

立法會

Legislative Council

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Subcommittee on Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2016 and Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2016

Background brief

Purpose

This paper provides background information on the Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2016 (L.N. 186) and Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2016 (L.N. 187) (collectively as "the two Amendment Regulations"). It also summarizes the views and concerns expressed by members of the Panel on Economic Development ("the Panel") concerning the two Amendment Regulations.

Background

2. On 22 October 2012, a Commission of Inquiry ("CoI") was appointed by order of the Chief Executive in Council to inquire into the vessel collision near Lamma Island on 1 October 2012. In its report issued on 30 April 2013, CoI recommended all ferries and launches for more than 12 passengers to carry a Very High Frequency radiotelephone ("VHF radio"), and for vessels for more than 100 passengers to further install automatic identification system ("AIS") and radar.

The two Amendment Regulations

3. The two Amendment Regulations are made by the Secretary of Transport and Housing ("STH") under section 89 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) in order to implement CoI's recommendations as set out in paragraph 2.

4. The two Amendment Regulations respectively amend the Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548F) and the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548G) to:

- (a) require certain local vessels to provide on board AIS, radar and VHF radio;
- (b) require AIS to be switched on and AIS, radar and VHF radio to be maintained in good working condition;
- (c) require the presence of qualified crew members to use the radar and VHF radio; and
- (d) prescribe the communications protocols for using VHF radio.

5. The two Amendment Regulations were gazetted on 9 December 2016 and tabled at the Council meeting of 14 December 2016. Most of the provisions will come into operation on 1 April 2017, except for the following:

- (a) provisions relating to radar will come into operation on 1 December 2017;
- (b) provisions relating to the installation and operation of AIS on Class II vessels will come into operation on 1 March 2018; and
- (c) provisions relating to VHF radio will come into operation on a day to be appointed by STH by notice published in the Gazette.

Panel discussion

6. The Panel was consulted on the related legislative proposal at its meeting on 27 May 2015. Members in general supported the proposal for requiring local vessels to install and operate VHF radio, AIS and radar. As crew members had to undergo training in order to acquire licence to operate the equipment, a member relayed the trade's concerns about the content of curriculum and language proficiency requirements of the relevant training courses. The Administration advised that the training courses offered to local crew members had been suitably adjusted to suit the circumstances.

Latest position

7. At the meeting of the House Committee on 16 December 2016, members agreed to form a subcommittee to study the two Amendment Regulations.

Relevant papers

8. A list of relevant papers on the Legislative Council Website is in the **Appendix**.

Council Business Division 4
Legislative Council Secretariat
4 January 2017

List of relevant papers

Committee	Date of meeting	Papers
Panel on Economic Development	27.5.2015 (Item IV)	CB(4)1034/14-15(04) CB(4)1034/14-15(05) Minutes
Legislative Council	14.12.2016	L.N. 186 of 2016 L.N. 187 of 2016 Legislative Council Brief issued by Transport and Housing Bureau and Marine Department
House Committee	16.12.2016 (Item III)	Legal Service Division Report LS18/16-17

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