v) a FA certificate;
 - (vi) a declaration of fitness; and
 - (b) such instrument is, for any reason, destructured, defaced or lost.

(2) The Director may, upon an application by the owner of a local vessel or his agent and upon being satisfied of the destruction, defacement or loss of an instrument referred to in subsection (1), issue to the owner or his agent a duplicate of the instrument.

(3) A duplicate issued under subsection (2) in respect of an instrument referred to in subsection (1) shall be regarded for the purposes of this Regulation as the instrument.

- (4) An application made under subsection (2) shall be—

- (a) in the specified form; and
- (b) accompanied by the prescribed fee.

(5) Every duplicate issued under subsection (2) shall be clearly endorsed in a conspicuous place with the English word “DUPLICATE” and the Chinese characters “複本”.

(6) A duplicate issued under subsection (2) shall supersede the original concerned which shall cease to have effect and shall be returned to the Director—

- (a) if the original is not totally destructed or is only defaced, on the making of an application under subsection (2); or
- (b) if the original is lost, as soon as it is found.

(7) Where, without reasonable excuse, the original of an instrument referred to in subsection (1) is not returned as required by subsection (6), the owner of the local vessel concerned and his agent each commits an offence and is liable to a fine at level 3.

86. Appeals against decisions of Director

(1) A person who is aggrieved by a decision made by the Director in respect of the person under any of the following provisions may appeal to the Administrative Appeals Board—

- (a) section 10(1)(c) and (d) (refusing to approve or withholding the approval of any plan temporarily);
- (b) section 19(3) (imposing conditions or restrictions on a certificate of inspection);
- (c) section 19(4) (amending or revoking conditions or restrictions imposed on a certificate of inspection, or imposing new conditions or restrictions on it);
- (d) section 20(2) (refusing to issue or withholding the issue of a certificate of inspection temporarily);
- (e) section 24(2) (imposing conditions or restrictions on a certificate of survey);
- (f) section 24(3) (amending or revoking conditions or restrictions imposed on a certificate of survey, or imposing new conditions or restrictions on it);
- (g) section 25(1) (refusing to issue or withholding the issue of a certificate of survey temporarily);
- (h) section 28(1) (cancelling or suspending a certificate of inspection or certificate of survey);
- (i) section 62(1) (imposing conditions or restrictions on a survey record of safety equipment, HKLL certificate, FA certificate or declaration of fitness);

- (j) section 62(2) (amending or revoking conditions or restrictions imposed on a survey record of safety equipment, HKLL certificate, FA certificate or declaration of fitness, or imposing new conditions or restrictions on it);
- (k) section 64(1) (refusing to issue or withholding the issue of a survey record of safety equipment, HKLL certificate, FA certificate or declaration of fitness temporarily);
- (l) section 66(1) (cancelling or suspending a survey record of safety equipment, HKLL certificate, FA certificate or declaration of fitness).

(2) An appeal under subsection (1) shall not be made after 14 days after the date on which the person aggrieved has received notice of the decision or he otherwise comes to know of it.

(3) Unless it is in the opinion of the Director inappropriate to do so, an appeal under subsection (1) shall not render a decision that is appealed against ineffective.

87. Amendment of Schedules

The Director may, by notice in the Gazette, amend any of the Schedules.

88. Transitional arrangements

The transitional provisions specified in Schedule 8 have effect.

SCHEDULE 1

[ss. 2 & 87]

CATEGORY OF LOCAL VESSELS

| Class | Types | Category | |
|------------|----------------------------------|----------|--------------|
| | | A | B |
| I | ferry vessel | * | |
| | floating restaurant | * | |
| | launch | * | |
| | multi-purposes vessel | * | |
| | primitive vessel | | * |
| | stationary vessel | *(1) | *(2) |
| II | crane barge | *(1) | *(2) |
| | dangerous goods carrier | *(1) | *(2) |
| | dredger | * | |
| | dry cargo vessel | *(3) | * |
| | dumb lighter | | * |
| | edible oil carrier | * | |
| | flat-top work barge | *(4) | * |
| | floating dock | * | |
| | floating workshop | *(1) | *(2) |
| | hopper barge | | * |
| | landing platform | | * |
| | landing pontoon | | * |
| | noxious liquid substance carrier | * | |
| | oil carrier | * | |
| | pilot boat | *(1) | *(2) |
| | special purpose vessel | * | |
| | stationary vessel | *(5) | * |
| | transportation boat | * | |
| | transportation sampan | | * |
| | tug | * | |
| water boat | *(4) | *(2) | |
| work boat | *(1) | *(2) | |
| III | fish carrier | *(4) | * |
| | fishing sampan | | *(6) and (7) |
| | fishing vessel | *(4) | *(8) |
| | outboard open sampan | | * |

Notes:

“*” means applicable.

- (1) Applicable only to new vessels.
- (2) Applicable only to local vessels that are not new vessels.
- (3) Dry cargo vessels that are of wooden construction and operate solely within the waters of Hong Kong are categorized as Category B vessels. In any other case, they are categorized as Category A vessels.
- (4) Flat-top work barges, water boats, fish carriers and fishing vessels that are of wooden construction are categorized as Category B vessels. In any other case, they are categorized as Category A vessels.
- (5) New vessels that are kitchen boats only.
- (6) Fishing sampans made of glass reinforced plastic and less than 15 m in length.
- (7) Fishing sampans that are of wooden construction and less than 8 m in length.
- (8) Fishing vessels that are of wooden construction and 8 m or more in length.

SCHEDULE 2

[ss. 7(2)(a) & (b),
15(1)(a) & 87 &
Schs. 3, 4 & 6]

LOCAL VESSELS TO WHICH PARTS 3 AND 4 OF THIS REGULATION DO NOT APPLY

Parts 3 and 4 of this Regulation do not apply to—

- (a) a Class III vessel that—
 - (i) is a Category B vessel;
 - (ii) is an outboard open sampan;
 - (iii) is of less than 10 m in length overall;
 - (iv) is fitted with a petrol outboard engine of a power not exceeding 12 kW;
 - (v) carries no fare-paying passengers;
 - (vi) carries not more than 4 persons (including the crew);
 - (vii) carries no fuel other than in a portable tank fitted with a fuel pipe line all of a type approved by the manufacturer of the engine; and
 - (viii) is equipped with the following life-saving appliances and fire-fighting apparatus, all of which are in good and serviceable condition—

- (A) at least 1 lifejacket for every person on board, or 1 lifebuoy for every 2 persons on board, or 1 lifebuoy for the first 2 persons on board plus 1 lifejacket for every additional person;
- (B) at least 1 portable dry powder fire extinguisher that has a capacity of not less than 1.25 kg of dry powder; and
- (C) at least 1 fire bucket that is fitted with a lanyard; or
- (b) a Class II vessel or Class III vessel that—
- (i) is not fitted with any propulsion engine;
 - (ii) is not fitted with any internal combustion engine;
 - (iii) complies with the requirements in Schedules 3 and 4 in so far as they are applicable; and
 - (iv) is of the type and description of vessel shown in the following table—

| Class | Types | Material of construction | Length overall × extreme breadth ^(note) | Minimum requirements for life-saving appliances and fire-fighting apparatus |
|-------|-----------------------|--------------------------|--|--|
| II | transportation sampan | any material | not exceeding 25 m ² | (a) 1 lifejacket for every person on board; (b) 1 lifebuoy; and (c) 1 fire bucket with lanyard |
| II | work boat | other than metal | not exceeding 25 m ² | (a) 1 lifebuoy; and (b) 1 fire bucket with lanyard |
| III | fishing sampan | other than metal | not exceeding 25 m ² | (a) 1 lifebuoy; and (b) 1 fire bucket with lanyard |

Note:

“extreme breadth” (最大寬度), in relation to a local vessel, means the athwartship distance between the extremity of the outermost permanent structure on the port side and the extremity of the outermost permanent structure on the starboard side of the vessel.

SCHEDULE 3

[ss. 32(2) & 87 &
Schs. 2 & 8]

PROVISION OF LIFE-SAVING APPLIANCES

PART 1

GENERAL REQUIREMENTS

1. Replacement of life-saving appliances

Where a life-saving appliance on a local vessel is marked with an expiry date, the appliance shall be replaced on or before that date.

2. Operational readiness and maintenance of life-saving appliances

Whenever a local vessel is being used or operated, every life-saving appliance carried on board the vessel shall be—

- (a) in working order;
- (b) ready for immediate use; and
- (c) placed in a position easily accessible.

3. Plans to be kept on board the vessel

(1) There shall be kept at all times on board a local vessel to which Part 3 of this Regulation applies one set of plans that contain the following information in so far as such information is applicable to the vessel—

- (a) the general arrangements of the vessel;
- (b) if the vessel is involved in the carriage of passengers, the seating arrangements and escape routes;
- (c) the types and dispositions of life-saving appliances, fire-fighting apparatus and lights and sound signals; and
- (d) its stability information.

