

**立法會**  
***Legislative Council***

LC Paper No. CB(4)322/18-19(04)

Ref : CB4/PL/EDEV

**Panel on Economic Development**  
**Meeting on 19 December 2018**

**Background brief on measures to enhance marine safety**

This paper provides background information on the following: (i) reform of the regulatory regime for local pleasure vessels; (ii) enhanced lifejacket provision on local vessels and safety measures during major events at sea; and (iii) revisions to the speed restricted zones for vessels. It also summarizes the views and concerns expressed by members of the Panel on Economic Development ("the Panel") on relevant matters in previous discussions.

**Regulatory regime for local pleasure vessels**

2. Under the existing regulatory regime, a Class IV vessel ("local pleasure vessel") is required to comply with specific survey requirements and obtain a Certificate of Survey ("CoS") from the Marine Department ("MD") or a Certificate of Inspection from a competent surveyor<sup>1</sup>. Generally speaking, Class IV vessels which are licensed to carry more than 60 passengers or are of more than 150 gross tonnage are required to comply with more stringent plan approval and survey requirements. A Class IV vessel may be let for hire or reward so long as it has a valid CoS or a Certificate of Inspection, a written charter or a hire-purchase agreement, and third-party insurance coverage. There is no requirement for the vessel concerned to seek MD's prior approval before it is let for hire or reward.

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<sup>1</sup> Under the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548G), Class IV vessels are required to obtain a CoS if they (a) are licensed to carry more than 60 passengers; (b) are of more than 150 gross tonnage; or (c) are of novel construction. Class IV vessels are required to obtain a Certificate of Inspection if they do not carry more than 60 passengers and are let for hire or reward.

3. In view of the rising safety requirements for Class IV vessels imposed by other jurisdictions in recent years, the Administration has proposed to tighten the regulation of such vessels, in particular those that are let for hire or reward. At the Panel meeting on 23 April 2018, the Administration consulted members on the related legislative proposal with measures as follows:

- (a) new Class IV vessels<sup>2</sup> which are of not less than 24 metres in length or are let for hire or reward (regardless of their size) will be required to fulfil new structural requirements in various aspects, including water tightness, stability and structural fire protection. Although Class IV vessels that are licensed before the commencement date of the proposed legislation will not be required to follow the new structural requirements, they will be required to provide adequate number of lifebuoys on board at a minimum of 50% of the carrying capacity of the vessel concerned<sup>3</sup>;
- (b) all Class IV vessels permitted to carry more than 12 passengers and intended to be let for hire or reward, as well as all Class IV vessels permitted to carry more than 60 passengers (regardless of whether they are let for hire or reward) will be required to be equipped with Very High Frequency Radiotelephone ("VHF radio"). At least one crew member on board should have the certificate of competency for using VHF radio;
- (c) all Class IV vessels permitted to carry more than 100 passengers will be required to install and use Automatic Identification System at all times, and to be fitted with radar. The radar operator must hold a certificate of competency for operating radar equipment; and
- (d) MD's prior approval must be obtained for all Class IV vessels intended to be let for hire or reward.

Details of the above legislative proposal are set out in LC Paper No. CB(4)928/17-18(03).

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<sup>2</sup> "New Class IV vessels" means Class IV vessels which are licensed for the first time after the commencement of the proposed legislation, as well as Class IV vessels licensed before the commencement date but have undergone substantial alterations on or after the commencement date.

<sup>3</sup> For the purpose of assessing the adequacy of life-saving appliances on board a local vessel, each lifebuoy is taken to be for use by two persons on board the vessel.

4. At the Panel meeting held on 23 April 2018, members in general agreed that suitable measures should be taken to enhance marine safety. However, they were of the view that the proposed new requirements were too stringent, and that the local pleasure vessel trade might have difficulties to comply with. Concerns were raised about the justifications for adopting "24 metres in length" as the new threshold for classifying new Class IV vessels, the new structural requirements imposed on new Class IV vessels, and the requirement that certain Class VI vessels would be required to have at least one crew member with the certificate of competency for using VHF radio issued by the Office of the Communications Authority ("OFCA") on board since the passing rate of the VHF radio examination was low. Some members were concerned about the impact on the owners of large-sized Class VI vessels and those owners who let their vessels for hire occasionally, and urged the Administration to conduct comprehensive consultation with all affected parties. Noting that the trade had strong objection to the legislative proposal, the Panel passed a motion urging the Administration to shelve the proposal and to consult the trade further before resubmitting the proposal to the Panel.

