

LEGISLATIVE COUNCIL BRIEF

Shipping and Port Control Ordinance (Chapter 313)
Merchant Shipping (Local Vessels) Ordinance (Chapter 548)

**Enhancements to Speed Restricted Zones
Within Hong Kong Waters**

INTRODUCTION

A At the meeting of the Executive Council on 8 October 2019, the Council ADVISED and the Chief Executive ORDERED that the Shipping and Port Control (Amendment) (No. 2) Regulation 2019 (“the SAPCR Amendment Regulation”), at **Annex A**, should be made under section 80 of the Shipping and Port Control Ordinance (Cap. 313) to implement enhancement measures in relation to Speed Restricted Zones within Hong Kong waters with a view to enhancing marine safety.

B 2. The Secretary for Transport and Housing has, under section 89 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548), made the Merchant Shipping (Local Vessels) (General) (Amendment) (No. 2) Regulation 2019 (“the Local Vessels Amendment Regulation”), at **Annex B**, to apply the same enhancement measures to local vessels.

JUSTIFICATIONS

SRZs

3. To protect members of the public engaged in water sports as well as facilities in Fish Culture Zones (“FCZs”), 22 SRZs have been set up in Hong Kong waters to restrict the speed of vessels plying therein. Boundaries of these SRZs are set out in the Eighteenth Schedule to the Shipping and Port Control Regulations (Cap. 313A) (“SAPCR”). The SAPCR, together with the Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548F) (“the Local Vessels Regulation”), mandate that all vessels must not proceed at speeds exceeding five knots while plying within

SRZs¹. At present, such restriction is in force between the hours of 8 a.m. and 12 midnight on any Saturday or public holiday, or between the same time on any day during the period from 1 July to 15 September inclusive in any year (“the restriction period”).

Legislative Proposal

4. We propose to amend the SAPCR and the Local Vessels Regulation to implement the following enhancement measures in relation to SRZs.

(A) Establishment of eight additional SRZs

5. In view of the increasing frequency of water sports activities, as well as the FCZs in their proximity, we propose to establish four additional SRZs in Tai Po District and another four in Sai Kung District. Their locations are shown at **Annex C**. The restriction period of these additional SRZs will be in line with that of the existing SRZs (save for the 13 existing SRZs whose restriction period is proposed to be extended as detailed in paragraph 6 below).

C

(B) Extension of the restriction period of selected existing SRZs

6. We propose to extend the restriction period of 13 existing SRZs, as follows —

- (a) the restriction periods of 12 SRZs located in Hong Kong Island South, Lamma Island, Cheung Chau and Lantau Island are proposed to be extended to cover the period from 1 April to 31 October inclusive in any year, having regard to the changing pattern of water sports activities in those areas, such as extended peak swimming seasons at public beaches; and
- (b) the restriction period of the Hebe Haven SRZ is proposed to be extended to all year round, having regard to the heavy marine traffic and frequent water sports activities in the area throughout the year.

¹ The existing SRZ regime is made applicable to local vessels vide the Local Vessels Regulation, which stipulates that local vessels shall not, when underway in SRZs specified in the Eighteenth Schedule to the SAPCR, proceed at speeds exceeding five knots during the restriction period.

(C) Extension of the boundary of the East Kiu Tsui Chau SRZ

D 7. To provide better protection to the facilities within the Kai Lung Wan FCZ, we propose to extend the existing boundary of the East Kiu Tsui Chau SRZ. The proposed extended boundary is shown at **Annex D**.

(D) Increase in penalty levels

8. To reflect the increased risks associated with breaching SRZ regulations, we propose to increase the penalty level of breaching such regulations from a maximum fine at level 1 (\$2,000) to a maximum fine at level 3 (\$10,000).

(E) Update of coordinates from Hayford Geodetic Datum to World Geodetic System 1984

9. At present, the coordinates specifying the location of certain SRZs in the SAPCR are set out in Hayford Geodetic Datum, a coordinates system which has been superseded by the World Geodetic System 1984 (WGS84). In line with the latest international practice, we propose to update the coordinates of the existing 22 SRZs set out in the SAPCR such that they are expressed in WGS84 coordinates.

