

SUBJECT: REPORTING OF COLLISIONS / INCIDENTS INVOLVING “LOCAL VESSELS”

Following a number of recent incidents involving minor collision between members' yachts during racing the question has been asked as to when a collision or incident must be reported to the Marine Department's Marine Accident Investigation Section (MAIS).

Section 57 of the Merchant Shipping (Local Vessels) Ordinance – CAP 548 requires owners, agents or coxswains of vessels to report any incident to Marine Department within 24 hours that involves any one of the following occurrences:-

- (a) a local vessel is involved in a collision with another vessel, a port facility or other property;
- (b) a local vessel sinks or becomes stranded or disabled;
- (c) a person is killed or seriously injured on board a local vessel as a result of an accident;
- (d) an explosion or fire occurs on board a local vessel;
- (e) damage is caused by a local vessel to a port facility or other property; or
- (f) a person, cargo or equipment is lost overboard from a local vessel,

Marine Department recognise that there is an increased likelihood of collisions between yachts that are racing, and that in the main, these cases are handled under an existing set of prescribes procedures (ISAF Racing Rules of Sailing). However, it is a statutory requirement to report incidents. In order to avoid inundating the MAIS with reports along the lines of “Boat A's boom hit boat B's lifelines whilst rounding mark C” we have sought clarification from Marine Department on the reporting requirements.

For sake of clarification:

1) Under section a) of the Ordinance above – if a collision occurs between yachts/vessels taking part in races organized by yacht clubs, **MD does not expect any report to be filed.**

2) Notwithstanding point 1) above, in the event that you have been involved in a collision **that is likely to result in an insurance claim**, the owners / skippers of both yachts involved should complete a “Report of Marine Incident” form (Marine Department Form number - M.O. 822) and send to the MAIS within 24 hours of the incident either by e-mail via ss-mai@mardep.gov.hk or by fax to (852) 2543 0805. The form can be downloaded from the Marine Department website via the following link – <http://www.mardep.gov.hk/en/forms/pdf/mo822nf.pdf> . Copies of the form are also available from the Course Room at Kellett Island and the bars at Shelter Cove and Middle Island. You should note that submission of an accident report form to MarDep is likely to be required by an insurance company in the event of a claim.

To avoid being called in for interview after submitting your report, we recommend that the following supplementary information is submitted together with the Marine Department report form:-

- i) Photograph of both boats showing the damage if appropriate
- ii) Copy of the vessels' RHKYC Certificates of Registry (available from RHKYC Marine Office)
- iii) Copy of Insurance policy

If you are unable to provide the supplementary information in time, please make a note to the Marine Department that this will be followed up, otherwise they may initiate an investigation.

3) It is strongly recommended that if you intend to submit a report that you advise all parties involved so that they can also complete and submit a report within the prescribed 24 hours. Note that late submission of a report may result in prosecution.

4) Collisions between a yacht that is racing and any vessel not racing, together with incidents (b) through (f) above should of course be reported as prescribed in the legislation.

5) It should be noted that the obligation to report applies to all local vessels, regardless of whether they are required to be licensed or not.

6) MarDep have asked us to draw members' attention to the fact that only if they have reasonable excuses within the meaning of Section 57(2)(a) of the Merchant Shipping (Local Vessels) Ordinance, Cap 548 for not reporting within the stipulated time, i.e. 24 hrs, they are not subject to prosecution; however, it all depends on the circumstances of the case itself.

If you have any questions regarding reporting of collisions, please contact the Sailing Office via sailing@rhkyc.org.hk or the Marine Office via marine@rhkyc.org.hk.