(2) Without prejudice to subsection (1)—

- (a) the set of plans containing information referred to in subsection (1)(a), (b) and (c); and
- (b) instructions to be followed in the case of an emergency,

shall be displayed at all times in conspicuous places throughout every Class I vessel or Class IV vessel that is licensed to carry more than 100 passengers.

4. Provision of lifebuoys

(1) For the purposes of assessing the adequacy of life-saving appliances on board a local vessel, each lifebuoy is taken to be for use by 2 persons on board the vessel.

(2) A lifebuoy may be fitted with a buoyant lifeline or self-igniting light, but not both.

PART 2

SPECIFIC REQUIREMENTS

Table 1

- (i) Class I vessels
(ii) Class IV vessels that are licensed to carry more than 60 passengers
(iii) Class IV vessels that are licensed to carry 13 to 60 passengers but are let for hire or reward

| Life-saving appliances | Operation area | Specified sheltered waters | Anywhere within waters of Hong Kong |
|---|----------------|--|---|
| lifejacket | | any number | Total 100% ⁽¹⁾ and (2) |
| lifebuoy | | minimum number per Table 2 | |
| buoyant lifeline ⁽³⁾ | | 1 for vessel (L)<12 m 2 for vessel (L)≥12 m | |
| self-igniting light ⁽⁴⁾ | | 2 | |
| VHF (very high frequency) radio installation ⁽⁵⁾ | | 1 | |

Notes:

- (1) Where the required quantity of life-saving appliances is expressed as a percentage, it means the percentage of the total number of persons on board.
- (2) The scale for a floating restaurant may be reduced by 50% if it is—
- attached to the shore and provided with adequate gangways; or
 - not attached to the shore, but provided with—
 - above-water flotation in the form of a steel embarkation pontoon moored alongside; or
 - steel tenders at both ends capable of being towed to a safe place away from the floating restaurant.
- (3) The minimum length of buoyant lifeline for a Class I vessel or Class IV vessel that is licensed to carry more than 60 passengers is 30 m.

The minimum length of buoyant lifeline for a Class IV vessel that is licensed to carry not more than 60 passengers is—

For (L)<21 m 18 m
For (L)≥21 m 27.3 m.

- (4) Required for a Class I vessel or Class IV vessel that carries more than 100 passengers.
(5) Required for a ferry vessel that plies outside the Victoria port.

Table 2

Minimum number of lifebuoys as required in Table 1

| Vessel length (L) (m) | Number of lifebuoys |
|-----------------------|---------------------|
| (L)<12 | 2 |
| 12≤(L)<15 | 4 |
| 15≤(L)<18 | 6 |
| 18≤(L)<21 | 8 |
| 21≤(L)<24 | 10 |
| (L)≥24 | 12 |

Table 3

- (i) Class II vessels that operate within waters of Hong Kong
(ii) Class IV vessels that are licensed to carry not more than 12 passengers but are let for hire or reward

| Life-saving appliances | Operation area | Specified sheltered waters | Anywhere within waters of Hong Kong |
|---|----------------|--|---|
| lifejacket ⁽¹⁾ | | any number ⁽²⁾ | Total 100% ⁽³⁾ and ⁽⁴⁾ 100% adult lifejacket + <5% children lifejacket ^{>(3), (4) and (5)} minimum number per Table 5 |
| lifebuoy ⁽¹⁾ | | any number | |
| buoyant lifeline ^{(4) and (6)} | | 1 for vessel (L)<12 m 2 for vessel (L)≥12 m | |
| <self-igniting light (for vessel (L)≥37 m) ^{>(5)} | | 2 | |

Notes:

- (1) (a) For a transportation sampan that falls within paragraph (b) of Schedule 2, at least 1 lifejacket for every person on board and 1 lifebuoy are required.
(b) For a work boat that falls within paragraph (b) of Schedule 2, at least 1 lifebuoy is required.

- (2) Lifejacket is not required for—
- a landing platform;
 - a landing pontoon; and
 - a stationary vessel that is a separation barge.
- (3) Where the required quantity of life-saving appliances is expressed as a percentage, it means the percentage of the total number of persons on board.
- (4) Special requirements for a floating dock—
- 100% lifejacket is required only when any of the tropical cyclone warning signals commonly referred to as No. 8NW, 8SW, 8NE, 8SE, 9 or 10 is in force and any person is staying on board;
 - the total number of lifebuoy provided shall not be less than that required in Table 5, or 1 lifebuoy for every 26 m or part thereof of each of the side wall, whichever is the greater;
 - 4 buoyant lifelines shall be provided and placed at each corner of the dock; and
 - if the dock is not attached to the shore, 1 or more launches shall be provided to carry the workmen to shore.
- (5) Requirements in angle brackets (“< >”) are for new vessels only.
- (6) The minimum length of buoyant lifeline is 30 m.

Table 4

Class II vessels that operate within river trade limits

| Life-saving appliances | Type of vessel | Oil carrier having cargoes with flash point not exceeding 61°C (closed cup test) | Other vessels |
|--|----------------|--|----------------------------------|
| lifejacket | | 100% ⁽¹⁾ | |
| lifebuoy | | minimum number per Table 5 | |
| line throwing appliance | | 1 ⁽²⁾ | |
| buoyant apparatus | | | 100% ^{(1), (3) and (4)} |
| inflatable liferaft | | 100% ⁽¹⁾ | 100% ^{(1) and (3)} |
| <motor lifeboat> ⁽⁵⁾ | | 100% ^{(1) and (6)} | |
| VHF (very high frequency) radio installation | | 1 | 1 ⁽⁴⁾ |
| buoyant lifeline ⁽⁷⁾ | | 2 | |
| self-igniting light | | 2 | |
| rocket parachute flare ⁽⁴⁾ | | 6 | |

Notes:

- (1) Where the required quantity of life-saving appliances is expressed as a percentage, it means the percentage of the total number of persons on board.
- (2) This only applies to—
 - (a) a dangerous goods carrier, dry cargo vessel, edible oil carrier, noxious liquid substance carrier, oil carrier, special purpose vessel or water boat that—
 - (i) is of 500 gross tonnage or above;
 - (ii) is fitted with any propulsion engine; and
 - (iii) operates within the river trade limits; or
 - (b) a tug that operates within the river trade limits.
- (3) Buoyant apparatus is not required if the inflatable liferaft is transferable to either side of the vessel.
- (4) For a dumb lighter or hopper barge, the prescribed appliances may be waived if it is at all times accompanied by another local vessel (e.g. a tug) equipped with appliances sufficient for complements of both vessels.
- (5) Requirements in angle brackets (“< >”) are for new vessels only.
- (6) (a) An oil carrier of 37 m or more in length shall be provided with a motor lifeboat which may be of rigid top open type.
 (b) For an oil carrier of less than 37 m in length, such motor lifeboat may be substituted by an additional 100% inflatable liferaft.
- (7) The minimum length of buoyant lifeline is 30 m.

Table 5

Minimum number of lifebuoys as required in Tables 3 and 4

| Vessel length (L) (m) | Number of lifebuoys |
|-----------------------|---------------------|
| $(L) < 12$ | 1 |
| $12 \leq (L) < 24$ | 2 |
| $24 \leq (L) < 37$ | 4 |
| $(L) \geq 37$ | 6 |

Table 6
Class III vessels

| Life-saving appliances | Category of vessel | A | | B | |
|---|-----------------------|---|--------------------------|--------------------------|--------------------------|
| | Vessel length (L) (m) | (L)<24 | 24≤(L)<45 ⁽¹⁾ | (L)<24 | 24≤(L)<45 ⁽¹⁾ |
| lifejacket | | 100% ⁽²⁾ | | 100% ⁽²⁾ | |
| lifebuoy | | 2 | 4 | 2 ⁽³⁾ and (4) | 2 or <4> ⁽⁵⁾ |
| buoyant apparatus (for vessel (L)>30 m) | | — | 100% ⁽²⁾ | — | |
| inflatable liferaft | | 100% ⁽²⁾ (type, equipment, location and arrangement of liferaft shall be in accordance with the relevant plans approved under Part 3 of this Regulation) | | — | |
| buoyant lifeline ⁽⁶⁾ | | 2 | | 2 ⁽³⁾ | |
| <self-activating smoke> ⁽⁵⁾ | | 1 ⁽⁷⁾ | | 1 ⁽⁷⁾ | |
| self-igniting light | | 1 ⁽⁷⁾ | 2 ⁽⁷⁾ | 1 ⁽⁷⁾ | 2 ⁽⁷⁾ |
| <rocket parachute flare> ⁽⁵⁾ | | 4 ⁽⁷⁾ | | 4 ⁽⁷⁾ | |
| <radar transponder> ⁽⁵⁾ | | 1 ⁽⁷⁾ | | 1 ⁽⁷⁾ | |
| radiocommunications equipment | | description, quantity, type, function and location of equipment shall be in accordance with the relevant plans approved under Part 3 of this Regulation | | — | |

Notes:

- (1) The requirement for a Class III vessel of 45 m or more in length shall be specified by the Director on a case-by-case basis.
- (2) Where the required quantity of life-saving appliances is expressed as a percentage, it means the percentage of the total number of persons on board.
- (3) 1 lifebuoy with 30 m buoyant lifeline is sufficient for—
 - (a) a fishing sampan—
 - (i) made of glass reinforced plastic; and
 - (ii) of less than 15 m in length;
 - (b) a fishing sampan—
 - (i) of wooden construction; and
 - (ii) of less than 8 m in length; and
 - (c) a fishing vessel—
 - (i) of wooden construction; and
 - (ii) of less than 12 m in length.