THE REGULATIONS

Shipping and Port Control (Amendment) (No. 2) Regulation 2019

10. To implement the proposed enhancement measures, we will amend Regulation 19 of the SAPCR by way of the SAPCR Amendment Regulation. In particular, subsection (3) will be amended to extend the restriction period of Hebe Haven SRZ to all year round, and to extend the restriction periods of 12 SRZs located in Hong Kong Island South, Lamma Island, Cheung Chau and Lantau Island to cover the period from 1 April to 31 October inclusive in any year. We will also amend subsection (5)(b) to increase the penalty level of breaching relevant SRZ regulations to a fine at level 3.

11. The Eighteenth Schedule to the SAPCR will be amended to become Schedule 18 to the SAPCR. We will add items 1(c), 1(d), 1(e), 1(f), 2(i), 2(j), 2(k) and 2(l) thereto to incorporate the coordinates of the

eight additional SRZs in the Tai Po and Sai Kung Districts. We will also amend item 2(d) to incorporate the coordinates of the extended boundary of the East Kiu Tsui Chau SRZ. The coordinates of all SRZs set out in Schedule 18 to the SAPCR will be amended such that they are expressed in WGS84 coordinates.

Merchant Shipping (Local Vessels) (General) (Amendment) (No. 2) Regulation 2019

12. To apply the proposed enhancement measures to local vessels, we will relatedly amend section 9 of the Local Vessels Regulation by way of the Local Vessels Amendment Regulation. In particular, subsection (3) will be amended to extend the restriction period of Hebe Haven SRZ to all year round, and to extend the restriction periods of 12 SRZs located in Hong Kong Island South, Lamma Island, Cheung Chau and Lantau Island to cover the period from 1 April to 31 October inclusive in any year. We will also amend subsection (6) to increase the penalty level of breaching relevant SRZ regulations to a fine at level 3.

LEGISLATIVE TIMETABLE

13. The legislative timetable is as follows —

Publication in the Gazette	18 October 2019
Introduction to the Legislative Council for negative vetting	23 October 2019
Commencement	1 April 2020

IMPLICATIONS OF THE PROPOSAL

14. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of the relevant ordinances or their subsidiary legislation. The proposal has no financial, civil service, economic, productivity, environmental, sustainability, gender or family implications.

PUBLIC CONSULTATION

15. We consulted the Legislative Council Panel on Economic Development on 19 December 2018. Members supported the proposal.

16. The Local Vessel Advisory Committee, the Traffic and Transport Committee of the Tai Po District Council, Sai Kung Area Committee, relevant trade and fishery associations of the Southern and the Island districts were also consulted between 2015 to 2018 and they supported the proposal.

PUBLICITY

17. A press release will be issued on 18 October 2019. A spokesperson will be available to handle press enquiries.

ENQUIRIES

18. Any enquiries on this brief can be addressed to Ms Louisa YAN, Principal Assistant Secretary for Transport and Housing (Transport) (Tel: 3509 8162) or Mr LAI Chi-tung, Assistant Director of Marine (Port Control) (Tel: 2852 4541).

Transport and Housing Bureau
Marine Department
October 2019

Shipping and Port Control (Amendment) (No. 2) Regulation 2019

(Made by the Chief Executive in Council under section 80 of the Shipping and Port Control Ordinance (Cap. 313))

1. Commencement

This Regulation comes into operation on 1 April 2020.

2. Shipping and Port Control Regulations amended

The Shipping and Port Control Regulations (Cap. 313 sub. leg. A) are amended as set out in sections 3 and 4.

