

MARINE DEPARTMENT NOTICE NO. 103/2024

(Navigational & Seamanship Safety Practices)

Fatal accident caused by the collision between a local cruiser and a wooden vessel

The Incident

An open wooden vessel (*the wooden vessel*), while on her return trip after fishing in Sai Kung waters, collided with a local open cruiser (*the cruiser*) engaging in water skiing activity in the vicinity under good visibility condition, causing two persons on board *the wooden vessel* to fall into the sea and sustain injuries. They were later rescued separately. Unfortunately, one of them was eventually confirmed dead.

2. The investigation revealed that the contributory factors leading to the accident were that *the cruiser* failed to comply with the requirements stipulated under Section 27(1) of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) (i.e. Collision Regulations¹) to avoid a collision, including the application of the COLREGS with respect to the requirements under Rule 5 to maintain a proper look-out at all times so as to make a full appraisal of the situation and of the risk of collision; Rule 6 to proceed at a safe speed at all times so that proper and effective action could be taken to avoid collision; and Rule 17 to take such action as will best aid to avoid collision when the collision could not be avoided by the action of *the wooden vessel* alone. *The wooden vessel* failed to comply with the requirement under Rule 15 to keep out of the way and avoid crossing ahead of *the cruiser* when the crossing situation involved the risk of collision.

3. The investigation also found that the operator on board *the wooden vessel* did not hold a valid local certificate of competency when underway, which contravened the requirements stipulated under Section 47 of the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Cap. 548D). Besides, there was no evidence that *the wooden vessel* was certified and had obtained any operating license.

¹ The Collision Regulations means the Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations (Cap. 369 sub. leg. N). The "International Regulations" in Cap. 369N means the International Regulations for Preventing Collisions at Sea 1972 as amended (COLREGS) applicable to all local vessels.

Lessons Learnt

4. In order to avoid the recurrence of similar accidents in the future, operators of local vessels should learn lessons from this accident. Vessels must strictly comply with the relevant requirements stipulated under the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) and its subsidiary legislation when sailing at sea, including strict compliance with the COLREGS by maintaining a proper look-out, proceeding with a safe speed, and taking proper and effective action to avoid collision so as to ensure safe navigation. At the same time, it is necessary to hold a valid vessel operating license and carry an operator with a valid local certificate of competency when underway.

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