

## MEMORANDUM

**To :** Designing Hong Kong  
**From :** Peter Lee, Stephanie Siu, Jeremy Or and Cindy Ha of  
Reed Smith Richards Butler  
**Date :** 15 February 2018  
**Client :** Designing Hong Kong  
**Matter:** 999934.10176 / Advice on development of water taxis in Hong Kong

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### A. INTRODUCTION

1. This is a legal advice on the following issues regarding the setting up of a water taxi system in Hong Kong:
  - (a) Licensing, certification and other relevant requirements by the Hong Kong Marine Department (the “*MD*”) and the Hong Kong Transport Department (“*TD*”);
  - (b) Embarkation and disembarkation restrictions within the waters of Hong Kong;
  - (c) Environmental issues concerning the operation of water taxis; and
  - (d) Booking system for water taxis.
2. By way of background, the Task Force on Water-land Interface of the Harbourfront Commission looked into the potentials of water taxis services in the Victoria Harbour in its Paper No. TFWL/02/2012 "Waterborne Passenger Transportation in Victoria Harbour" (*See Attachment I*) in February 2012. This Paper will be referred to throughout this memorandum as the “**HC Paper**”.
3. In preparing this memorandum, we have made the following assumptions:
  - (a) only *existing* licensed vessels will be deployed as water taxis in this water taxi system i.e. the vessels used as water taxis will have already complied with licensing requirements overseen by the MD (as set out in Section B1 *Marine Department - the vessel*) and no new vessels are required to be built.;
  - (b) the subject water taxis will operate for private hire use (akin to Uber or road taxis) as opposed to a system of public transport such as the Star Ferry; and
  - (c) the subject water taxis will be “local vessels”<sup>1</sup> used solely within Hong Kong waters and therefore be subject mainly to the laws of Hong Kong.

Based on the above assumptions, we set our preliminary view below.

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<sup>1</sup> “Local vessel” is defined under section 2 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548). Please see **Appendix 1**.

## **B. LICENSING, CERTIFICATION AND OTHER REQUIREMENTS**

4. In considering the issue of licensing, certification or other requirements, there are two aspects<sup>2</sup>:
- (a) the *vessel* itself, which is generally regulated by the MD; and
  - (b) the *service* that the vessel offers, which is generally regulated by the TD.

### ***B1. Marine Department - the vessel***

5. This Part B1 concerns the licensing, certification and other requirements relating to the *vessel* itself. The relevant legislations are the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) (“*MSO*”) and its subsidiary regulations.
6. As we assume the water taxis to be deployed in the proposed water taxi system will be existing vessels, the licensing / certification / other requirements applicable to the *vessel* itself should have already been complied with / are being complied with. As such we will only draw your attention to the following aspects of these legislations in which we think are more important for your overall understanding:-
- (a) the certification and licensing of water taxi vessels;
  - (b) the Class (as defined below) and Type (as defined below) of the subject water taxi vessel;
  - (c) safety requirements; and
  - (d) insurance.

### *Certification and Licensing*

7. Every local vessel in Hong Kong must be:-
- (a) certificated<sup>3</sup> i.e. have a Certificate of Ownership (the “**COO**”); and
  - (b) licensed i.e. have an Operating License (the “**OL**”).

The COO and OL are issued by the MD under the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Cap. 548D) (“*MS (C&L) Regulation*”).<sup>4</sup>

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<sup>2</sup> For example, the licensing of the vessel itself will be regulated by the MD whereas the licensing of the *service* that the vessel offers will be regulated by the TD. This dichotomy of licensing has been reiterated in the HC paper, at paragraphs 16 and 18.

<sup>3</sup> Section 11(1) of MSO

<sup>4</sup> This is subject to the compliance with safety requirements set out in the MSO and the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548G).