- (4) For a fishing sampan that falls within paragraph (b) of Schedule 2, the minimum requirement for life-saving appliance is 1 lifebuoy.
- (5) Requirements in angle brackets (“< >”) are for new vessels only.
- (6) The minimum length of buoyant lifeline is 30 m.
- (7) Applicable to a Class III vessel that—
- (a) holds a valid port clearance; or
- (b) is exempted under section 69(1) of the Ordinance from complying with section 28(1) of the Ordinance.

Table 7

Class IV vessels that are licensed to carry not more than 60 passengers and are not let for hire or reward and operate within waters of Hong Kong

| Life-saving appliances | Quantity | |
|---------------------------------|-----------------------|--------|
| lifejacket | 100% ⁽¹⁾ | |
| lifebuoy | Vessel length (L) (m) | Number |
| | (L)<12 | 1 |
| | 12≤(L)<21 | 2 |
| | 21≤(L)<37 | 4 |
| | (L)≥37 | 6 |
| buoyant lifeline ⁽²⁾ | 1 | |

Notes:

- (1) Where the required quantity of life-saving appliances is expressed as a percentage, it means the percentage of the total number of persons on board.
- (2) The minimum length of buoyant lifeline is—
- | | |
|--------------|---------|
| For (L)<21 m | 18 m |
| For (L)≥21 m | 27.3 m. |

SCHEDULE 4

[ss. 33(2) & 87 &
Schs. 2 & 8]

FIRE PROTECTION AND PROVISION OF FIRE-FIGHTING APPARATUS

PART 1

GENERAL REQUIREMENTS

1. Interpretation

In this Schedule, unless the context otherwise requires—

“cargo pump room” (貨泵房) means a room in which any pump used for loading, discharging or transferring cargoes is located;

“engine room” (輪機室) means a space which contains propulsion machinery and generators;

“machinery space” (機艙) means a space which contains internal combustion engines, electrical machinery, ventilation and air conditioning machinery and any similar space;

“service space” (服務艙) include galleys, pantries containing cooking appliances, lockers and store rooms, workshops (other than those forming part of machinery spaces) and any similar space and any trunk to such space.

2. Operation and installation requirement

(1) Where a local vessel is required by this Schedule to be provided with fire pumps operated by power—

(a) such fire pumps shall be—

- (i) driven by means other than the vessel's main engines; and
- (ii) capable of delivering at least one jet of water from any hydrant provided in the vessel while simultaneously maintaining sufficient pressure; and

(b) arrangements shall be made to ensure immediate availability of a water supply from the fire main at the appropriate pressure by suitably placed remote starting of the fire pumps, unless the machinery space is continually manned.

(2) The following pumps are fire pumps that comply with this Schedule—

- (a) sanitary pumps;
- (b) ballast pumps;
- (c) bilge pumps; or
- (d) general service pumps.

(3) Where a local vessel is required by this Schedule to be provided with apparatus capable of delivering one jet of water, sufficient number of hydrants shall be so positioned on the vessel as to deliver one jet of water from a single length of hose to reach any part of the vessel.

(4) Whenever a local vessel is being used or operated, every fire-fighting apparatus carried on board the vessel shall be—

- (a) in working order;
- (b) ready for immediate use; and
- (c) placed in a position easily accessible.

(5) All portable fire-fighting apparatus (other than the firemen's outfits) carried on board a local vessel shall be—

- (a) arranged in accordance with the relevant plans approved under Part 3 of this Regulation; and
- (b) placed in a position where they will be easily accessible from the spaces in which they are intended to be used and, in particular, one of the portable fire extinguishers intended to be used in any space shall be placed near the entrance to that space.

PART 2

SPECIFIC REQUIREMENTS

Table 1

- (i) Class I vessels (excluding floating restaurants, and stationary vessels that are ceremonial boats)
- (ii) Class IV vessels that are licensed to carry more than 60 passengers
- (iii) Class IV vessels that are licensed to carry 13 to 60 passengers but are let for hire or reward

| Fire-fighting apparatus | | Vessel length (L) (m) | | | |
|----------------------------|-------------------------------|----------------------------|-----------|---|--------------------------|
| | | (L)<15 | 15≤(L)<24 | 24≤(L)<60 | 60≤(L)<75 ⁽¹⁾ |
| portable fire extinguisher | passenger accommodation space | 1 on each deck (minimum 2) | | 1 within not more than 10 m walking distance, but at least 2 on each deck | |
| | wheel house | 1 | | | |
| | galley | 1 | | | |
| | engine control room | 1 | | | |
| | engine room | 3 | 4 | 1 for each 750 kW or part thereof of the power output of the engine and electric motor, but at least 3 and not more than 6 in each room | |
| | machinery space | 1 within each space | | | |

| | | | | | |
|--|-------------|-------|------------------|--|------------------|
| <fixed CO ₂ fire extinguishing system> ^{(2) and (3)} | engine room | — | | gas quantity, storage, piping, nozzle, alarm, location and arrangement shall be in accordance with the relevant plans approved under Part 3 of this Regulation | |
| | | — | | quantity, type, location and arrangement shall be in accordance with the relevant plans approved under Part 3 of this Regulation | |
| <fire detection and alarm system> ⁽³⁾ | | — | | — | |
| | | — | | — | |
| main fire pump | power | — | 1 ⁽⁴⁾ | 1 ⁽⁵⁾ | 1 |
| | manual | | | — | — |
| emergency fire pump | power | — | | 1 ⁽⁴⁾ | 1 ⁽⁴⁾ |
| | manual | | | | |
| fire main + hose + hydrant + jet nozzle | | 1 set | | 1 set to be provided for each pump ⁽⁶⁾ | |
| fireman's axe | | — | | 1 | |

Notes:

- (1) The requirement for a local vessel of 75 m or more in length shall be specified by the Director on a case-by-case basis.
- (2) (a) Required for any local vessel that is licensed to carry more than 12 passengers and installed with internal combustion engines of aggregate propulsion power of 375 kW or over.
 - (b) The fixed CO₂ fire extinguishing system may be substituted by a non-portable fire extinguisher (45 L foam or equivalent CO₂ type) if it can be satisfactorily demonstrated that the jet of the fire extinguishing media can reach any part of the engine room.
 - (c) For local vessels of 24 m or more in length and that are not new vessels, one 45 L foam or 16 kg CO₂ fire extinguisher shall be provided in the engine room.
- (3) Requirements in angle brackets (“< >”) are for new vessels only.
- (4) The fire pump and its sea suction shall be situated outside the engine room.
- (5) The fire pump may be propulsion engine driven, provided it can be readily engaged to the engine.
- (6) A Class I vessel or Class IV vessel of 24 m or more in length shall be provided with the following additional appliances—
 - (a) 1 hydrant in each engine room; and
 - (b) 1 spray nozzle on each deck and in each engine room.

Table 2

Class I vessels—floating restaurants, and stationary vessels that are ceremonial boats

| Fire-fighting apparatus | | Floating restaurant and <ceremonial boat> ^{(1) and (2)} |
|--|----------------------|--|
| portable fire extinguisher | dining space | 1 within not more than 10 m walking distance, but at least 2 within the space |
| | service space | 1 |
| | machinery space | 1 for each 750 kW or part thereof of the power output of the engine and electric motor, but at least 2 and not more than 6 within each space |
| <fixed CO ₂ fire extinguishing system> ⁽²⁾ | machinery space | gas quantity, storage, piping, nozzle, alarm, location and arrangement shall be in accordance with the relevant plans approved under Part 3 of this Regulation |
| <fire detection and alarm system> ⁽²⁾ | service space | quantity, type, location and arrangement shall be in accordance with the relevant plans approved under Part 3 of this Regulation |
| | machinery space | |
| main fire pump | power ⁽¹⁾ | 2 |
| emergency fire pump | power ⁽¹⁾ | 1 |
| fire main + hose | | quantity, size, length, type, location and arrangement shall be in accordance with the relevant plans approved under Part 3 of this Regulation |
| hydrant ⁽¹⁾ | deck | quantity, size, location and arrangement shall be in accordance with the relevant plans approved under Part 3 of this Regulation |
| | machinery space | 1 |
| nozzle | jet | quantity, size, location and arrangement shall be in accordance with the relevant plans approved under Part 3 of this Regulation |
| | spray | 1 on each deck 1 in each machinery space |
| <automatic sprinkler system> ⁽²⁾ | dining space | quantity, type, size, location and arrangement shall be in accordance with the relevant plans approved under Part 3 of this Regulation |
| | service space | |
| <fire station> ^{(2) and (3)} | | 2 on each deck |
| <fire control plan> ⁽²⁾ | | 2 on each deck |
| <fire roster> ⁽²⁾ | | 1 on each deck |

Notes:

- (1) If no independent fire pump is installed on a stationary vessel that is a kitchen boat, the fire pump available shall be capable of delivering at least one jet of water from one hydrant to the kitchen boat.
- (2) Requirements in angle brackets (“< >”) are for new vessels only.