5. The Administration advised that the proposed tightened measures were meant to enhance the safety of Class IV vessels. Instead of the existing benchmark at 150 gross tonnage, the Administration had proposed to follow a more widely adopted international practice and adopt the compliance benchmark at 24 metres in length. This benchmark was also adopted in the United Kingdom, Australia and the Marshall Islands. Depending on the size, the date when the vessel was first licensed and the use of the vessel, the applicable requirements, which included more stringent plan approval and survey requirements, enhanced navigational and communications equipment, and prior approval from MD before a local pleasure vessel could be let for hire or reward, would vary. Among the close to 10 000 locally licensed Class IV vessels in Hong Kong as at 1 May 2018, about 760 were let for hire or reward and would be subject to the prior approval requirements, whereas about 400 would be required to provide VHF radio under the proposal.

6. In response to members' concern that crew members of Class IV vessels might have difficulties in passing the VHF radio examination, the Administration advised that MD had been working with OFCA to review the format of the VHF radio examination. The commencement date of the proposal would be determined later having taken into account the number of persons who had passed the VHF radio examination.

7. The Administration also advised that it was mindful of the need to balance the trade's concern on compliance and the need to enhance marine safety. It was for this reason that certain proposed requirements such as those requiring enhancements of Class IV vessel's structure would only be applicable

to those vessels licensed after the commencement of the proposal. In developing the proposal, MD had been engaging the relevant stakeholders on an on-going basis, with a view to ensuring that the proposal was practicable from the trade's perspective. While the policy direction to enhance marine safety was not disputed, MD would fine-tune the details of the proposal in further consultation with the trade and consult the Panel again at a suitable time.

### **Provision of lifejackets on local vessels**

8. Under the current law, local vessels are generally required to carry child lifejackets for 5% of the total number of persons on board and are not required to carry infant lifejackets. Subsequent to the vessel collision incident near Lamma Island on 1 October 2012, the Government appointed an independent Commission of Inquiry ("CoI") to look into the incident and make recommendations to prevent recurrence. CoI submitted its report to the Chief Executive on 19 April 2013. In the report, CoI recommended, among others, that sufficient child lifejackets should be carried for every child on board all classes of vessels and that consideration be given to the provision of infant lifejackets on the vessels.

9. To follow up on CoI's recommendations, the Administration set up the Steering Committee on Systemic Reform of the Marine Department ("the Steering Committee") in May 2013 to advise and steer the Director of Marine to undertake a comprehensive systemic review and reform of MD. The Steering Committee issued its final report in April 2016 ("the Final Report")<sup>4</sup>.

10. According to the Final Report, the trade had expressed strong reservation about providing a large number of child lifejackets on board. While the trade recognized the community's concern about marine safety, it pointed out that the provision of a child lifejacket for every child passenger would not only cause extra financial burden, but also practical difficulties in implementation, for example, difficulties in forecasting and ascertaining the number of child passengers on board before each journey, insufficient space on vessels to store more child lifejackets, and the risk of an adult mistakenly putting on a child lifejacket and vice versa during chaos of an emergency situation. In view of the trade's concerns, MD commissioned a subsidiary consultancy company of a local university in March 2015 to explore the feasibility of developing a type of lifejacket that is suitable for use by both adult and child. As normally there would not be too many infants on board a vessel on a given journey, and having made reference to the requirements under the International Convention for the Safety of Life at Sea, MD proposed that local

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<sup>4</sup> The Steering Committee's Final Report is at [https://www.thb.gov.hk/eng/psp/publications/transport/studies/Final%20Report%20\(Eng\).pdf](https://www.thb.gov.hk/eng/psp/publications/transport/studies/Final%20Report%20(Eng).pdf)

passenger vessels should provide a number of infant lifejackets not less than 2.5% of the number of persons that the vessel was licensed to carry. MD would take forward the trade consultation and the implementation of CoI's recommendations on child and infant lifejackets in one go.

