

LEGISLATIVE COUNCIL BRIEF

**Shipping and Port Control Ordinance
Chapter 313**

SHIPPING AND PORT CONTROL (AMENDMENT) REGULATION 2000

**SHIPPING AND PORT CONTROL (TYPHOON SHELTERS)
(AMENDMENT) REGULATION 2000**

INTRODUCTION

At the meeting of the Executive Council on 18 April 2000, the Council ADVISED and the Chief Executive ORDERED that the Shipping and Port Control (Amendment) Regulation at *Annex A* and the Shipping and Port Control (Typhoon Shelters) (Amendment) Regulation 2000 at *Annex B* should be made under section 80 of the Shipping and Port Control Ordinance, to revise the speed of vessels within the waters of Hong Kong.

BACKGROUND AND ARGUMENT

Background

2. To ensure navigational safety and port efficiency, vessels navigating within Hong Kong waters are regulated by different speed limits, depending on their lengths and location. In brief, the key controls within the Victoria Harbour area are as follows :

- (i) 8 knots for vessels of over 60 metres in length ;
- (ii) 10 knots for vessels over 15 metres but not exceeding 60 metres in length; and
- (iii) 15 knots for those up to 15 metres in length, but 10 knots within the area between North Point and Little Green Island.

3. Specified vessels providing scheduled ferry services are not allowed to exceed 15 knots in such waters during the period half an hour after sunset to half an hour before sunrise except with the permission of the Director of Marine.

4. In addition, vessels navigating within typhoon shelters are subject to a speed limit of 3 knots and for minor ports (such as Sai Kung and Kat O), the limit is 10 knots.

The Speed Limit Review

5. To examine the effectiveness of the existing speed limits in response to the rapid development in the waters of Hong Kong over the years, Marine Department has conducted a review of the current speed limits. The review aims to maintain a suitable balance between navigational safety on the one hand and port efficiency on the other. Following extensive consultation with the shipping industry and other port users, the department plans to implement a revised speed limit system. The objectives of the new scheme are to extend the area of speed control, streamline the current speed limits in the Central Harbour, simplify the classification of vessels, and tighten the control in popular boating areas.

The Proposals

6. The main features of the revised speed limit system are:-

- (a) Boundaries - the area covered by the new speed limits will be enlarged both eastward and westward to cover the present and future port areas. Maximum speed for vessels navigating within the new speed restriction area is 10 knots if over 60 meters in length, and 15 knots if 60 meters or less in length.
- (b) Speeds within fairways - to maintain navigational safety while allowing large modern ocean-going vessels sufficient flexibility to manoeuvre, a maximum speed restriction of 15 knots will be introduced in those fairways which have no speed restriction at present.
- (c) Speed restriction sub zone - in view of the heavy traffic in the central and western parts of the harbour, a speed restriction sub zone will be designated between Causeway Bay and Green Island. The maximum speeds for vessels not more than 60 meters and over 60 meters are 10 knots and 8 knots respectively. This new arrangement will, in addition to maintaining navigational safety, help to avoid the creation of excessive wave which could affect the safe operation of vessels anchoring or handling cargo in the area.

- (d) Vessels length - to simplify the categorisation of vessels and enable more efficient enforcement, the new speed restrictions will be based on two classes of vessels (up to 60 meters and over 60 meters) instead of the present three (up to 15 meters, between over 15 meters and up to 60 meters, and over 60 meters).
- (e) Typhoon shelters - the speed limit within typhoon shelters will be revised from 3 knots to 5 knots. The new speed limit takes into consideration the present situation within typhoon shelters, the modern design of small vessels and the practical needs of the operators.
- (f) Pleasure vessels speed restriction zones - to provide better protection to swimmers and persons doing water sports in those popular boating areas (mainly in Tai Po, Sai Kung and south of Hong Kong Island), the speed restriction (5 knots from 8 a. m. to midnight during weekends, public holidays and the summer season) which at present only applies to pleasure vessels in these areas will be extended to all vessels.