(3) Each fire station shall be provided with the following appliances—

| | | |
|---|-------|----------------|
| portable fire extinguisher | | 2 |
| water bucket with lanyard (on main deck only) | | 1 |
| fire hose (20 mm diameter) | | 1 on each deck |
| starting button for fire pump | | 1 on each deck |
| nozzle | jet | 1 |
| | spray | 1 |
| fireman's axe | | 1 on each deck |
| fire blanket | | 1 on each deck |

Table 3

- (i) Class II vessels (excluding floating docks, floating workshops, oil carriers and stationary vessels that are kitchen boats) that operate within waters of Hong Kong⁽¹⁾
- (ii) Class IV vessels that are licensed to carry not more than 12 passengers but are let for hire or reward

| Fire-fighting apparatus | | Vessel length (L) (m) | | |
|--|---------------------|--|------------------|---|
| | | (L)<12 | 12≤(L)<24 | 24≤(L)<75 ⁽²⁾ |
| For both Category A vessels and Category B vessels | | | | |
| portable fire extinguisher ⁽³⁾ | accommodation space | 1 on each deck | | 2 on each deck |
| | wheel house | 1 | | |
| | galley | 1 | | |
| | engine control room | 1 | | |
| | engine room | 2 | 3 | 4 |
| | machinery space | 1 within each space | | |
| fire bucket with lanyard ⁽⁴⁾ | | 1 | 2 | 3 |
| For Category A vessels only | | | | |
| main fire pump | power | 1 ⁽⁵⁾ | 1 ⁽⁵⁾ | 1 ⁽⁶⁾ |
| | manual | | | — |
| emergency fire pump | power | — | — | 1 ^{(5) and (7)} |
| | manual | | | |
| fire main + hose + hydrant + jet nozzle | | quantity, size, length, type, location and arrangement shall be in accordance with the relevant plans approved under Part 3 of this Regulation | | quantity, size, length, type, location and arrangement shall be in accordance with the relevant plans approved under Part 3 of this Regulation ⁽⁸⁾ |

Notes:

- (1) (a) A flat-top work barge, a landing pontoon and any other type of local vessel having no engine, oil fuel tank, electrical switchboard and combustible materials on board is not required to be provided with any fire-fighting apparatus.
- (b) A local vessel that is used or to be used for carrying any dangerous goods other than oil shall be provided with such additional fire-fighting apparatus as the Director may specify in writing.
- (2) The requirement for a local vessel of 75 m or more in length shall be specified by the Director on a case-by-case basis.
- (3) A Class II vessel that falls within paragraph (b) of Schedule 2 is not required to be provided with any portable fire extinguisher. Instead, such a vessel shall be provided with 1 fire bucket with lanyard.
- (4) Applicable to Category B vessels only. If a fire main is provided, then no fire bucket is required.
- (5) The fire pump and its sea suction shall be situated outside the engine room.
- (6) The fire pump may be propulsion engine driven, provided it can be readily engaged to the engine.
- (7) Only for a Class II vessel that is fitted with any propulsion engine.
- (8) A Class II vessel of 24 m or more in length shall be provided with the following additional appliances—
 - (a) 1 hydrant in each engine room; and
 - (b) 1 spray nozzle on each deck and in each engine room.

Table 4

Class II vessels—floating docks, floating workshops and stationary vessels that are kitchen boats and operate within waters of Hong Kong

| Fire-fighting apparatus | Type of vessel | Floating dock | Floating workshop (including welding barge) | Kitchen boat |
|-------------------------|----------------------------|--|---|--------------|
| | portable fire extinguisher | service space | 1 within each space | |
| workshop | | 1 within not more than 10 m walking distance, but at least 2 on each deck, and not less than half shall be foam/CO ₂ fire extinguishers | | |
| engine control room | | at least 2 and not more than 6 in each room | | |
| machinery space | | 1 for each 750 kW or part thereof of the power output of the engine and electric motor, but at least 2 and not more than 6 within each space | | |

| | | | | | |
|---|-----------------|--|---|---|------------------|
| <non-portable fire extinguisher> ⁽¹⁾ | | 1 for each wing | — | — | |
| fixed CO ₂ fire extinguishing system | machinery space | gas quantity, storage, piping, nozzle, alarm, location and arrangement shall be in accordance with the relevant plans approved under Part 3 of this Regulation | — | — | |
| main fire pump | power | 1 for each wing | (L) < 24 m | (L) ≥ 24 m | 1 ⁽²⁾ |
| | manual | — | 1 | 1 | |
| emergency fire pump | power | 1 ⁽³⁾ | — | 1 | — |
| | manual | — | — | — | |
| fire main + hose + hydrant + jet nozzle | | quantity, size, length, type, location and arrangement shall be in accordance with the relevant plans approved under Part 3 of this Regulation | | | |
| spray nozzle | | 1 on each deck 2 within each machinery space | 1 on each deck 1 within each machinery space | | |
| foam applicator + 2 × 20 L mobile foam | machinery space | 1 for each wing | — | — | |
| fireman's axe | | 1 for each wing | 1 | 1 | |
| fire blanket | | — | — | 1 within not more than 10 m walking distance on deck fitted with stoves | |
| fireman's outfit | | 1 for each wing | — | — | |
| fire control plan | | 1 for each wing | — | 1 | |
| international shore connection device | | 1 for each wing | — | — | |

Notes:

- (1) Requirements in angle brackets (“< >”) are for new vessels only.
- (2) The requirement for fire pump may be waived if the fire main installed on the floating restaurant is extended to the kitchen boat.
- (3) Not required if each main fire pump is independently driven.

Table 5

Class II vessels⁽¹⁾ that are not oil carriers and operate within river trade limits

| Fire-fighting apparatus | | Vessel length (L) (m) | | | | |
|---|----------------------------|--|------------------|---|------------------|--|
| | | (L)<24 | 24≤(L)<37 | 37≤(L)<50 | 50≤(L)<60 | 60≤(L)<75 ⁽²⁾ |
| portable fire extinguisher | accommodation space | 1 on each deck | | 2 on each deck | | |
| | wheel house | 1 | | | | |
| | galley | 1 | | | | |
| | engine control room | 1 | | | | |
| | engine room | 3 | 4 | 1 within not more than 10 m walking distance, but at least 4 in each room | | |
| | machinery space | 1 within each space | | | | |
| non-portable fire extinguisher | engine room | — | — | 1 ⁽³⁾ | 1 ⁽³⁾ | 1 |
| fixed CO ₂ fire extinguishing system | engine room ⁽⁵⁾ | — | — | — | — | gas quantity, storage, piping, nozzle, alarm, location and arrangement shall be in accordance with the relevant plans approved under Part 3 of this Regulation |
| main fire pump | power | 1 ⁽⁴⁾ | 1 | 1 | 1 | 2 |
| | manual | | — | — | — | — |
| emergency fire pump | power | — | 1 ⁽⁴⁾ | 1 ⁽⁴⁾ | 1 ⁽⁴⁾ | 1 ⁽⁴⁾ |
| | manual | | | | — | — |
| fire main + hose + hydrant + jet nozzle | | quantity, size, length, type, location and arrangement shall be in accordance with the relevant plans approved under Part 3 of this Regulation | | | | |
| hydrant | engine room | — | 1 | 1 | 1 | 2 |

| | | | | | |
|--|---|---|---|---|---|
| spray nozzle | — | 1 on each deck 1 in each engine room | 1 on each deck 1 in each engine room | 2 on each deck 1 in each engine room | 2 on each deck 2 in each engine room |
| foam applicator + 2 × 20 L mobile foam | — | — | — | — | 1 |
| fireman's outfit | — | — | 1 | 1 | 1 |
| international shore connection device | — | — | — | 1 | 1 |

Notes:

- (1) If a dumb lighter and hopper barge is at all times accompanied by another local vessel (e.g. a tug), fire-fighting apparatus may be provided according to the scale at Table 3.
- (2) The requirement for a Class II vessel of 75 m or more in length shall be specified by the Director on a case-by-case basis.
- (3) Non-portable fire extinguisher is not required if a fixed fire extinguishing system is provided in each engine room.
- (4) The fire pump and its sea suction shall be situated outside the engine room.
- (5) For engine room that contains internal combustion type machinery having in aggregate a total power output of not less than 375 kW.

