

LOCAL VESSELS ADVISORY COMMITTEE

New Management Regime for Laying Private Moorings and Expansion of Private Moorings in Designated Areas in Sai Kung

Purpose

This paper briefs members of the new management regime for private mooring (PM) permissions issued on or after **1 November 2020**; the new allocation arrangement of PMs; and the expansion of PM spaces in designated areas in Sai Kung.

Background

2. The Ombudsman conducted a direct investigation into the management of PMs by Marine Department (MD) and released its report in March 2019. The Ombudsman commented, among others, that there are inadequacies in regulating the sub-letting activities of PMs under the existing legislation, and in the arrangements for allocation of PM spaces. The Ombudsman recommended MD to -

- (a) review and consider amending the relevant legislation so that MD can restrict the use of PMs to “designated vessels” only;
- (b) review the waiting situation and examine ways to expedite the turnover of PM spaces; and
- (c) review the allocation arrangement for PM spaces and explore whether other methods (such as balloting) can be used to allocate PM spaces.

New Conditions for Permission to Lay Private Moorings

3. MD has conducted a review on the existing policy on the management of PMs, taking into account the Ombudsman’s comments and recommendations. To expedite the turnover of PMs and to discourage sub-letting of PMs, MD will apply **new conditions** to PM permissions

issued on or after 1 November 2020. Details of the new arrangements are as follows -

- (a) **the validity period of the PM permissions will be six years with no option to renew or extend.** After the expiry of the validity period, the PM owner must return the PM space to MD for re-allocation. If the PM owner wishes to continue to use a PM space, he/she has to submit a new application to MD during the new round of application;
- (b) if the PM owner transfers the PM, **the transferee of a PM will only be entitled to use the PM space for the remainder of its validity period after the transaction.** In any event, the PM owner must return the PM space to MD after the expiry of the validity period;
- (c) **the existing Points System will continue to apply.** Under the Points System, a certain number of points will be allocated to a PM owner who has breached the conditions to lay a PM (e.g. failure to properly maintain the PM, berthing an over-length vessel, etc.). The points to be allocated will depend on the severity of the breach. **MD will cancel the permission of the PM owner if he/she has accrued more than 15 points within a period of three years;** and
- (d) MD reserves the right to withdraw or cancel a PM permission by serving a 14-day advance notice to the PM owner.

Freezing of Existing Waiting Lists

4. To improve the allocation arrangement of PM spaces, the waiting lists for designated areas in Sai Kung have already been frozen on 1 October 2020 (see also paragraphs 6 and 7 below). **The waiting lists of other PM areas will be frozen on 1 January 2021. Thereafter, application to be placed on the waiting lists will no longer be accepted.**

New Allocation Arrangement

5. Any new PM space available in a particular PM area will be allocated to applicants on the waiting list of that PM area first. If the waiting list concerned is exhausted and there are still unallocated PM spaces, they will be open for application through drawing lots. When an application exercise through drawing lots is conducted, MD will inform all applicants on the frozen

waiting lists of all PM areas, as well as the public who may be interested in participating in such application exercise. Applicants on the frozen waiting lists are free to apply for PM spaces in areas which they are not awaiting. However, if they succeed in the drawing of lots and accept a PM space in another PM area, their names will be deleted from the frozen waiting list of their original PM area.

Expansion of the Tso Wo Hang PM Area

6. To meet the increasing demand for PM spaces, MD will expand the existing PM area in Tso Wo Hang to provide around 200 new PM spaces for allocation. Details of the arrangements are as follows -

- (a) the new conditions for laying a PM (see paragraph 3 above) will apply to the new PM spaces in Tso Wo Hang (i.e. six-year validity period with no option to renew or extend and also subject to the Points System);
- (b) the existing waiting lists in Tso Wo Hang area (including Tso Wo Hang, A Kung Wan and Tsam Chuk Wan) have been frozen with effect from 1 October 2020. According to the new allocation arrangement set out in paragraphs 4 and 5 above, the new PM spaces will be allocated to the existing applicants on the waiting list in these three areas first. Any unallocated PM space(s) will be open for application and allocation through drawing lots, with details to be announced on MD's website; and
- (c) since most of the vessels moored in Tso Wo Hang are pleasure vessels with non-steel hull built structures, the **new PM spaces in Tso Wo Hang area will be available to non-steel hull vessels only** in order to minimise the chance of damage caused by collisions between steel hull vessels and pleasure vessels. Therefore, applications made for mooring steel hull vessels (i.e. landing pontoons, tugs, dumb lighters) will not be accepted.

7. MD will process the applications on the waiting lists of Tso Wo Hang, A Kung Wan and Tsam Chuk Wan, with the new PM conditions and allocation arrangement, starting from **1 November 2020**. Applicants will be informed of the allocation results in due course.

Consultation

8. MD has consulted major stakeholders, including the Hong Kong & Kowloon Motor Boats & Tug Boats Association, Marine Excursion Association, Hong Kong Pleasure Craft Club, Sai Kung Ferry Traders Association and Sai Kung Yacht Association, on the new PM conditions and allocation arrangement, as well as the expansion of PM spaces in Tso Wo Hang area. They support the proposals in general.

Enquiries

9. Members are invited to note the content of this paper. For enquiries, please contact the Private Mooring Sub-unit of MD at 2545 0264.

Marine Department
October 2020