8. **The purpose of a COO is to identify the owner.** A COO typically contains the following information<sup>5</sup>:-
- (a) the class and type of the local vessel is specified for (see paragraph 13 below);
  - (b) the name of the vessel; and
  - (c) detail particulars of the shipowner e.g. name, shore address, business name of owner (if any) etc.
9. **An OL may be a full or temporary one<sup>6</sup>. The significance of the OL is that there will be restrictions / conditions on the subject vessel's operation attached to it e.g. the number of passengers the subject vessel is allowed to carry<sup>7</sup>.** The OL typically contains the following information:-
- (a) the Class and type of the vessel;
  - (b) the name of the vessel (if any);
  - (c) the tonnage of the vessel;
  - (d) the minimum number of crew (if any);
  - (e) the maximum number of passengers it is permitted to carry (if any);
  - (f) the maximum number of persons it is permitted to carry (if any); and
  - (g) the conditions attached to the license.
10. The COO and OL can be applied for from the MD on the owner(s)' application, and the following is the usual process to apply for a COO and OL. We note certain vessels could be exempted and do not need to undergo the processes of AIP Letter (as defined below) and Approval of Plans and Survey (as defined below), but these exceptions are targeted at small vessels without engines or made of non-metal material. Therefore we are of the view that the present subject water taxi vessels will not be exempted and will have to follow the process below:-

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<sup>5</sup> Section 11(2) of MS (C&L) Regulation

<sup>6</sup> Section 13(1) of MSO

<sup>7</sup> Pursuant to Section 69 of the MS (S&S) Regulation, for passenger-carrying vessels, the Director of Marine can specify in the OL the number of passengers that a local vessel or a specific class, type, category or description of vessel may carry. The considerations include but are not limited to, its Class (as explained below), Type (as explained below); its mode of operation; its intended service, its stability, its clear space available, number of seats available etc). There should be a notice of no less than 70mm in height stating, in both Chinese characters and English words, the maximum number of passengers the vessel is allowed to carry under its OL. Such notice should be posted at a prominent location at all places where passengers embark (section 33 of the Merchant Shipping (Local Vessels) (General) Regulation).

- (a) application for an approval-in-principle letter at any District Marine Office from the MD (“**AIP Letter**”);
- (b) application for approval of plans and survey of the vessels at the Local Vessels Safety Section of the MD (“**Approval of Plans and Survey**”); and
- (c) application for a COO and an OL.

11. **AIP Letter** - the application for an AIP letter usually involves producing, amongst other documents, plans that show the general geometry of the vessel with vessel particulars and vessel structural plan.<sup>8</sup> The purpose is to minimize the risk of an owner of failing to license the vessel on technical ground after a purchase of a new vessel or conversion of an existing vessel.

In deciding whether to grant an AIP Letter, the Director of Marine will have regards to the “material considerations” in section 2 of MS (C&L) Regulation, which includes Class and Type, condition and seaworthiness, safety etc of the water taxi vessels, in which we will explain below.

12. **Approval or Plans and Survey** - the Director of Marine or a competent surveyor (an authorized surveyor appointed by the MSO, or a recognized authority recognized under the MSO) would carry out surveys to inspect the vessels for their safety and compliance<sup>9</sup> with the requirements under the Ordinance (see section *Safety Requirements* below). Once such survey or inspection is satisfied, a certificate of survey (“**Certificate of Survey**”) and additional certificates for certain types of vessels will be issued.

*Class and Type of vessels*

13. All local vessels must (i) belong to one of the four classes, Class I, II, III and IV (each a “**Class**”); and (ii) have its type (“**Type**”)<sup>10</sup> identified. One significance of a Class of a vessel is that it would affect the number of passengers allowed to be carried and the purpose it can be operated for:

- (a) *Class I vessels* may carry more than 12 passengers (allowed Type includes ferry vessel, launch etc) ;
- (b) *Class II vessels* cannot carry more than 12 passengers (allowed Type includes water boat, transportation boat etc);
- (c) *Class III vessels* cannot carry any passengers and shall only be used exclusively for fishing and related purposes (allowed Type includes fish carrier, fishing vessel etc) ; and

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<sup>8</sup> See application for approval in Principle Letter Guidance Notes attached (*See Attachment 2*)

<sup>9</sup> There are certain types of vessels that are exempted from undergoing the inspection and survey, such as a Class II work boat which is made of non-metal. We assume that these exemptions will not be applicable to the vessels to be used as water taxis.