Table 6

Class II vessels—oil carriers that operate within river trade limits

| Fire-fighting apparatus | | Vessel length (L) (m) | | | | |
|----------------------------|---------------------|-----------------------|---------------|---|---------------|------------------------------|
| | | (L) < 24 | 24 ≤ (L) < 37 | 37 ≤ (L) < 50 | 50 ≤ (L) < 60 | 60 ≤ (L) < 75 ⁽¹⁾ |
| portable fire extinguisher | accommodation space | 1 on each deck | | 2 on each deck | | |
| | wheel house | 1 | | | | |
| | galley | 1 | | | | |
| | engine control room | 1 | | | | |
| | engine room | 3 | 4 | 1 within not more than 10 m walking distance, but at least 4 in each room | | |
| | machinery space | 1 within each space | | | | |

| | | | | | | |
|--|---------------------|--|---|---|---|---|
| non-portable fire extinguisher | engine room | — | — | 1 | 1 | 1 |
| fixed CO ₂ fire extinguishing system ⁽²⁾ | engine room | gas quantity, storage, piping, nozzle, alarm, location and arrangement shall be in accordance with the relevant plans approved under Part 3 of this Regulation | | | | |
| | cargo pump room | | | | | |
| main fire pump | power | 1 ⁽³⁾ | 1 | 1 | 1 | 2 |
| emergency fire pump | power | 1 ⁽⁴⁾ | 1 ⁽⁴⁾ | 1 ⁽⁴⁾ | 1 ⁽⁴⁾ | 1 ⁽⁴⁾ |
| | manual | | | | — | — |
| fire main + hose + hydrant + jet nozzle | | quantity, size, length, type, location and arrangement shall be in accordance with the relevant plans approved under Part 3 of this Regulation | | | | |
| hydrant | engine room | — | 1 | 1 | 1 | 2 |
| spray nozzle | | 1 on each deck | 1 on each deck 2 in each engine room | 1 on each deck 2 in each engine room | 2 on each deck 2 in each engine room | 3 on each deck 2 in each engine room |
| foam applicator + 2 × 20 L mobile foam | engine room | — | 1 | 1 | 1 | 1 |
| | cargo manifold area | — | 1 | 1 | 1 | 1 |
| fireman's outfit | | — | 1 | 1 | 2 | 3 |
| fire control plan | | 1 | 1 | 1 | 1 | 1 |
| international shore connection device | | — | — | 1 | 1 | 1 |

Notes:

- (1) The requirement for a Class II vessel of 75 m or more in length shall be specified by the Director on a case-by-case basis.
- (2) In vessels having cargoes with flash point exceeding 61°C (closed cup test), such system may be substituted by a non-portable fire extinguisher if it can be satisfactorily demonstrated that the jet of the fire extinguishing media can reach any part of the engine room and cargo pump room.
- (3) The fire pump may be propulsion engine driven, provided it can be readily engaged to the engine.
- (4) The fire pump and its sea suction shall be situated outside the engine room.

Table 7
Class III vessels

| Fire-fighting apparatus | Category of vessel | A | | B ⁽¹⁾ | |
|---|-----------------------|---|---|------------------|--|
| | Vessel length (L) (m) | (L)<30 | 30≤(L)<45 ⁽²⁾ | (L)<10 | (L)≥10 |
| portable fire extinguisher ⁽³⁾ | accommodation space | 1 | 2 | 1 | 1 within not more than 10 m walking distance, but at least 2 and not more than 4 within each space |
| | wheel house | 1 | 1 | | |
| | engine room | 2 | 4 | | |
| | machinery space | 2 | 4 | | |
| non-portable fire extinguisher | engine room | — | 1 | — | — |
| main fire pump | power | 1 ⁽⁴⁾ | 1 | — | — |
| emergency fire pump | power | 1 | 1 | — | <1> ^{(5) and (6)} |
| | manual | | | | |
| fire main + hose + hydrant + jet nozzle | | quantity, size, length, type, location and arrangement shall be in accordance with the relevant plans approved under Part 3 of this Regulation | | — | <1 set> ^{(5) and (6)} |
| hydrant | engine room | 1 | 1 | — | — |
| spray nozzle ⁽⁷⁾ | | 1 on each deck 1 in each engine room | 1 on each deck 1 in each engine room | — | — |
| fire bucket with lanyard | | 2 | 2 | 1 | 2 |
| additional requirements for a Class III vessel with any engine room that may be periodically unattended when the vessel is being used or operated | | | | | |
| <fire detection and alarm system> ⁽⁶⁾ | engine room | quantity, type, location and arrangement shall be in accordance with the relevant plans approved under Part 3 of this Regulation ⁽⁸⁾ | quantity, type, location and arrangement shall be in accordance with the relevant plans approved under Part 3 of this Regulation ⁽⁸⁾ | — | — |

Notes:

- (1) For a fishing sampan made of glass reinforced plastic, only the following fire-fighting apparatus are required—
 - (a) if the sampan is less than 8 m in length, 1 portable dry powder fire extinguisher that has a capacity of not less than 2.7 kg of dry powder and 1 fire bucket with lanyard; and
 - (b) if the sampan is 8 m or more in length, 2 portable dry powder fire extinguishers each of a capacity of not less than 2.7 kg of dry powder and 2 fire buckets with lanyard.
- (2) The requirement for a Class III vessel of 45 m or more in length shall be specified by the Director on a case-by-case basis.
- (3) A Class III vessel that falls within paragraph (b) of Schedule 2 is not required to be provided with any portable fire extinguisher. Instead, such a vessel shall be provided with 1 fire bucket with lanyard.
- (4) The fire pump may be propulsion engine driven, provided it can be readily engaged to the engine.
- (5) Applicable to a Class III vessel that—
 - (a) holds a valid port clearance; or
 - (b) is exempted under section 69(1) of the Ordinance from complying with section 28(1) of the Ordinance.
- (6) Requirements in angle brackets (“< >”) are for new vessels only.
- (7) An engine room that contains internal combustion type machinery having in aggregate a total power output of not less than 375 kW shall be provided with at least one dual purpose nozzle.
- (8) The fire detection and alarm system may be waived, provided the location of the machinery space facilitates the detection of fire by persons on board.

Table 8

Class IV vessels that are licensed to carry not more than 60
passengers and are not let for hire or reward and operate
within waters of Hong Kong

| Fire-fighting apparatus | Vessel length (L) (m) | (L) < 5.5 | 5.5 ≤ (L) ≤ 9 | 9 < (L) < 15 | 15 ≤ (L) < 24 | (L) ≥ 24 |
|-------------------------|---|-----------|------------------|------------------|------------------|------------------|
| | portable fire extinguisher ⁽²⁾ | 1.4 kg | 1 ⁽¹⁾ | 2 | — | — |
| 2.3 kg | | — | — | 2 | — | — |
| 4.5 kg | | — | — | — | 2 | 2 |
| engine room | | — | — | 2 ⁽³⁾ | 2 ⁽³⁾ | 2 ⁽³⁾ |

| | | | | | | |
|---|--------|-----------------------|---|---|---|------------------|
| fire bucket with lanyard ⁽⁴⁾ | | 1 (or 1 bailer) | 2 | 2 | 2 | 3 |
| main fire pump | power | — | — | — | 1 ⁽⁵⁾ | 1 |
| | manual | — | — | — | | — |
| emergency fire pump | power | — | — | — | — | 1 ⁽⁵⁾ |
| | manual | — | — | — | — | |
| hydrant | | — | — | — | capable of delivering one jet of water having a throw of not less than 6 m which can be directed on to any part of the vessel through a hose with a 10 mm diameter nozzle | |
| hose | | — | — | — | 1 | 2 |
| nozzle | jet | — | — | — | 1 | 2 |
| | spray | — | — | — | — | 1 |
| fireman's axe | | — | — | — | — | 1 |

Notes:

- (1) (a) Portable dry powder fire extinguisher or equivalent.
(b) No fire extinguisher is required for a jetski.
- (2) Two extinguishers should be provided if there is a galley on board.
- (3) For engine room that contains internal combustion type machinery having in aggregate a total power output of not less than 375 kW.
- (4) Fire buckets may be substituted by an equal number of portable dry powder fire extinguishers each of a capacity of not less than 4.5 kg of dry powder or equivalent.
- (5) The fire pump and its sea suction shall be situated outside the engine room.

