

Application for Approval-in-Principle Letter

Guidance Notes

Guidance Notes attached to form MD 521

Attention

1. A Certificate of Ownership (COO) and an Operating Licence (OL) shall be obtained prior to operating a vessel in the waters of Hong Kong. The owner should first apply to the Director of Marine for an Approval-in-Principle Letter (AIP letter) before applying for the approval of plans, survey, COO and OL of the vessel. AIP letter is to be granted, if the applicant satisfies the Director of Marine that it is appropriate to issue the full or temporary licence having regard to the “material considerations” in section 2 of the Merchant Shipping (Local Vessel)(Certification and Licensing) Regulation Cap. 548D. The AIP mechanism is aimed to minimize the risk to an owner of failing to locally license the vessel after purchase of a new vessel or conversion of an existing vessel which is unable to meet the licensing requirements under the “material considerations”.

In general, the application involves three processes, namely:

- (i) applying for an AIP letter at any District Marine Office (in the case of an oil carrier, however, the application shall be submitted to the Central Marine Office and the prerequisite of having a typhoon mooring arrangement for the oil carrier shall be complied with. In this connection, the Kau Yi Chau Dangerous Goods Anchorage will not be accepted for the purpose of typhoon mooring arrangement. The prerequisite of having a typhoon mooring arrangement is also applicable to vessels with length overall in excess of 75 metres);
 - (ii) applying for approval of plans and survey at the Local Vessels Safety Section (LVSS) of the Marine Department (MD) after receipt of the AIP letter; and
 - (iii) applying for COO and OL after the vessel’s plans have been approved and the survey completed.
2. The application of AIP letter, shall be accompanied with two copies of General Arrangement Plan of the vessel (if applicable). The general arrangement plans should, at a minimum, show the general geometry of the vessel with principal vessel particulars and have plan views of major decks, space allocation and superstructure. Reference may be made to Annex Q of Code of Practice ---- Safety Standard for Class I, II and III Vessels at: http://www.mardep.gov.hk/en/pub_services/ocean/pdf/lvs_cop123.pdf or Annex 6 of Code of Practice ---- Safety Standard for Class IV Vessels at: http://www.mardep.gov.hk/en/pub_services/ocean/pdf/lvs_cop4.pdf
 3. The AIP letter is not applicable to the following types of vessels which are not required to undergo survey prior to the issue of COO and OL:
 - (a) Class II transportation sampans which are made of any material, not fitted with propulsion engine and with an area not exceeding 25m²;
 - (b) Class II work boats which are made of non-metal, not fitted with propulsion engine and with an area not exceeding 25m²;
 - (c) Class III fishing sampans which are made of non-metal, not fitted with propulsion engine and with an area not exceeding 25m²;
 - (d) Class III outboard open sampans which are made of non-metal, less than 10m in length overall and are fitted with a petrol outboard engine of power not exceeding 12kW; and
 - (e) Class IV pleasure vessels, except the following three types of pleasure vessels (described as types (i), (iii) & (iv) under item 4 below) where the owner should first apply to the Director of Marine for an AIP letter before applying for the approval of plans, survey, COO and OL:

- (i) a pleasure vessel that carries more than 60 passengers;
 - (ii) a pleasure vessel of more than 150 gross tonnage; and
 - (iii) a pleasure vessel of novel construction.
4. The following types of pleasure vessels shall be surveyed by the LVSS of the MD or an authorized surveyor (AS) for ensuring safe operation so as to meet the licensing requirements:
- (i) a pleasure vessel that carries more than 60 passengers (to be surveyed by the LVSS);
 - (ii) a pleasure vessel that carries not more than 60 passengers but is let for hire or reward (to be surveyed by an AS);
 - (iii) a pleasure vessel of more than 150 gross tonnage (to be surveyed by the LVSS); and
 - (iv) a pleasure vessel of novel construction (to be surveyed by the LVSS).
5. A local vessel shall be certificated for a class and a type specified below:

<u>Class</u>	<u>Type</u>		
Class I	(a) ferry vessel	(d) multi-purposes vessel	
	(b) floating restaurant	(e) primitive vessel	
	(c) launch	(f) stationary vessel	
Class II	(a) crane barge	(i) floating workshop	(q) stationary vessel
	(b) dangerous goods carrier	(j) hopper barge	(r) transportation boat
	(c) dredger	(k) landing platform	(s) transportation sampan
	(d) dry cargo vessel	(l) landing pontoon	(t) tug
	(e) dumb lighter	(m) noxious liquid substance carrier	(u) water boat
	(f) edible oil carrier	(n) oil carrier	(v) work boat
	(g) flat-top work barge	(o) pilot boat	
	(h) floating dock	(p) special purpose vessel	
Class III	(a) fish carrier	(c) fishing vessel	
	(b) fishing sampan	(d) outboard open sampan	
Class IV	(a) auxiliary powered yacht	(b) cruiser	(c) open cruiser

6. If the vessel is a used vessel from a place outside Hong Kong, the owner shall provide the vessel's previous certificate of registry, licence or document of a similar nature to prove the legitimate source of the vessel. In addition to the document specified above, the owner shall also provide a confirmation issued by a relevant authority in that place that the certificate, licence or document has been cancelled, or any other evidence of its previous use in that place.
7. Diesel engines of over 130 kW output power installed on local vessels and not for emergency purposes shall comply with Nitrogen Oxides emission requirements in pursuant to section 14 and 15 of the Merchant Shipping (Prevention of Air Pollution) Regulation, Cap. 413P. Owner shall provide the relevant certificate or document to prove the emission level of the diesel engine. Diesel engines installed on board a local vessel or any diesel engine used as a spare engine for an existing local vessel and has been registered with MD before the commencement date of the Regulation (i.e. before 1st June 2008) are excluded from the above Nitrogen Oxides emission requirement. For details, please refer to Marine Department Notice No.39 of 2016 or the following Marine Department website: <http://www.mardep.gov.hk/en/notices/pdf/mdn16039.pdf>