<sup>10</sup> “Type” means the type of vessel it is used for e.g. a ferry vessel, floating restaurant, crane barge, landing platform, floating dock.etc,

- (d) *Class IV vessels* must be used exclusively for pleasure purposes (allowed Type includes auxiliary powered yacht and cruiser).

Given the subject water taxi system is intended for carrying passengers, **the vessels eligible to be deployed should be vessels classified under Class I or Class II**<sup>11</sup>. During the meeting held between the WPI Water Taxi Team and the MD on 11 January 2018, the MD made this same point. A Class I vessel would have painted on the side of its body its license number starting with an “A”; a Class II vessel would have painted on the side its body its license number starting with a “B”.

14. Furthermore, the MD suggested that the **three Types of vessels suitable as water taxis would be the launch (Class I), the transportation sampan (Class II), and the transportation boat (Class II)**.

#### *Safety Requirements*

15. It should however be noted that, after the issuance of the Certificate of Survey, **it remains the obligation of the owner and the captain (i.e. operator of the vessel) to keep the vessel safe and maintain compliance with the regulations.**
16. It should also be noted that it is an offence to operate a local vessel that is not seaworthy (i.e. in a good enough condition to sail on the sea) and safe. It also constitutes an offence if the vessel is operated while the safety requirements are not complied with or if any of the requisite certificates for the specific vessel are not obtained. The safety requirements stipulated in the MSO and the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548G) (“**MS (S&S) Regulation**”) include, among others, the following aspects:
- (a) construction and maintenance;
  - (b) the provision of life-saving appliances;
  - (c) fire protection and the provision of fire-fighting apparatus;
  - (d) the requirements relating to carriage of passengers;
  - (e) the requirement to make alteration to the local vessels; and
  - (f) the specific requirements relating to plying limits, radars, engines and other equipment on board.

#### *Policy of insurance relating to local vessels*

17. Local vessels operating within the waters of Hong Kong must also have a policy of insurance in place<sup>12</sup>. It is a prerequisite for applying and renewing an OL.

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<sup>11</sup> These are also the recommended Classes for water taxis in the HC Paper.

<sup>12</sup> Section 23C of the MSO

18. The insurance policy must be one that:
- (a) is issued by an authorised insurer;
  - (b) is expressed to be governed by Hong Kong law;
  - (c) is expressed to be issued for the purpose of the MSO; and
  - (d) insures such person in respect of any liability which they may incur in respect of the death of or bodily injury to any person caused by or arising out of the use of local vessels in the waters of Hong Kong<sup>13</sup>.

The required coverage is specified as HK\$ 5 million or HK\$ 10 million, depending on the type of vessel and the permitted number of passengers<sup>1415</sup>.

19. However, the legal minimum coverage of HK\$5 million / HK\$10 million (whichever applicable) is often not adequate in practice. It is our understanding that, in practice, the insurance coverage purchased for most vessels is much higher than the legal minimum. Should this be a concern of the water taxi system, we suggest Designing Hong Kong to consult and defer this issue to an insurance consultant.

#### *Summary*

20. **A vessel suitable for participating in the proposed water taxi system should have the following in order to be deployed as a water taxi:**
- (a) COO (Class I or II);
  - (b) OL (Class I or II);
  - (c) a policy of insurance; and
  - (d) a Certificate of Survey.

However, the above list of documents is not exhaustive and in order to shift/share the liability arising from compliance with the relevant safety requirements and other regulations, **it is advisable to obtain an undertaking from the owner and the captain that the relevant safety requirements have been complied with prior to accepting these vessels as participants of the water taxi system.**

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<sup>13</sup> Section 23D of the MSO

<sup>14</sup> Section 4 of the Merchant Shipping (Local Vessels) (Amount of Insurance Cover) Notice (Cap. 548K)

<sup>15</sup> Based on our understanding of the MSO and telephone conversation with officer of the MD, all vessels have to get the same type of insurance (i.e. same scope). The fact that the subject water taxi vessels will be carrying passengers will only affect the *coverage amount* but not the type of insurance.