3. Regulation 19 amended (speed of vessels)

(1) Regulation 19—

Repeal paragraph (3)

Substitute

“(3) Also, a vessel underway in a restricted zone mentioned below must not proceed at a speed exceeding the maximum permitted speed provided in paragraph 3 of the Fourth Schedule during the period specified below—

- (a) for a restricted zone specified in items 1 and 2 (other than paragraph (c)) of Schedule 18—the period from 8 a.m. to 12 midnight on—
 - (i) any Saturday or public holiday; and
 - (ii) any day from 1 July to 15 September (both days inclusive);
- (b) for the restricted zone specified in item 2(c) of Schedule 18—the period from 8 a.m. to 12 midnight; and

(c) for a restricted zone specified in items 3, 4, 5 and 6 of Schedule 18—the period from 8 a.m. to 12 midnight on—

- (i) any Saturday or public holiday; and
- (ii) any day from 1 April to 31 October (both days inclusive).”.

(2) Regulation 19(4)—

Repeal

“Without prejudice to paragraphs (1) and (2)”

Substitute

“Also”.

(3) Regulation 19(5)(b)—

Repeal

“level 1”

Substitute

“level 3”.

4. Eighteenth Schedule substituted

Eighteenth Schedule—

Repeal the Schedule

Substitute

“Schedule 18

[reg. 19]

Restricted Zones

1. Tolo Harbour

(a) Zone T1

Plover Cove

The waters of Hong Kong bounded on the south by a straight line drawn 227.5° (T) at right angles from a position at the Plover Cove Reservoir Main Dam wall at latitude 22°27.740' north, longitude 114°14.421' east to the eastern extremity of Ma Shi Chau at latitude 22°27.446' north, longitude 114°14.064' east.

(b) Zone T2

Sha Tin Hoi

The waters of Hong Kong bounded on the north by a straight line drawn 290.5° (T) from a position at the western coast of Ma On Shan at latitude 22°25.284' north, longitude 114°13.441' east to a point where the line meets the coastline to the north of Ma Liu Shui at latitude 22°25.423' north, longitude 114°12.905' east.

(c) Zone T3

Ko Tong Hau

The waters of Hong Kong bounded on the west by a straight line drawn 127.0° (T) from a position at latitude 22°26.414' north, longitude 114°20.286' east to

a position at latitude 22°26.215' north, longitude 114°20.572' east.

(d) Zone T4

Three Fathoms Cove

The waters of Hong Kong bounded on the west by a straight line drawn 090.0° (T) from a position at latitude 22°25.594' north, longitude 114°16.249' east to the northern extremity of Wu Chau at latitude 22°25.594' north, longitude 114°16.383' east thence by a straight line drawn 043.0° (T) to a position at latitude 22°26.161' north, longitude 114°16.948' east.

(e) Zone T5

Wu Kai Sha

The waters of Hong Kong bounded on the south by a straight line drawn 044.0° (T) from a position at latitude 22°25.669' north, longitude 114°13.696' east to the headland at Wu Kwai Sha Tsui at latitude 22°26.168' north, longitude 114°14.222' east.

(f) Zone T6

Sam Mun Tsai

The waters of Hong Kong bounded on the west by a straight line drawn 125.0° (T) from a position at latitude 22°27.434' north, longitude 114°11.899' east to the headland at Yim Tin Tsai at latitude 22°26.990' north, longitude 114°12.581' east.

2. Port Shelter and Rocky Harbour

(a) Zone K1

Tai She Wan

The waters of Hong Kong bounded on the west by a straight line drawn 156.5° (T) from the headland at the north of Tam Shui Wan at latitude 22°21.536' north, longitude 114°20.153' east to the headland at the south of Tai She Wan at latitude 22°21.259' north, longitude 114°20.282' east.

(b) Zone K2

Tsam Chuk Wan

The waters of Hong Kong bounded on the south by a straight line drawn 285.0° (T) from a position at latitude 22°22.971' north, longitude 114°19.084' east to the southern extremity of Wong Nai Chau Tsai at latitude 22°23.025' north, longitude 114°18.879' east, continuing to a position at latitude 22°23.088' north, longitude 114°18.602' east.

