

## **MARINE DEPARTMENT NOTICE NO. 199/2019**

(Statutory Requirements & Related Information)

### **Requirements Relating to Passenger Safety during Major Events at Sea**

NOTICE IS HEREBY GIVEN that the legislative amendments to the Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548F) to enhance marine safety during major events at sea will come into force on 23 December 2019.

2. A major event at sea means a presence of local vessels in an area of the waters of Hong Kong which in the opinion of the Director of Marine (“DM”), may substantially increase the risk of a marine accident. Events such as fireworks display and marine racing attract a large number of spectator vessels to congregate in a small area of waters, thus posing a higher risk of marine accident.

3. The new requirements apply to a local vessel which is licensed to carry passengers within the “specified area” and “specified time” as specified by the DM in a Marine Department Notice (“MDN”), for the sole purpose of conveying passengers to view the major event at sea.

4. To enhance the safety of passengers, a local vessel licensed to carry passengers which is present in a “specified area” during the “specified period” in a major event at sea must comply with the following requirements:

#### **(a) Children must be accompanied by an adult on board**

The coxswain of the vessel must not allow a child (a person under the age of 12 years) to be on board the vessel unless the child is accompanied by an adult.

#### **(b) Suitable lifejackets for children and infants**

- (i) the coxswain of the vessel must provide the adult who is accompanying a child with a suitable lifejacket for the child, take reasonable steps to demonstrate to the adult how the lifejacket should be worn by the child and remind the adult of the requirements as detailed in (ii) and (iii) below;

- (ii) the adult accompanying a child (other than an infant under the age of 2 years) on board the vessel must ensure that the child wears a suitable lifejacket at all times; and
- (iii) the adult accompanying an infant (a person under the age of 2 years) on board the vessel must ensure that the safety of the infant will not be prejudiced by not wearing a suitable lifejacket on board the vessel.

**(c) Producing a list of all persons on board**

- (i) the coxswain of the vessel must keep a list of all persons on board covering each person's full name. In the case of children, the particulars shall also include their age and the full name(s) of the accompanying adult(s). The coxswain must not allow any person who fails to give the said particulars to board or to remain on board the vessel.
- (ii) the person or the adult accompanying a child on board must give the said particulars to the coxswain or a crew member of the vessel if so requested by the coxswain or the crew member.
- (iii) the coxswain must produce the list for inspection on request by an authorised officer.

5. Masters/coxswains, owners, agents, operators, passengers and adults accompanying children on board must observe the aforementioned requirements and exercise due diligence to comply with. A person who without reasonable excuse fails to comply with the requirements commits an offence and is liable to a fine of HK\$5,000.

6. Details of the amendments are published in the gazette and are available at the government's website as follows:

<https://www.gld.gov.hk/egazette/pdf/20192343/es220192343155.pdf>

7. The above requirements do not apply to a local vessel which is:

- (a) made fast to the shore;

- (b) in use for a franchised service or licensed service under the Ferry Services Ordinance (Cap. 104); or
- (c) berthed, moored, anchored or secured in a typhoon shelter.

**Agnes WONG**  
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Marine Department  
Government of the HKSAR  
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