**B2. Transport Department - licensing of the service**

21. This Part B2 concerns the licensing of the *service* provided by these water taxis. **If the proposed water taxi service will be provided for reward at “separate fares” (as discussed below), a license under the Ferry Services Ordinance (Cap.104) (“FSO”) will be required.**

*The Law*

22. Section 4(1) of FSO provides that a franchise / license (the “**FSO License**”) is required for a “vessel”<sup>16</sup> to operate a “ferry service”, except where the service is<sup>17</sup> :-
- (a) a tour service;
  - (b) a cargo service;
  - (c) an employees’ service; or
  - (d) a permitted service.

Therefore, to do without an FSO License, the proposed water taxi service must either:

- (i) fall within one of the exceptions listed above; or
- (ii) not be regarded as a “ferry service” under FSO at all.

**It is our view that the proposed water taxi system will not be able to rely on any of the exceptions, therefore our analysis will mainly focus on (ii).**

*(i) FSO exceptions - none applicable*

23. “*Tour service*” exception - the journey of a “*tour service*” must begin and end at the same place or places or embarkation i.e. a circular route. Passengers on a tour service vessels must also not disembark during the journey unless for the sole purpose of the tour services. This is not applicable.
24. “*Cargo service*” and “*Employees’ service*” exceptions - these two exceptions target at service for the carriage of cargos by lighters / cargo boats and employees respectively. This is not applicable.
25. “*Permitted service*” exception - “*permitted service*” refers to services which are (i) permitted by the MD in writing or (ii) approved by the Commissioner of Transport. However, the FSO does not provide further details/explanation as to how to apply for such “*permission*” or on what basis would such a “*permit*” be granted. To clarify on this point, we have spoken to officers from

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<sup>16</sup> “**Vessel**” is not defined under the FSO, but is defined under Interpretation and General Clauses Ordinance (Cap. 1) to mean “*any ship or boat and any description of vessel used in navigation*”. This includes water taxis.

<sup>17</sup> Section 5 of FSO

the MD and the TD on the phone. It appears that so far no ferry service has been exempted under the head of “permitted service”, and that it is unlikely for water taxis to be exempted under this head as well.

“Ferry Service” - “separate fares”

26. “Ferry service” is defined under FSO to mean:-

*“a service provided by means of a vessel, other than a vessel exclusively propelled by oars, for the conveyance by water of passengers, baggage, goods, or vehicles, for reward at separate fares between 2 or more points within the waters of Hong Kong, whether or not such points are varied from time to time and whether or not the service is operated to a fixed timetable.”*

This section can be reduced to the following elements:-

- (a) a service provided by means of a vessel;
- (b) conveyance by water of passengers;
- (c) for reward;
- (d) at separate fares; and
- (e) between 2 or more points within the waters of Hong Kong.

It is clear that the proposed water taxi system falls within elements (a), (b), (c), and (e). Therefore **it is our view that, the determining factor of whether the proposed system will be regarded as a “ferry service” lies in element (d), “separate fares”.**

27. “Separate fares” is explained in section 5(3) of the FSO :

*“a payment made by a person entitling him to be carried as a passenger on a ferry vessel shall be treated as a separate fare notwithstanding that it is made in consideration of other matters in addition to the journey and irrespective of the person by or to whom it is made”.*

The phrase “separate fares” was similarly used in the Public Bus Services Ordinance (Cap. 230) (“PBSO”) and passenger service licences (equivalent to FSO License in the present context) issued by the TD for public vehicles (“PSL”).

28. We have also turned to Hong Kong case laws for the court's’ interpretation of “separate fares” in the context of the PBSO and the PSL:

- (a) In *Man Yee Transport Bus Co Ltd v. Transport Tribunal*<sup>18</sup>, Hon A Cheung J mentioned in passing that, taking into account that the bus service in question was not provided exclusively for a particular group of people, the bus service is regarded to be provided to the public for a “separate fare” without distinction,

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<sup>18</sup> [2008] HKCU 1469



(b) In *Fong Chi Yung v. Transport Tribunal*<sup>19</sup>, the bus service in question operated on a mechanism where passengers would purchase a ticket from a person on the street, hand the ticket to the bus driver, and then be taken to a destination. Although the bus driver was not directly involved in the collection of fares, the court held that this indirect payment amounted to “separate fares”.