(c) Zone K3

Hebe Haven (Pak Sha Wan)

The waters of Hong Kong bounded on the south by a straight line drawn 061.0° (T) from the headland at the south of Campers' Beach at latitude 22°20.811' north, longitude 114°16.033' east to the headland at Pak Ma Tsui at latitude 22°21.038' north, longitude 114°16.489' east.

(d) Zone K4

East Kiu Tsui Chau

The waters of Hong Kong bounded on the north by a straight line drawn 082.0° (T) from a position at latitude 22°22.515' north, longitude 114°17.699' east to the western extremity of Yim Tin Tsai at latitude 22°22.557' north, longitude 114°18.038' east, and bounded on the south by a straight line drawn 065.0° (T)

from a position at latitude 22°21.848' north, longitude 114°17.855' east to a position at latitude 22°22.002' north, longitude 114°18.213' east.

(e) Zone K5

West Kau Sai Chau

The waters of Hong Kong bounded on the west by a straight line drawn 354.0° (T) from the headland at Pak Sha Tsui at latitude 22°21.274' north, longitude 114°18.213' east to a position at latitude 22°21.485' north, longitude 114°18.153' east thence by a straight line drawn 044.0° (T) to a position at Kau Sai Chau at latitude 22°21.611' north, longitude 114°18.317' east.

(f) Zone K6

South Kau Sai Chau

The waters of Hong Kong bounded on the east by a straight line drawn 180.0° (T) from the southern extremity of Kau Sai Chau at latitude 22°20.526' north, longitude 114°19.366' east to the northern extremity of Tiu Chung Chau at latitude 22°20.500' north, longitude 114°19.366' east, and bounded on the west by a straight line drawn 114.0° (T) from the south-western extremity of Kau Sai Chau at latitude 22°20.588' north, longitude 114°18.699' east to the north-western extremity of Tiu Chung Chau at latitude 22°20.288' north, longitude 114°18.935' east.

(g) Zone K7

Bluff Island

The waters of Hong Kong bounded on the north by a straight line drawn 254.0° (T) from the headland at the north-east of Ung Kong Wan at latitude 22°19.588' north, longitude 114°21.513' east to the headland at the

north-west of Ung Kong Wan at latitude 22°19.513' north, longitude 114°21.037' east.

(h) Zone K8

Clear Water Bay

The waters of Hong Kong bounded on the south-east by a straight line drawn 051.0° (T) from the eastern extremity of So Shi Tau at latitude 22°17.126' north, longitude 114°17.427' east to the headland at latitude 22°17.427' north, longitude 114°17.665' east.

(i) Zone K9

Sor Sze Mun

The waters of Hong Kong bounded on the north by a straight line drawn 189.0° (T) from the headland at Sor See Kau at latitude 22°20.473' north, longitude 114°21.691' east to a position at latitude 22°20.326' north, longitude 114°21.665' east, and bounded on the south by a straight line drawn 144.0° (T) from a position at latitude 22°20.121' north, longitude 114°21.423' east to a position at latitude 22°19.871' north, longitude 114°21.620' east.

(j) Zone K10

Ma Tau Wan

The waters of Hong Kong bounded on the north by a straight line drawn 260.0° (T) from a position at latitude 22°20.571' north, longitude 114°21.167' east to the northern extremity of Nam Fung Chau at latitude 22°20.564' north, longitude 114°21.125' east, and bounded on the west by a straight line drawn 180.0° (T) from a position at latitude 22°20.527' north, longitude 114°21.088' east to a position at latitude 22°20.362' north, longitude 114°21.088' east thence by a straight

line drawn 133.0° (T) to the headland at Kei Tau Kok Teng at latitude 22°20.186' north, longitude 114°21.293' east.

(k) Zone K11

High Island

The waters of Hong Kong bounded on the west by a straight line drawn 120.0° (T) from a position at latitude 22°20.963' north, longitude 114°20.898' east to a position at latitude 22°20.875' north, longitude 114°21.064' east.