11. At the Panel meetings on 27 May, 22 July, 17 September and 25 November 2013, 24 March 2014 and 27 May 2015, the Administration updated members on the follow-up actions arising from the CoI report. Members noted that MD had implemented in phases various measures and many of which were in response to CoI's recommendations. The improvement measures in the first phase, which included improving the signage and directives relating to lifejackets, were fully implemented in 2014. During the meetings, members expressed concern about the practical difficulties vessel operators faced in complying with CoI's recommendation that sufficient child lifejackets should be carried for every child on board all classes of vessels.

### **Speed restricted zones for vessels in Hong Kong**

12. Speed restricted zones for all vessels is set by MD to ensure safe navigation in the Hong Kong waters. The speed limit in these zones is 5 knots between 8 am and midnight on any Saturday or public holiday, or on any day during the period from 1 July to 15 September in any year. Such a speed limit precludes the towing of water skiers within the zones. The list and the locations of the speed restricted zones are in **Appendix I**. The Panel did not deliberate specifically on the subject matter in the past two terms of the Legislative Council.

### **Latest developments**

13. At the Panel meeting on 19 December 2018, the Administration will:
- (a) follow up the discussion on the reform of the regulatory regime for local pleasure vessels at the Panel meeting on 23 April 2018, and to seek the Panel's endorsement on the revised proposal;
  - (b) seek the Panel's endorsement on the proposed legislative amendments to strengthen the requirements for lifejacket provision on local vessels and to implement safety measures during major events at sea; and
  - (c) consult the Panel on the proposed revisions to the speed restricted zones for vessels, with a view to enhancing marine safety.

## **Relevant papers**

14. A list of relevant papers which are available on the Legislative Council Website (<http://www.legco.gov.hk>) is in **Appendix II**.

Council Business Division 4  
Legislative Council Secretariat  
14 December 2018

**Speed restricted zones for vessels**

**TOLO HARBOUR**

T1 Plover Cove

T2 Sha Tin Hoi

**PORT SHELTER AND ROCKY HARBOUR**

K1 Tai She Wan

K2 Tsam Chuk Wan

K3 Hebe Haven (Pak Sha Wan)