SCHEDULE 5

[ss. 41(1), 44(b)
& 87]

FREEBOARD ASSIGNMENT

PART 1

TABLE SHOWING CLASS II VESSELS IN RESPECT OF WHICH
HKLL CERTIFICATES OR FA CERTIFICATES ARE REQUIRED

| Type of vessel | Vessel length (L) (m) | (L)≥24 | | (L)<24 | |
|-----------------------------|-----------------------------|-------------------------------|-----------------------------------|-------------------------------|-----------------------------------|
| | Propulsion Plying limits | Fitted with propulsion engine | Not fitted with propulsion engine | Fitted with propulsion engine | Not fitted with propulsion engine |
| Category A dry cargo vessel | HKW | HKLLC | — | FAC ⁽¹⁾ | — |
| | RTL | HKLLC | — | not permitted | — |
| Category B dry cargo vessel | HKW | FAC ⁽¹⁾ | — | FAC ⁽¹⁾ | — |
| | RTL | HKLLC ⁽¹⁾ | — | not permitted | — |
| crane barge | HKW | — | (2) | — | (2) |
| | RTL | — | not permitted | — | not permitted |
| dangerous goods carrier | HKW | HKLLC | FAC | FAC | FAC |
| | RTL ⁽³⁾ | HKLLC | FAC | not permitted | not permitted |
| dredger | HKW | HKLLC | — | FAC ⁽¹⁾ | — |
| | RTL | HKLLC | — | not permitted | — |
| dumb lighter | HKW | — | FAC | — | FAC |
| | RTL ⁽³⁾ | — | FAC | — | not permitted |
| edible oil carrier | HKW | HKLLC | FAC | FAC ⁽¹⁾ | FAC |
| | RTL ⁽³⁾ | HKLLC | FAC | not permitted | not permitted |

| | | | | | |
|----------------------------------|--------------------|---------------|---------------|---------------|---------------|
| flat-top work barge | HKW | (2) | (2) | (2) | (2) |
| | RTL | not permitted | not permitted | not permitted | not permitted |
| floating dock | HKW | — | HKLLC | — | — |
| | RTL | — | — | — | — |
| floating workshop | HKW | (2) | (2) | (2) | (2) |
| | RTL | not permitted | not permitted | not permitted | not permitted |
| hopper barge | HKW | — | FAC | — | FAC |
| | RTL ⁽³⁾ | — | FAC | — | not permitted |
| landing platform | HKW | — | (2) | — | (2) |
| | RTL | — | not permitted | — | not permitted |
| landing pontoon | HKW | — | (2) | — | (2) |
| | RTL | — | not permitted | — | not permitted |
| noxious liquid substance carrier | HKW | HKLLC | FAC | FAC | FAC |
| | RTL ⁽³⁾ | HKLLC | FAC | not permitted | not permitted |
| oil carrier | HKW | HKLLC | FAC | FAC | FAC |
| | RTL ⁽³⁾ | HKLLC | FAC | not permitted | not permitted |
| pilot boat | HKW | (2) | — | (2) | — |
| | RTL | not permitted | — | not permitted | — |
| special purpose vessel | HKW | HKLLC | HKLLC | HKLLC | HKLLC |
| | RTL | HKLLC | HKLLC | HKLLC | HKLLC |

| | | | | | |
|-----------------------|-----|---------------|---------------|--------------------|---------------|
| stationary vessel | HKW | — | (2) | — | (2) |
| | RTL | — | not permitted | — | not permitted |
| transportation boat | HKW | (2) | — | (2) | — |
| | RTL | not permitted | — | not permitted | — |
| transportation sampan | HKW | — | — | (2) | (2) |
| | RTL | — | — | not permitted | not permitted |
| tug | HKW | (2) | — | (2) | — |
| | RTL | (2) | — | (2) | — |
| water boat | HKW | HKLLC | — | FAC ⁽¹⁾ | — |
| | RTL | HKLLC | — | not permitted | — |
| work boat | HKW | (2) | (2) | (2) | (2) |
| | RTL | not permitted | not permitted | not permitted | not permitted |

Abbreviations:

HKW = waters of Hong Kong

RTL = river trade limits

HKLLC = HKLL certificate

FAC = FA certificate

Notes:

“—” Such vessel does not exist.

(1) Applicable only to new vessels.

(2) Subject to any conditions or restrictions specified in their certificates of survey, such vessels can ply in the waters of Hong Kong or to the river trade limits without a HKLL certificate or FA certificate.

(3) Operate under favourable weather only.

PART 2

BASIC MINIMUM FREEBOARD

Assignment of the following freeboard, appropriate to the length of a Class II vessel is as follows—

| Vessel length (L) (m) | Freeboard (mm) ⁽¹⁾ | |
|-----------------------|--|---------------|
| | Hopper barge ⁽²⁾ and oil carrier ⁽³⁾ | Other vessels |
| (L)≤30 | 380 | 530 |
| (L)≤40 | 500 | 650 |
| (L)≤50 | 660 | 710 |
| (L)≤60 | 850 | 1 000 |
| (L)≤70 | 1 080 | 1 230 |
| (L)≤80 | 1 330 | 1 480 |
| (L)≤90 | 1 600 | 1 750 |

Freeboard of intermediate lengths shall be obtained by interpolation.

Notes:

- (1) Where the height of coaming for openings leading to below deck space is less than 600 mm, the above freeboard shall be increased by 12.5 mm for each 25 mm that is below 600 mm in height. The coaming height shall in no case be less than 300 mm.
- (2) Vessels with bottom door which can be opened to the sea.
- (3) This includes vessels having cargo tanks with small openings closed by steel watertight cover.

PART 3

FREEBOARD MARKS

1. Position of marks

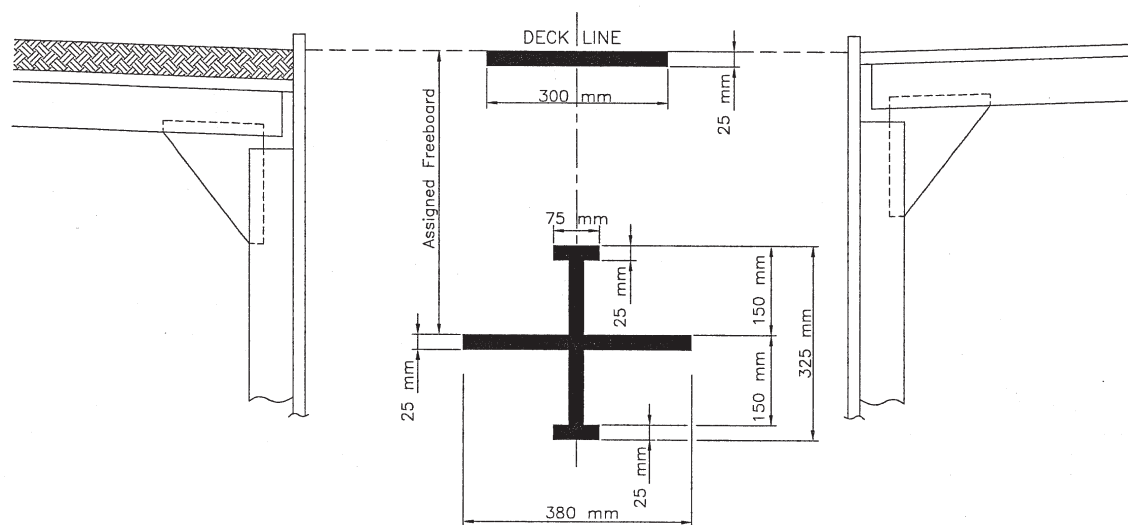
On receiving particulars of the assigned freeboard, the owner of the Class II vessel concerned or his agent shall cause to be marked on each side of the vessel, to the satisfaction of the Director or competent surveyor, the appropriate marks in accordance with this Schedule.

2. Method of marking

The lines described in section 3 shall be marked in such a manner as to make them plainly visible. They shall be painted in white or yellow on a dark background or in black on a light background, and shall be carefully cut in or centre punched.

3. Details of marks

A Class II vessel to which this Part applies shall be marked on each side at amidships, with a deck line and freeboard line as follows—



Figure

- (a) The deck line shall be a horizontal line of 300 mm in length and 25 mm in breadth marked amidships with its upper edge passing through the point where the continuation outwards of the upper surface of the freeboard deck intersects the outer surface of the shell. Where the deck is partly sheathed amidships, the upper edge of the deck line shall pass through the point where the continuation outwards of the upper surface of the actual sheathing at amidships intersects the outer surface of the shell.
- (b) The horizontal freeboard line shall be 380 mm in length and 25 mm in breadth, and 2 additional lines each 75 mm in length and 25 mm in breadth, shall be located with their upper edges at distances of 150 mm, one above, and one below, the upper edge of the horizontal freeboard line. All horizontal lines shall be at right angles to a vertical line 325 mm in depth and 25 mm in width which bisects the horizontal lines.
- (c) The assigned freeboard shall be measured from the upper edge of the deck line to the upper edge of the horizontal freeboard line.