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7. The Shipping and Port Control (Amendment) Regulation 2000 consolidates all speed restriction provisions in current legislation and its main provisions are as follows :

- (a) Section 2(a) - amends Reg. 19(1) of the Shipping and Port Control Regulations to impose speed restriction on high speed craft.
- (b) Section2(b) - amends Regulation 19(2) of the Shipping and Port Control Regulations to expand the coverage of the speed restriction zones.
- (c) Section 2(c) - provides new regulations 19(3) and 19(4) in the Shipping and Port Control Regulations to consolidate all the speed controls now under various subsidiary legislation under the Shipping and Port Control Ordinance. It also provides for a new Eighteenth Schedule listing out the speed restriction zones of all the popular bathing and boating areas.
- (d) Section 3 - repeals Regulation 67(1)(b) of the Shipping and Port Control Regulations. The restriction under this regulation is re-enacted in the new regulation 19(4).

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8. Section 2 - repeals Regulation 6 of the Shipping and Port Control (Typhoon Shelters) Regulations which provides speed restriction on vessels in typhoon shelters.

LEGISLATIVE TIMETABLE

9. The legislative timetable will be –

Publication in the Gazette	28 April 2000
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Tabling at the Legislative Council	3 May 2000
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BASIC LAW IMPLICATIONS

10. The Department of Justice advises that the Amendment Regulations are consistent with the Basic Law.

HUMAN RIGHTS IMPLICATIONS

11. The Department of Justice advises that the Amendment Regulations are consistent with the human rights provisions of the Basic Law.

BINDING EFFECT

12. The Amendment Regulation will not affect the current binding effect of the principal Ordinance.

FINANCIAL AND STAFFING IMPLICATIONS

13. There are no financial or staffing implications for Government.

ECONOMIC IMPLICATIONS

14. The proposals will enhance port efficiency and therefore should have positive economic implications.

ENVIRONMENTAL IMPLICATIONS

15. There are no environmental implications.

PUBLICITY

16. A press release will be issued on 28 April 2000. A spokesman will be available to handle media enquiries.

ENQUIRY

17. For any enquiry on this brief, please contact Mr K M LEE, Assistant Director of Marine at 2852 4403 or Mr Peter KWOK, Assistant Secretary for Economic Services at 2537 2842.

Economic Services Bureau

Date : April 2000

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ELECTRICAL PRODUCTS (SAFETY) (AMENDMENT) REGULATION 2000

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ELECTRICAL PRODUCTS (SAFETY) (AMENDMENT) REGULATION 2000

(Made by the Chief Executive in Council under section 59

of the Electricity Ordinance (Cap. 406))

1. Commencement

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

2. Interpretation

Section 2(1) of the Electrical Products (Safety) Regulation (Cap. 406 sub. leg.) is amended -

- (a) in the definition of “accreditation body”, by adding “or the HKAS Executive” after “HOKLAS Executive”;
- (b) in the definition of “HOKLAS”, by repealing “Fourth Edition) of the Hong Kong Laboratory Accreditation Scheme under the charge of the Director-General of Industry on behalf of the Government” and substituting”) of the Hong Kong Laboratory Accreditation Scheme as amended from time to time”;
- (c) by repealing the definition of “safety requirements”;

(d) by adding -

““applicable safety requirements” (適用的安全規格) , in relation to an electrical product, means the requirements that apply to that electrical product by virtue of sections 4, 5 and 6;

“HKAS” (香港認可處) has the same meaning as in Regulations for Laboratory Accreditation (HOKLAS 002) of the Hong Kong Laboratory Accreditation Scheme as amended from time to time;

“HKAS Executive”(香港認可處的執行人員)has the same meaning as in Regulations for Laboratory Accreditation (HOKLAS 002) of the Hong Kong Laboratory Accreditation Scheme as amended from time to time;”.

3. Application to electrical products

Section 3 is amended by adding -

“(3) This Regulation does not apply to an electrical product which is supplied as part of or in connection with a disposition of any premises unless the disposition is the first disposition made prior to the first occupation of the premises.

(4) In this section, “disposition” (處置) includes a

sale, lease, licence and permission to occupy.”.

4. Applicable safety requirements

**for particular types of
electrical products**

Section 6 is amended -

- (a) in subsection (3), by adding “applicable” before “safety requirements”;
- (b) in subsection (4)(b)(i), by adding “applicable” before “safety requirements”.

5. Certificate of safety compliance

Section 7(1) is amended by repealing “is in compliance with the safety requirements for electrical products specified in Part II” and substituting “complies with the applicable safety requirements”.