29. Based on our analysis of the relevant legislations/case laws, **it is our view that “separate fare” will arise whenever the use of the vessel is not paid exclusively by one (1) unit of passenger i.e. more than one (1) unit of passenger pays a separate fare (directly or indirectly); and by one (1) unit we mean one unit of passenger e.g. one individual, or one single group of passengers, rather than separate individuals / groups of passengers. Therefore, whenever a service involves a public element i.e. serving as a public transportation to carry separate units of passengers, payment by “separate fares” will be triggered.** As such, Kaito services<sup>20</sup>, in which every passenger has to pay a fixed price, is regarded as involving payment by “separate fares” and currently have to be licensed under FSO<sup>21</sup>.
30. Our recommendations on the operating model of the proposed water taxi service will depend on whether Designing Hong Kong wishes to apply for a FSO License. We set out below two options that Designing Hong Kong may wish to adopt.

*Option 1: Without a FSO License – Charter model*

31. We understand that the application and maintenance of an FSO License is costly and Designing Hong Kong may wish to minimize the procedural work required to set up a water taxi system and avoid the need for an FSO License.
32. Since no FSO exceptions apply, the only way to eliminate the need for an FSO License is to structure the proposed water taxi service in a way so that it falls outside the ambit of “ferry service” under FSO and in particular, does not involve “separate fares”. **It is our view that this can be achieved by a “charter” structure (as explained below).**
33. *Charter*

(a) A “charter”/ “charterparty” can simply be understood as a contract made between the owner of a vessel and a charterer, under which an entire or part of the vessel is “leased out”, or in other words, “hired out” to be used by someone (who is called a “charterer”). There are various types or classifications of charterparties. For the purpose of this memorandum, only the following three types should be concerned:-

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<sup>19</sup> [2008] 6 HKC 475

<sup>20</sup> Kaitos are small vessels operating in Hong Kong and are usually used to serve fixed routes between outlying islands and villages with a fixed schedule.

<sup>21</sup> In 13 April 2017 to 18 May 2017, the TD made an invitation to the public to apply for “the grant of licenses” to operate “Kaito” ferry services. Please see attached the Invitation for Application for “Kaito” Ferry Services by the Transport Department (*See Attachment 3*). HC Paper also states at paragraph 4 that “*the franchised and licensed ferry services are supplemented by “kaitos” which are also licensed under the FSO to serve remote coastal settlements.*”

- (1) *Time charterparty*, a contract to perform services during a specified period for payment of hire for such period in return;
  - (2) *Voyage charterparty*, a contract to perform services for one, or sometimes more than one, voyage(s); or
  - (3) *Bareboat charterparty*, a contract to lease a vessel without any crew members.
- (b) During our meeting on 14 November 2017, it was mentioned the adoption of a charter model may potentially dispense with the need for an FSO license. Our research indicated that it is correct in that, **provided the charter model is structured in a way that the water taxis are hired for exclusive use by intended passengers (i.e. no separate fares are charged in any manner, directly or indirectly akin to the common sense understanding of a “taxi” of any kind), these charter services fall outside the ambit of “ferry service”, and no FSO license is required.**

**As such, it is our view that this sort of charter model will be the most efficient option (in terms of time and money) to set up a water taxi system in Hong Kong.**

- (c) In fact, this has been mentioned/implied in the HC paper at paragraphs 7 and 18:-

*“There are other vessels operating chartered services for exclusive use (not charging separate fares) or to meet ad hoc demand. These services are exempted from the FSO.”* (at paragraph 7)

*“Whether ‘water-taxi’ service will require regulation and licensing under FSO will be subject to the nature and mode of operation. Given the small carrying capacity, uncertainty in demand and financial viability as well as the availability of existing ferry service network with Victoria Harbour, “water-taxi” service is more appropriate to be explored in the context of charter-hired service instead of regular passenger ferry service.”* (at paragraph 18).

34. *Exact charter structure to be adopted*

- (a) **Since it is envisaged that the water taxis will carry passengers between destinations, it is our view that it is more appropriate to explore the possibility of a charterparty by way of either time charter or voyage charter but in any event not a bareboat charterparty.**
- (b) In considering what structure to adopt, one must first consider what the parties involved are. The parties involved should include:-
  - (1) the owner of the water taxi - assuming existing vessels will be used (as detailed in paragraph 3(a) above), these existing vessels will be owned by a third party shipowner (the “**Shipowner**”);

- (2) the water taxi booking platform provider - for example, the operator of the water taxi website (the “**Booking Platform Provider**”); and
  - (3) the intended passengers.
- (c) The next step would be to determine the contractual relationships between these 3 parties.