SCHEDULE 6

[ss. 81(2) & 87]

LOCAL VESSELS TO WHICH SECTION 81(1) OF THIS REGULATION
DOES NOT APPLY

Section 81(1) of this Regulation does not apply to—

- (a) a Class III vessel that falls within paragraph (a) of Schedule 2; or
- (b) a Class III vessel that—
 - (i) is made of glass reinforced plastic;
 - (ii) is of less than 15 m in length;
 - (iii) has a total engine power not exceeding—
 - (A) 30 kW in the case of a vessel of 5 m or more but less than 6 m in length;
 - (B) 56 kW in the case of a vessel of 6 m or more but less than 8 m in length; or
 - (C) 67 kW in the case of a vessel of 8 m or more but less than 15 m in length;
 - (iv) is equipped with the following life-saving appliances and fire-fighting apparatus, all of which are in good and serviceable condition—
 - (A) 1 lifejacket for every person on board;
 - (B) 1 lifebuoy;
 - (C) in the case of a Class III vessel of less than 8 m in length, at least 1 portable dry powder fire extinguisher that has a capacity of not less than 2.7 kg of dry powder and 1 fire bucket that is fitted with a lanyard; and
 - (D) in the case of a Class III vessel of 8 m or more in length, at least 2 portable dry powder fire extinguishers, each of capacity of not less than 2.7 kg of dry powder and 2 fire buckets, each fitted with a lanyard.

SCHEDULE 7

[ss. 82 & 87]

**LOCAL VESSELS REQUIRED TO COMPLY WITH REQUIREMENTS OF
MERCHANT SHIPPING (PREVENTION OF OIL POLLUTION)
REGULATIONS (CAP. 413 SUB. LEG. A)**

| Type of vessel | Category of vessel | A | | B | |
|---|--------------------|-------------------------------|-----------------------------------|-------------------------------|-----------------------------------|
| | Propulsion | Fitted with propulsion engine | Not fitted with propulsion engine | Fitted with propulsion engine | Not fitted with propulsion engine |
| | | Gross tonnage | Gross tonnage | Gross tonnage | Gross tonnage |
| Class I vessel | | | | | |
| ferry vessel | | ≥80 | — | — | — |
| floating restaurant | | — | ≥80 | — | — |
| launch | | ≥80 | — | — | — |
| multi-purposes vessel | | ≥80 | — | — | — |
| primitive vessel (kaito) | | ≥80 | — | ≥400 | — |
| Class II vessel | | | | | |
| dangerous goods carrier | | ≥80 | — | ≥400 | — |
| dredger | | ≥80 | — | — | — |
| dry cargo vessel | | ≥80 | — | ≥400 | — |
| edible oil carrier | | ≥80 | — | — | — |
| floating dock | | — | ≥80 | — | — |
| floating workshop (including repair pontoon, welding barge) | | ≥80 | ≥80 | ≥80 | ≥80 |
| noxious liquid substance carrier | | ≥80 | — | — | — |
| oil carrier | | of any tonnage | of any tonnage | — | — |
| pilot boat | | ≥80 | — | ≥400 | — |
| special purpose vessel | | ≥80 | — | — | — |
| transportation boat | | ≥80 | — | — | — |
| transportation sampan | | — | — | ≥400 | — |
| tug | | ≥80 | — | — | — |

| | | | | |
|---|-----|-----|------|-----|
| water boat | ≥80 | — | ≥400 | — |
| work boat | ≥80 | ≥80 | ≥80 | ≥80 |
| Class III vessel | | | | |
| fish carrier | ≥80 | — | ≥400 | — |
| fishing sampan | — | — | ≥400 | — |
| fishing vessel | ≥80 | — | ≥400 | — |
| Class IV vessel | | | | |
| auxiliary powered yacht of 400 gross tonnage or above | | | | |
| cruiser of 400 gross tonnage or above | | | | |
| open cruiser of 400 gross tonnage or above | | | | |

SCHEDULE 8

[ss. 87 & 88]

TRANSITIONAL PROVISIONS

1. Interpretation

In this Schedule—

“relevant day” (有關日期) means the day of commencement of this Regulation;

“repealed Launches and Ferry Vessels Regulations” (已廢除的《小輪及渡輪船隻規例》) means the Merchant Shipping (Launches and Ferry Vessels) Regulations (Cap. 313 sub. leg. E) repealed under section 91(1) of the Ordinance;

“repealed Miscellaneous Craft Regulations” (已廢除的《雜類航行器規例》) means the Merchant Shipping (Miscellaneous Craft) Regulations (Cap. 313 sub. leg. F) repealed under section 91(1) of the Ordinance.

2. Arrangement in respect of previously issued certificates of inspection and certificates of survey

(1) This section applies to—

(a) a certificate of inspection referred to in regulation 10 or 47H(2) of the repealed Miscellaneous Craft Regulations; or

(b) a certificate of survey issued under any of the provisions of the repealed Launches and Ferry Vessels Regulations,

that was in force immediately before the relevant day.

(2) A certificate to which this section applies shall be regarded as a certificate of survey issued under section 24(1) of this Regulation in respect of the local vessel to which it relates during the remainder of its period of validity, and the provisions of this Regulation shall apply accordingly.

3. Deferred application of section 16 of this Regulation on certain Class IV vessels

(1) Section 16(1)(a) of this Regulation shall not apply to a Class IV vessel that falls within section 15(2)(b) of this Regulation in the 12 months after the relevant day.

(2) Section 16(1)(b) of this Regulation shall not apply to a Class IV vessel—

- (a) that is not a new vessel; and
- (b) that falls within section 15(2)(a), (c) or (d) of this Regulation, in the 12 months after the relevant day.

4. Arrangement in respect of previously issued survey records of safety equipment

(1) This section applies to a written document titled “Survey Record—Safety Equipment”—

- (a) issued by the Director in respect of a Class II vessel to which Division 2 of Part 5 of this Regulation applies; and
- (b) that was in force immediately before the relevant day.

(2) A document to which this section applies shall be regarded as a survey record of safety equipment issued under section 39 of this Regulation in respect of the Class II vessel to which it relates during the remainder of its period of validity, and the provisions of this Regulation shall apply accordingly.

5. Deferred application of Division 2 of Part 5 of this Regulation on certain Class II vessels

Section 35(1) of this Regulation shall not apply to a Class II vessel—

- (a) to which Division 2 of Part 5 of this Regulation applies; and
- (b) that does not have a document that falls within section 4 in force in respect of it on the relevant day, in the 12 months after the relevant day.

6. Arrangement in respect of previously issued assignment of freeboard certificates

- (1) This section applies to an assignment of freeboard certificate—
- (a) issued under regulation 45B(2)(b) of the repealed Miscellaneous Craft Regulations; and
 - (b) that was in force immediately before the relevant day.

(2) Subject to subsection (3), a certificate to which this section applies shall be regarded as a FA certificate issued under section 46 of this Regulation in respect of the Class II vessel to which it relates during the remainder of its period of validity, and the provisions of this Regulation shall apply accordingly.

(3) Regulation 45C of the repealed Miscellaneous Craft Regulations that was in force immediately before the relevant day shall continue to apply to a Class II vessel that falls within subsection (2), and the owner of such vessel or his agent shall, at the request of the Director, pay the appropriate fee prescribed in the relevant fee regulation in respect of any periodical inspection under that regulation 45C.

(4) In subsection (3), “relevant fee regulation” (有關費用規例) means the Merchant Shipping (Fees) Regulations (Cap. 281 sub. leg. F) that were in force immediately before the relevant day.

7. Deferred application of section 42(1) of this Regulation on certain Class II vessels

Section 42(1) of this Regulation shall not apply to a Class II vessel—

- (a) to which Part 6 of this Regulation applies; and
- (b) that is not a new vessel or dumb lighter,

in the 12 months after the relevant day.

8. Arrangement in respect of previously issued declarations or granted permissions for carriage of dangerous goods

- (1) This section applies to—
- (a) a declaration issued under regulation 34(1)(a) of the repealed Miscellaneous Craft Regulations; or
 - (b) a permission granted under regulation 12(1) of the Dangerous Goods (Shipping) Regulations (Cap. 295 sub. leg. C),

that was in force immediately before the relevant day.

(2) A declaration or permission to which this section applies shall be regarded as a declaration of fitness issued under section 54 of this Regulation in respect of the local vessel to which it relates during the remainder of its period of validity, and the provisions of this Regulation shall apply accordingly.

9. Deferred application of certain requirements in Schedules 3 and 4 to this Regulation

(1) During the 12 months after the relevant day, section 32(2)(b) of this Regulation shall not apply to a local vessel to which Table 1 in Part 2 of Schedule 3 to this Regulation applies in so far as the provision of lifejacket on board the vessel in accordance with the Table is concerned.

(2) During the 12 months after the relevant day, section 33(2)(b) of this Regulation shall not apply to a local vessel to which Table 1 in Part 2 of Schedule 4 to this Regulation applies in so far as the provision of emergency fire pump on board the vessel in accordance with the Table is concerned.

(3) During the 12 months after the relevant day, section 33(2)(b) of this Regulation shall not apply to an oil carrier to which Table 6 in Part 2 of Schedule 4 to this Regulation applies in so far as the provision of main fire pump and emergency fire pump on board the oil carrier in accordance with the Table is concerned.