6. Issue of certificate of safety compliance

Section 8 is amended -

- (a) in subsection (1) -
 - (i) in paragraph (c), by repealing “or” at the end;
 - (ii) in paragraph (d), by repealing the full stop and substituting”; or”;
 - (iii) by adding -
 - “(e) a certificate or test report which, in the

opinion of the Director, demonstrates that an electrical product complies with the applicable safety requirements.”;

(b) in subsection (2), by repealing “paragraph” and substituting “paragraphs (a) and”;

(c) in subsection (3)(a), by adding “applicable” before “safety requirements”.

7. Director’s powers

Section 11(1) is amended by adding “applicable” before “safety requirements”.

8. Offences

Section 12(a) is amended by repealing “any of the” and substituting “the applicable”.

9. Essential safety requirements

for electrical products

Schedule 1 is amended -

(a) within the square brackets, by repealing “ss. 2, 4” and substituting “ss. 4”;

(b) in section 1(2)(b), by repealing “or kilowatts and amperes” and substituting”,
kilowatts, amperes”.

10. Specific safety requirements

for prescribed products

Schedule 2 is amended -

(a) in item 1, in column 2 -

(i) by repealing “Any plug” and substituting -

“(1) Subject to paragraph (2), any plug”;

(ii) by adding -

“(2) The requirements in subparagraphs (a) (ii) and (b) (ii) of column 3 do not apply to a non-rewirable plug or a plug fitted to an electrical product.”;

(b) in item 1, in column 3 -

(i) by repealing subparagraph (a)(i) and substituting -

“(i) the plug shall be legibly and durably marked with -

(A) the number of BS to which the plug conforms;

(B) its rated current in amperes (A), identities of plug pins

(line (L),

neutral (N) and earth (E or \equiv)) and

availability of fuse in accordance with BS 1363 Part 1;

and

(C) the word “FUSED” or “FUSE” or equivalent symbol

(\square) together with the standard to which the fuse-link

conforms and the rated current of the fuse-link in

amperes (A) in accordance with BS 1363 Part 1;”;

(ii) by repealing subparagraph (b)(i) and substituting -

“(i) the plug shall be legibly and durably marked with -

(A) the number of BS to which the plug conforms; and

(B) its rated current in amperes (A), identities of plug pins

(line (L), neutral (N) and earth

(E or 三)) in accordance with BS 546;”;

(c) in item 4, in column 2 -

(i) by repealing “Any flexible cord” and substituting -

“(1) Subject to paragraph (2), any flexible cord”;

(ii) by adding -

“(2) The requirement in paragraph (1)(a) of column 3 does not
apply to a flexible cord fitted to an electrical product.”.

11. Organizations qualified to apply

for recognition as recognized

certification bodies

Schedule 4 is amended, in section 2, by adding “or the HKAS Executive” after
“HOKLAS Executive”.

12. Requirements for recognition

as recognized manufacturers

Schedule 5 is amended, in paragraph (a)(ii), by adding “or the HKAS Executive” after
“HOKLAS Executive”.

Clerk to the Executive Council

COUNCIL CHAMBER

2000

Explanatory Note

This Regulation amends the Electrical Products (Safety) Regulation (Cap. 406 sub. leg.) (“the principal Regulation”) by -

- (a) amending the definitions of “accreditation body” and “HOKLAS”, and repealing the definition of “safety requirements” and substituting “applicable safety requirements” and adding new definitions of “HKAS” and “HKAS Executive”;
- (b) specifying that the Regulation does not apply to electrical products which are supplied as part of a disposition of a premises unless the disposition is a first disposition made prior to the first occupation of the premises;
- (c) specifying that a document may be accepted as a certificate of safety compliance if it is a certificate or test report which, in the opinion of the Director of Electrical and

Mechanical Services, demonstrates that an electrical product complies with the applicable safety requirements;

- (d) specifying that a declaration of conformity issued by a manufacturer of certain products need not contain information required under section 7(2) (a) of the principal Regulation to be accepted by the Director as a certificate of safety compliance;
- (e) specifying that the rated input can either be stated in watts, kilowatts, amperes or milliamperes;
- (f) amending the marking requirements on a 3- rectangular-pin fused plug rated at 13A and a 3-round-pin plug rated at 5A or 15A;
- (g) specifying that certain safety requirements in column 3 of item 1 of Schedule 2 do not apply to non-rewirable plug or a plug fitted to an electrical product;
- (h) specifying that certain requirements in column 3 of item 4 of Schedule 2 do not apply to flexible cord fitted to an electrical product.