(l) Zone K12

Yeung Chau

The waters of Hong Kong bounded on the south by a straight line drawn 045.0° (T) from a position at latitude 22°22.632' north, longitude 114°16.468' east to a position at latitude 22°22.727' north, longitude 114°16.570' east thence by a straight line drawn 085.0° (T) to the south cardinal light beacon at latitude 22°22.738' north, longitude 114°16.714' east thence by a straight line drawn 334.0° (T) to a position at latitude 22°23.018' north, longitude 114°16.567' east.

3. Hong Kong Island, South

(a) Zone A1

To Tei Wan

The waters of Hong Kong bounded on the south by a straight line drawn 274.0° (T) from a position on the coast at latitude 22°13.457' north, longitude 114°14.174' east to a position at latitude 22°13.441' north, longitude 114°14.097' east thence by a straight line drawn 348.0° (T) to a position at latitude 22°13.641' north,

longitude 114°14.064' east thence by a straight line drawn 077.0° (T) to a position on the coast at latitude 22°13.658' north, longitude 114°14.160' east.

(b) Zone A2

Tai Tam Harbour

The waters of Hong Kong bounded on the south by a straight line drawn 254.0° (T) from a position at latitude 22°14.348' north, longitude 114°14.011' east to a position at latitude 22°14.267' north, longitude 114°13.700' east.

(c) Zone A3

Stanley Bay

The waters of Hong Kong bounded on the west by a straight line drawn 114.0° (T) from the headland at latitude 22°13.008' north, longitude 114°12.513' east to the headland at latitude 22°12.905' north, longitude 114°12.808' east thence by a straight line drawn 189.0° (T) to the headland at latitude 22°12.658' north, longitude 114°12.773' east.

(d) Zone A4

Chung Hom Wan

The waters of Hong Kong bounded on the west by a straight line drawn 180.0° (T) from a position at the mouth of the bay at latitude 22°13.273' north, longitude 114°11.898' east to a position at the south of the bay at latitude 22°12.924' north, longitude 114°11.898' east.

(e) Zone A5

South Bay

The waters of Hong Kong bounded on the north by a straight line drawn 214.0° (T) from the western

extremity of the headland at the north of South Bay at latitude 22°13.706' north, longitude 114°11.784' east to an unnamed island to the east of Tau Chau at latitude 22°13.471' north, longitude 114°11.607' east.

(f) Zone A6

Deep Water Bay

The waters of Hong Kong bounded on the west by a straight line drawn 149.0° (T) from a position on Hong Kong Island at latitude 22°14.555' north, longitude 114°10.707' east to the north-western extremity of Middle Island at latitude 22°14.180' north, longitude 114°10.967' east thence along the northern coastline of Middle Island to the headland at the eastern side of Middle Island at latitude 22°14.070' north, longitude 114°11.372' east thence by a straight line drawn 050.0° (T) to a position at latitude 22°14.162' north, longitude 114°11.501' east.

(g) Zone A10

Tai Tam Bay

The waters of Hong Kong bounded on the east by a straight line drawn 003.0° (T) from a position on the western coast of Tai Tam Bay at latitude 22°13.026' north, longitude 114°13.103' east to a position on the northern coast of the bay at latitude 22°13.656' north, longitude 114°13.136' east.

(h) Zone A11

Repulse Bay

The waters of Hong Kong bounded on the west by a straight line drawn 314.0° (T) from the western extremity of the headland at the south of Middle Bay at latitude 22°13.710' north, longitude 114°11.783' east to

the headland at the eastern side of Middle Island at latitude 22°14.083' north, longitude 114°11.373' east thence by a straight line drawn 057.0° (T) to a position on the northern coast of Repulse Bay at latitude 22°14.166' north, longitude 114°11.517' east.

4. Lamma Island

(a) Zone A7

Luk Chau Wan

The waters of Hong Kong bounded on the north by a straight line drawn 071.0° (T) from the Lo Tik Wan pier light at latitude 22°13.385' north, longitude 114°07.599' east to the northern extremity of Luk Chau at latitude 22°13.581' north, longitude 114°08.096' east thence along the western coastline of Luk Chau to a position at latitude 22°13.379' north, longitude 114°08.007' east thence by a straight line drawn 176.0° (T) to a position at latitude 22°13.302' north, longitude 114°08.028' east.