K4 East Kiu Tsui Chau

K5 West Kau Sai Chau

K6 South Kau Sai Chau

K7 Bluff Island

K8 Clear Water Bay

**HONG KONG ISLAND, SOUTH**

A1 To Tei Wan

A2 Tai Tam Harbour

A3 Stanley Bay

A4 Chung Hom Wan

A5 South Bay

A6 Deep Water Bay

A10 Tai Tam Bay

A11 Repulse Bay

**LAMMA ISLAND**

A7 Luk Chau Wan

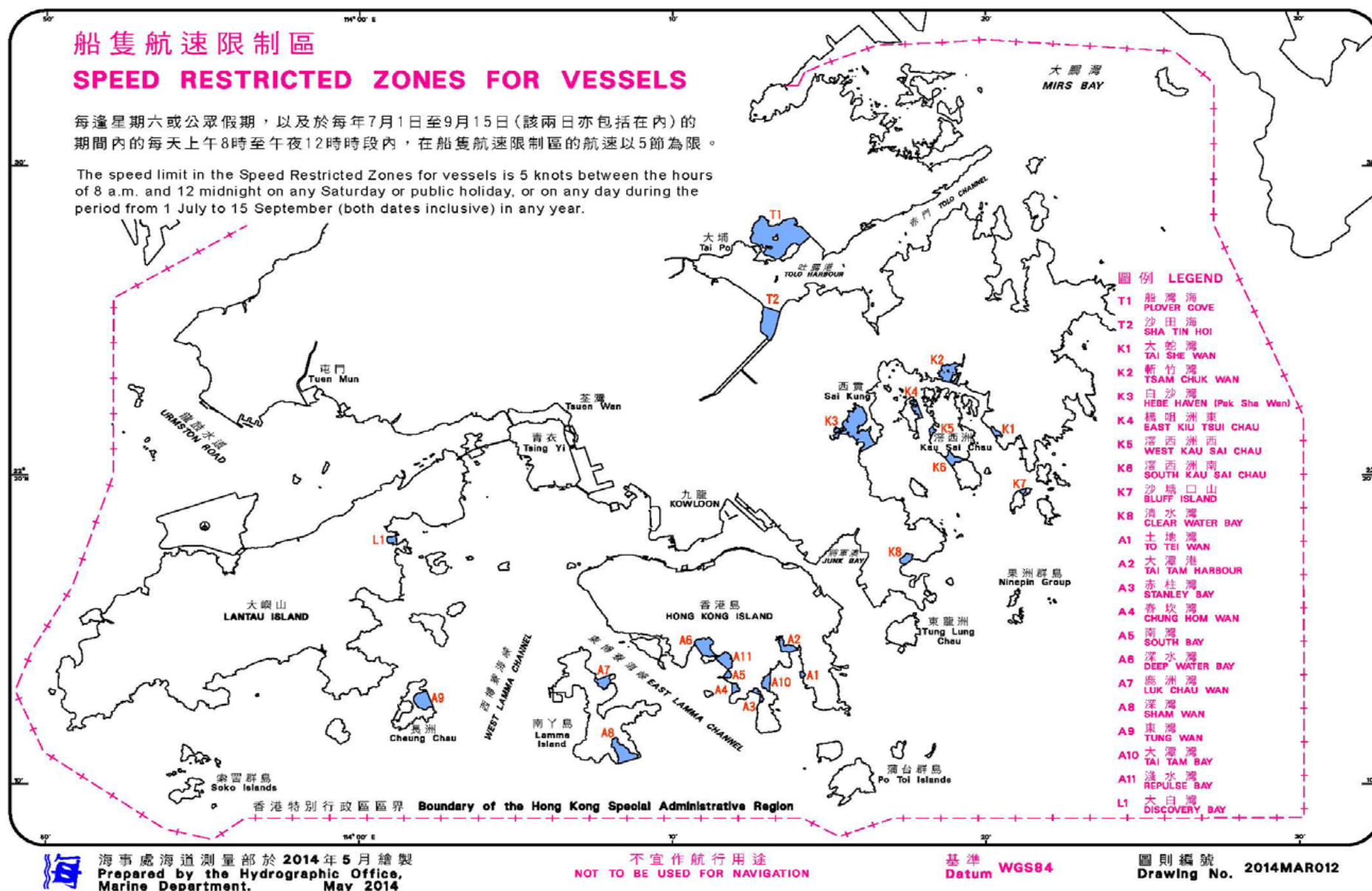
A8 Sham Wan

**CHEUNG CHAU**

A9 Tung Wan

**LANTAU ISLAND**

L1 Discovery Bay





**List of relevant papers**

<b>Issued by</b>	<b>Meeting date/ Issue date</b>	<b>Paper</b>
Panel on Economic Development	23 April 2018 (Item III)	<a href="#">Administration's paper</a> <a href="#">Motion passed</a> <a href="#">Administration's follow-up paper</a> <a href="#">Minutes</a>
	27 May 2013 (Item IV)	<a href="#">Administration's paper</a> <a href="#">Report of the Commission of Inquiry into the Collision of Vessels near Lamma Island on 1 October 2012</a> <a href="#">Minutes</a>
	22 July 2013 (Item III)	<a href="#">Administration's paper</a> <a href="#">Minutes</a>
	17 September 2013 (Item I)	<a href="#">Minutes</a>
	25 November 2013 (Item IV)	<a href="#">Administration's paper</a> <a href="#">Minutes</a>
	24 March 2014 (Item IV)	<a href="#">Administration's paper</a> <a href="#">Minutes</a>
	27 May 2015 (Item IV)	<a href="#">Administration's paper</a> <a href="#">Background brief</a> <a href="#">Minutes</a>