Stephen IP

Secretary for Economic Development
and Labour

3 October 2006

Explanatory Note

This Regulation is made under the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) (“the Ordinance”). Its main purposes are—

- (a) to provide for the approval of plans in relation to local vessels and the survey of local vessels. Such approval and survey are required in order that any of the following certificates, record or declaration may be issued—
 - (i) certificate of inspection;
 - (ii) certificate of survey;
 - (iii) survey record of safety equipment;

- (iv) Hong Kong load line certificate (“HKLL certificate”);
 - (v) freeboard assignment certificate (“FA certificate”);
 - (vi) declaration of fitness for the carriage of dangerous goods (“declaration of fitness”); and
- (b) to set out safety requirements applicable to local vessels, in particular, with respect to—
- (i) the construction and maintenance of the vessels;
 - (ii) the life-saving appliances and fire-fighting apparatus to be provided on the vessels;
 - (iii) the carriage of passengers;
 - (iv) the alteration of the vessels; and
 - (v) the plying limits of the vessels.

2. The Regulation contains 12 Parts and 8 Schedules.

Part 1—Preliminary

3. Part 1 provides for preliminary matters (commencement, interpretation and application). In section 2—

- (a) “category”, “Category A vessel” and “Category B vessel” are defined. In addition to being classified into different classes and types under the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Cap. 548 sub. leg. D), local vessels are further categorized into Category A and Category B which are subject to different requirements in certain cases;
- (b) “competent surveyor”, who is authorized to approve plans and carry out surveys under the Regulation, is defined to mean an authorized surveyor defined in section 2 of the Ordinance or a government authority recognized under section 7A of the Ordinance; and
- (c) “new vessel” is defined in order to distinguish new local vessels from existing ones as some of the provisions only apply to one of them.

Part 2—Appointment and termination of appointment of agent

4. Part 2 empowers owners of local vessels to appoint agents for the purposes of the Regulation. Both the owners of local vessels and their agents are required to notify the Director of such appointments, any subsequent changes in the particulars provided to the Director as well as the termination of such appointments.

Part 3—Approval of plans

5. Part 3 applies to new vessels and local vessels in respect of which first time applications for the approval of plans are made with a view to apply for any of the certificates, record or declaration set out in paragraph 1(a) of this Note. The Director of Marine (“Director”) and competent surveyors are empowered to approve plans. Among the provisions—

- (a) section 9 sets out the parts or aspects of local vessels in relation to which plan approvals shall be obtained before the issue of the certificate, record or declaration concerned;
- (b) sections 10 and 11 provide for the approval of plans by the Director; and
- (c) section 12 provides for the approval of plans by competent surveyors.

Part 4—Certificate of inspection and certificate of survey

6. Part 4 provides for the application for, and the issue, cancellation and suspension of, certificates of inspection and certificates of survey. Among the provisions—

- (a) section 16 provides that a Class IV vessel of specified description shall not be operated without a certificate of inspection, while any other local vessel shall not be operated without a certificate of survey;
- (b) section 17 provides that the Director and competent surveyors may carry out surveys leading to the issue of certificates of inspection and certificates of survey;
- (c) section 18 sets out the matters to be surveyed and that a certificate of inspection or certificate of survey shall only be issued if the local vessel concerned is fit for the service intended and in good condition;
- (d) section 19 provides that the Director and competent surveyors may issue certificates of inspection and the issue of such certificates may be subject to conditions or restrictions;
- (e) sections 20 and 21 provide for situations where the Director refuses or temporarily withholds the issue of certificates of inspection;
- (f) section 22 requires competent surveyors to submit to the Director declarations of survey relating to surveys carried out by them under this Part;
- (g) section 24 deals with the issue of certificates of survey by the Director;

- (h) sections 25 and 26 provide for situations where the Director refuses or temporarily withholds the issue of certificates of survey;
- (i) section 27 provides for the validity of certificates of inspection and certificates of survey; and
- (j) section 28 sets out the reasons for which the Director may cancel or suspend certificates of inspection and certificates of survey.

Part 5—Construction and maintenance of local vessels, requirements relating to life-saving appliances, fire-fighting apparatus and fire protection measures, etc.

7. Part 5 is divided into 2 Divisions. Division 1 provides for—

- (a) the standards regarding the construction and maintenance of local vessels as well as the life-saving appliances and fire-fighting apparatus to be provided on board local vessels;
- (b) the general and specific requirements regarding the provision of life-saving appliances and fire-fighting apparatus on board local vessels. Details of such requirements are set out in Schedules 3 and 4.

8. Division 2 provides for the application for and the issue of survey records of safety equipment in respect of certain Class II vessels. Among the provisions—

- (a) section 36 provides that both the Director and competent surveyors may carry out surveys leading to the issue of survey records of safety equipment;
- (b) section 37 sets out the matters to be surveyed and that a survey record of safety equipment shall only be issued if the Director is satisfied that certain provisions in the Regulation, in so far as they are applicable, have been complied with in relation to the Class II vessel concerned;
- (c) section 38 requires competent surveyors to submit to the Director declarations of survey relating to surveys carried out by them under this Division;
- (d) section 39 deals with the issue of survey records of safety equipment by the Director; and
- (e) section 40 provides for the validity of survey records of safety equipment.

Part 6—HKLL certificate and FA certificate for Class II vessels

9. Part 6 provides for the application for and the issue of the HKLL certificates and FA certificates in respect of certain Class II vessels. The vessels that are subject to this Part are listed in Part 1 of Schedule 5. Among the provisions—

- (a) section 43 provides that both the Director and competent surveyors may carry out surveys leading to the issue of HKLL certificates and FA certificates;
- (b) section 44 sets out the matters to be surveyed and that a HKLL certificate or FA certificate shall only be issued if the Director is satisfied that the section, in so far as it is applicable, has been complied with in relation to the Class II vessel concerned;
- (c) section 45 requires competent surveyors to submit to the Director declarations of survey relating to surveys carried out by them under this Part;
- (d) section 46 deals with the issue of HKLL certificates and FA certificates by the Director;
- (e) section 47 provides for the validity of HKLL certificates and FA certificates; and
- (f) section 48 prohibits unauthorized alteration of load line marks and freeboard marks.

Part 7—Declaration of fitness for carriage of dangerous goods

10. Part 7 applies to local vessels that are used or to be used for carrying dangerous goods defined in section 49. Such local vessels are required to be issued with declarations of fitness. Among the provisions—

- (a) section 51 provides that both the Director and competent surveyors may carry out surveys leading to the issue of declarations of fitness;
- (b) section 52 sets out the matters to be surveyed and that a declaration of fitness shall only be issued if the Director is satisfied that the local vessel concerned is suitable and fit to carry the type of dangerous goods that the vessel is used or to be used to carry;
- (c) section 53 requires competent surveyors to submit to the Director declarations of survey relating to surveys carried out by them under this Part;
- (d) section 54 deals with the issue of declarations of fitness by the Director; and
- (e) section 55 provides for the validity of declarations of fitness.

Part 8—General provisions that apply to local vessels to which Parts 5, 6 and 7 apply

11. Part 8 contains provisions that are commonly applicable to the application for, and the issue, cancellation and suspension of, certificates, records or declarations under Part 5, 6 or 7. Among the provisions—

- (a) section 62 provides that the issue of such certificates, records or declarations may be subject to conditions or restrictions;
- (b) sections 64 and 65 provide for situations where the Director refuses or temporarily withholds the issue of such certificates, records or declarations; and
- (c) section 66 sets out the reasons for which the Director may cancel or suspend such certificates, records or declarations.

Part 9—Requirements relating to carriage of passengers

12. Part 9 provides for the carriage of passengers in local vessels. Among the provisions—

- (a) sections 68, 69 and 70 provide for the determination of the number of passengers a local vessel may carry;
- (b) section 71 deals with cases where the number of passengers specified in the certificate of inspection or certificate of survey issued in respect of a local vessel is different from the number shown in the operating licence of the vessel; and
- (c) section 72 empowers the Director to reduce the number of passengers that a local vessel may carry in certain circumstances.

Part 10—Alteration to local vessels

13. Part 10 provides for the alteration of local vessels. Among the provisions—

- (a) section 76 provides for the alteration of local vessels other than Class IV vessels that fall under section 77;
- (b) section 77 provides for the alteration of Class IV vessels that are issued with certificates of inspection; and
- (c) section 78 provides for the consequences of making unauthorized alteration to local vessels.

Part 11—Specific requirements relating to plying limits, radars and engines

14. Part 11 (sections 79, 80 and 81) deals with the plying limits of certain types of Class II vessels, the fitting of radar equipment in certain types of Class I

vessels and the restriction on use of certain engines in Class I vessels, Class II vessels and Class III vessels.

Part 12—Miscellaneous

15. Part 12 contains miscellaneous provisions concerning—

- (a) the compliance with requirements of the Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413 sub. leg. A) of local vessels that fall within Schedule 7;
- (b) the Director's power to permit the use of alternative fitting, material, appliance or apparatus;
- (c) the Director's power to provide practical guidance by way of Marine Department Notices;
- (d) the issue of duplicate instruments;
- (e) appeals against the decisions of the Director;
- (f) amendments of the Schedules; and
- (g) transitional arrangements.