(b) Zone A8

Sham Wan

The waters of Hong Kong bounded on the south by a straight line drawn 072.0° (T) from the southern extremity of Tai Kok at latitude 22°10.662' north, longitude 114°08.233' east to the southern extremity of Yuen Kok at latitude 22°10.870' north, longitude 114°08.943' east.

5. Cheung Chau

Zone A9

Tung Wan

The waters of Hong Kong bounded on the north-east by a straight line drawn 160.0° (T) from the eastern extremity of Pak Kok Tsui at latitude 22°13.030' north, longitude 114°02.153' east to the headland at the south of Tung Wan at latitude 22°12.487' north, longitude 114°02.369' east.

6. Lantau Island

Zone L1

Discovery Bay

The waters of Hong Kong bounded on the east by a straight line drawn 000.0° (T) from a position on the southern coast of Discovery Bay at latitude 22°17.742' north, longitude 114°01.188' east to a position on the western coast of the bay at latitude 22°18.068' north, longitude 114°01.183' east.

Note:

In this Schedule, a reference to the co-ordinates of a point is a reference to the co-ordinates of that point based on the World Geodetic System 1984 (WGS 84).”



Clerk to the Executive Council

COUNCIL CHAMBER

9 October 2019

Explanatory Note

This Regulation amends the Shipping and Port Control Regulations (Cap. 313 sub. leg. A) to implement the following enhancement measures relating to restricted zones (**RZ**) within the waters of Hong Kong—

- (a) extending the period during which the speed of vessels plying within 13 existing RZs is restricted;
- (b) increasing the penalties for contravening the relevant regulations;
- (c) establishing 8 additional RZs;
- (d) extending the boundaries of the East Kiu Tsui Chau RZ;
- (e) updating the co-ordinates specifying the location of certain RZs from those based on the Hayford Geodetic Datum to those based on the World Geodetic System 1984 (WGS 84).

Merchant Shipping (Local Vessels) (General) (Amendment) (No. 2) Regulation 2019

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

1. Commencement

This Regulation comes into operation on 1 April 2020.

2. Merchant Shipping (Local Vessels) (General) Regulation amended

The Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548 sub. leg. F) is amended as set out in section 3.

3. Section 9 amended (speed of vessels)

(1) Section 9—

Repeal subsection (3)

Substitute

“(3) A local vessel must not, when underway in a restricted zone mentioned below, proceed at a speed exceeding 5 knots during the period specified below—

- (a) for a restricted zone specified in items 1 and 2 (other than paragraph (c)) of Schedule 18 to the SAPCR—the period from 8 a.m. to 12 midnight on—
 - (i) any Saturday or public holiday; and
 - (ii) any day from 1 July to 15 September (both days inclusive);

- (b) for the restricted zone specified in item 2(c) of Schedule 18 to the SAPCR—the period from 8 a.m. to 12 midnight; and
- (c) for a restricted zone specified in items 3, 4, 5 and 6 of Schedule 18 to the SAPCR—the period from 8 a.m. to 12 midnight on—
 - (i) any Saturday or public holiday; and
 - (ii) any day from 1 April to 31 October (both days inclusive).”.


(2) Section 9(6)—

Repeal

“level 1”

Substitute

“level 3”.