8. The number of passengers intended to be carried as specified in Part III of the application form is only applicable to passenger-carrying vessels licensed under Class I or Class II.
9. A certificated Class III vessel may be used with one or more ancillary vessels where each ancillary vessel:
 - (i) belongs to the same owner as the certificated vessel;
 - (ii) does not exceed 4 metres in length overall; and
 - (iii) is not fitted with an engine.

In the case of the certificated vessel being a Class IV vessel, it may be used with one ancillary vessel being a vessel that:

- (i) belongs to the same owner as the certificated vessel;
 - (ii) does not exceed 4 metres in length overall; and
 - (iii) either is not fitted with an engine or is fitted with engines not exceeding 7.5 kW total propulsion power.
10. In general, the AIP letter will be issued within 21 days upon receipt of an application with all requisite documents. It will set out the licence conditions to be imposed on the vessel when the OL is issued.
11. The AIP letter is issued free of charge and valid for one year from the date of issue. Application for extension of the AIP letter should be made with reasonable grounds in writing prior to its expiry.
12. On receipt of the AIP letter, the owner should apply to the LVSS for approval of plans and arrangement of survey for the vessel and should pay the relevant prescribed fees at any District Marine Office.
13. Subject to the approval of plans, a survey appointment is to be made at the LVSS or any District Marine Office except the Central Marine Office and the Yau Ma Tei Marine Office. For enquiries, please contact the LVSS at 2852 4444 or visit its office on 23rd Floor, Harbour Building, 38 Pier Road, Central, Hong Kong.
14. After the survey of the vessel has been completed, the owner should provide the following documents and pay the prescribed fees at any District Marine Office (the Central Marine Office in the case of an oil carrier) for the issue of Certificate of Survey, COO and OL:
 - (i) the AIP letter for the vessel concerned;
 - (ii) the arrival documents for the vessel, i.e. the composite permit and the demand note issued by the MD;
 - (iii) a completed form MD 517 "Application for Certificate of Ownership/Operating Licence for Local Vessel" or form MD 515 for pleasure vessels (the relevant forms and guidance notes can be downloaded from the MD's website at: <http://www.mardep.gov.hk/en/forms/home.html#localvess>); and
 - (iv) the prescribed fees for the issue of COO and OL (for details, please visit the MD's website at: http://www.mardep.gov.hk/en/pub_services/pdf/lpf_fees.pdf).

Required Documents

1. A completed application form (MD 521)— Application for Approval-in-Principle Letter ;
2. The original identity card/certificate of incorporation and business registration certificate of the owner or its certified true copy if the owner is not applying in person;
3. The original identity card of the authorized person (if applicable);
4. The original and copy of the certificate and invoice issued by the shipbuilder (if applicable);

5. The relevant certificate or document to prove the emission level of the diesel engine (if applicable);
6. A copy of the certificate of ownership and operating licence/temporary operating licence/permission for a laid-up vessel (if applicable);
7. A copy of the certificate of survey (if applicable);
8. The vessel's previous licensing document, confirmation of cancellation of such document by the relevant authority, or any other evidence of its previous use (if applicable); and
9. Two copies of the vessel's General Arrangement Plan in A4 size (if applicable).

Submission of Application

The completed application form together with the required documents and fees shall be submitted to any of the following Marine Offices during their office hours:

<u>Marine Office</u>	<u>Address</u>	<u>Tel.</u>
Central Marine Office	3/F, Harbour Building, 38 Pier Road, Central, Hong Kong	2852 3082
Shau Kei Wan Marine Office	10 Tam Kung Temple Road, Shau Kei Wan, Hong Kong	2560 1665
Aberdeen Marine Office	100A Shek Pai Wan Road, Aberdeen, Hong Kong	2873 8362
Cheung Chau Marine Office	86 Tung Wan Road, Cheung Chau	2981 0225
Yau Ma Tei Marine Office	38 Hoi Fai Road, Yau Ma Tei, Kowloon	2385 5661
Tuen Mun Marine Office	15 Sam Shing Street, Tuen Mun, N.T.	2451 9456
Sai Kung Marine Office	4/F, Sai Kung Government Offices Building, Sai Kung, N.T.	2792 1212
Tai Po Marine Office	3 Yu On Street, Sam Mun Tsai, Tai Po, N.T.	2667 6939

Purpose of Collection of Personal Data

1. The personal data provided in the application form will be used for the licensing and control of the vessel concerned by the Marine Department and may be disclosed to the Food and Environmental Hygiene Department and the Agriculture, Fisheries and Conservation Department in accordance with the provisions of the Food Safety Ordinance (Cap. 612) and the Fisheries Protection Ordinance (Cap. 171) respectively, and to other departments/agencies for investigation/prosecution purposes.
2. The supply of information is obligatory. Please ensure that all parts in the application form are completed and the information provided is accurate and correct. Failure to do so may cause delay in the processing of your application or even result in your disqualification from application.

Access to Personal Data

For amendment or access to personal data after submission of this application form, please contact the officer-in-charge of the relevant Marine Office at any time during its office hours.