

LEGISLATIVE COUNCIL BRIEF

Merchant Shipping (Local Vessels) Ordinance (Cap. 548)

Merchant Shipping (Local Vessels) (General) (Amendment)

Regulation 2020 (Commencement) Notice (Cap. 548F) and

Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment)

Regulation 2020 (Commencement) Notice (Cap. 548G)

INTRODUCTION

The Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2020 (Commencement) Notice (Cap. 548F) and Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2020 (Commencement) Notice (Cap. 548G) (at **Annex A** and **Annex B**) (“the Commencement Notices”) will be published in the Gazette on 27 August 2021. The Commencement Notices serve to set the date on which legislative requirements on installation and operation of the Very High Frequency radiotelephone (“VHF radio”) on certain type of local vessels come into operation.

BACKGROUND

2. The Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2020 (“L.N. 69 of 2020”) and Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2020 (“L.N. 70 of 2020”) (“The Regulations”) were gazetted on 15 May 2020 for the enhancement of navigational and communications equipment on board certain Class IV vessels (i.e. local pleasure vessels)¹ by, among others, requiring the installation and operation of the VHF radio on board these vessels. The Regulations were enacted on 17 June 2020 by Legislative Council by way of negative vetting.

3. 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) are required to be equipped with VHF radio. At least one crew member on board should have the certificate of competency issued by the Office of the Communications Authority (“OFCA”) for using the VHF radio. The coxswain will also be required to continuously listen to the VHF channel so that emergency messages can be received as they arise.

¹ Local vessels are classified into Classes I to IV under the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Cap. 548D). Broadly speaking, Classes I to IV refer to the vessels with the following functions respectively –

- (a) Class I: passenger vessels;
- (b) Class II: cargo vessels;
- (c) Class III: fishing vessels; and
- (d) Class IV: pleasure vessels.

4. All the provisions in the Regulations² have already come into operation except for those relating to the operation of VHF radio on board as such provisions should only take effect when a sufficient number of vessels operators are properly trained and certificated in accordance with the relevant statutory requirements.

5. With concerted effort by OFCA and MD, there are about 300 holders of certificate of competency for operating VHF radio in the trade as of July 2021. It is considered that the above number of qualified certificate holders should be sufficient to enforce the requirements relating to VHF radio under the two Regulations.

LEGISLATIVE PROPOSAL

6. The Secretary for Transport and Housing is empowered under section 1(2) of Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2020 (L.N.69 of 2020) and Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2020 (L.N.70 of 2020) respectively to appoint the date on which the relevant provisions of the Regulations come into operation via a commencement notice.

7. The Commencement Notices will be published in the Gazette on 27 August 2021 and tabled in the Legislative Council on 1 September 2021 for negative vetting. After consulting the trade, the relevant statutory requirements should come into operation on **1 January 2022**.

² Other requirements imposed vide the two regulations include requiring Class IV vessels capable of carrying more than 100 passengers to install and use Automatic Identification Systems (“AIS”) and radar equipment. Relevant provisions came into operation on 1 August 2020.

PUBLIC CONSULTATION

8. The Regulations went through negative vetting of Legislative Council without amendments on 17 June 2020. Relevant stakeholders, including the Local Vessel Advisory Committee, were subsequently consulted on the proposed commencement date. Parties concerned supported the commencement of the relevant provisions on 1 January 2022.

PUBLICITY

9. A press release will be issued on 27 August 2021. A spokesman will be available to answer enquiries.

ENQUIRIES

10. Any enquiries on this brief can be addressed to Ms Joanne CHU, Principal Assistant Secretary for Transport and Housing (Transport) (Tel: 3509 8162), or Mr SHI Qiang, Assistant Director of Marine (Local Vessels and Examination) (Tel: 2852 3192).

Transport and Housing Bureau

Marine Department

August 2021

Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2020
(Commencement) Notice

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**Merchant Shipping (Local Vessels) (General)
(Amendment) Regulation 2020 (Commencement) Notice**

Under section 1(2) of the Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2020 (L.N. 69 of 2020), I appoint 1 January 2022 as the day on which section 6 of the Regulation comes into operation.

A handwritten signature in blue ink, consisting of a large, stylized 'S' followed by a cursive name.

Secretary for Transport and Housing

20 August 2021

Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation
2020 (Commencement) Notice

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**Merchant Shipping (Local Vessels) (Safety and Survey)
(Amendment) Regulation 2020 (Commencement) Notice**

Under section 1(2) of the Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2020 (L.N. 70 of 2020), I appoint 1 January 2022 as the day on which section 16 of the Regulation comes into operation.



Secretary for Transport and Housing

20 August 2021