Secretary for Transport and Housing

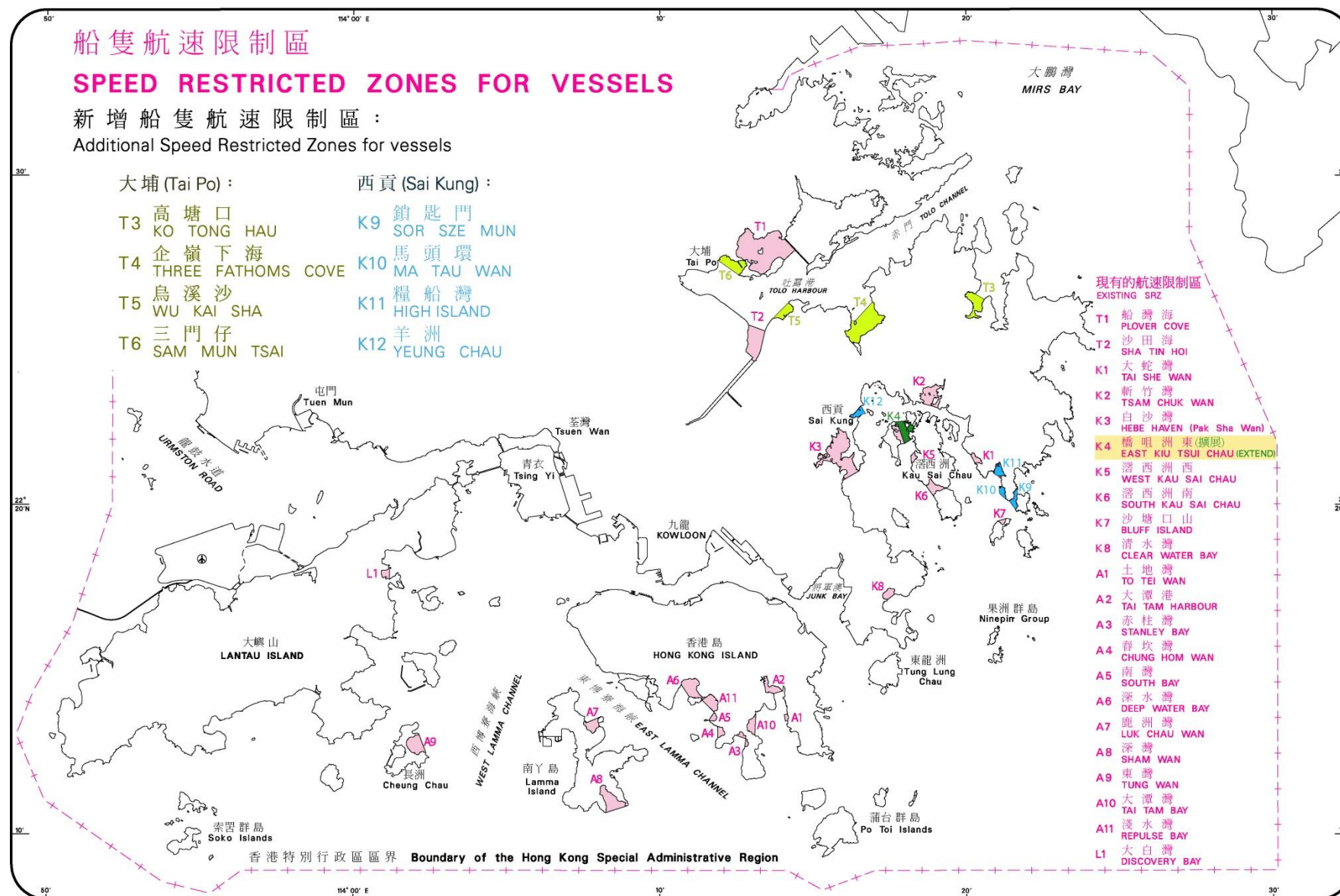
12 October 2019

Explanatory Note

This Regulation amends the Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548 sub. leg. F) to implement the following enhancement measures relating to restricted zones within the waters of Hong Kong—

- (a) extending the period during which the speed of local vessels plying within 13 existing restricted zones is restricted;
- (b) increasing the penalties for contravening the relevant regulations.

Proposed Locations of Eight Additional Speed Restricted Zones in Tai Po and Sai Kung



Proposed Extended Boundary of East Kiu Tsui Chau Speed Restricted Zone



LEGEND

- Existing boundaries
- Proposed extended boundaries