In theory, a charterparty will be made directly between the Shipowner and the intended passengers as charterers. However, practically speaking, as the provider of a centralised water taxi platform, the Booking Platform Provider may act or be seen as acting for and on behalf of the Shipowner as an agent, and the contractual relationships will be as follows:-

- (1) the Booking Platform Provider enters into separate agency agreements with each Shipowner, under which the Booking Platform Provider acts as an agent for all Shipowners in respect of the provision of water taxi booking services through the designated platform;
  - (2) the Booking Platform Provider (acting as an agent on behalf of the Shipowners) enters into a charterparty with the charterer, under which the subject water taxi vessel is “leased out” to the charterer; and
  - (3) Under the charterparty, the Shipowner is responsible for providing the crew as well as paying the operating costs<sup>22</sup>.
- (d) However, it should be noted that the above charter structure is all discussed on the basis that the vessels are chartered for exclusive use with no separate fares being charged. If it is envisaged that the water taxi system is to have any public element to it i.e. the water taxis are to carry more than one unit of passengers involving “separate fares” to be charged (as discussed above under the section “*Ferry Service*” - “*separate fares*”), then a charterparty structure will not be able to dispense with the need for an FSO License.
- (e) We are aware that there are other more innovative types of charterparties such as co-charter or slot charter which *may* potentially allow the “public” element as mentioned in sub-paragraph (d) above to be retained but dispense with the need for an FSO License at the same time. However these structures are rather complicated and we have not fully explored such possibility.
- (f) Subject to instructions as to the adoption of a charter model, we can further:

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<sup>22</sup> Given the potential complicated implications, we have assumed that the Shipowner will be responsible for providing the crew (i.e. the operator of the vessel) and paying for the operating costs. However, if the Booking Platform Provider is responsible for providing the crew as well, it is more appropriate to explore this based on a combination of a bare charterparty between the Shipowner and the Booking Platform Provider and a time charterparty between the Booking Platform Provider and the charterer.

- (i) explore if, and what and how standard terms and conditions should apply to such charter once the booking is made through the booking platform; and
- (ii) consider / analyse the legal position of such charter (e.g. at what point in time a charter is regarded as agreed).

*Option 2: With a FSO License – Expansion of ‘Kaito on demand’ service*

35. As we mentioned in paragraph 29 above, Kaito services are currently licensed under the FSO. We understand that there are at present two types of Kaito services:
- a. Regular Kaito ferry services – these operate under fixed time table and charge passengers separate fares per journey between various boarding locations according to fixed fare approved by TD; and
  - b. “Kaito ferry services subject to demand” – these operate subject to demand at an ad-hoc basis:
    - (i) based on the website of the TD, these services currently cover specific routes within Sai Kung only and there are estimated to be more than 40 operators of these services. No information on the fare amount was posted on the website; and
    - (ii) we have previously made telephone enquiries with several operators of these services, they only allow bookings for the entire vessel and we understand that they do not charge separate fares and only one unit of passenger would be charged per journey. However, it is not clear whether this is due to a condition imposed on their FSO licence, or for commercial reasons.

36. The BPP may wish to partner with “Kaito ferry services subject to demand” to expand the geographical scope and routes of these services to cover also specific routes within Victoria Harbour instead of Sai Kung only. However, as Kaito services are licensed services under the FSO, prior consultations should be carried out with the TD to seek their approvals. We can make further enquiries on this Option 2 if Designing Hong Kong wishes to explore on this.

**C. EMBARKATION AND DISEMBARKATION**

37. The rules and regulations governing embarkation and disembarkation of passengers are set out in Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548F) (“*MS Regulation*”).
38. Embarkation or disembarkation of passengers on or from a passenger service vessel should either take place “*at a pier, seawall or landing place*”<sup>23</sup>. The embarkation or disembarkation should also take place by means of either “*a gangway adequately secured to the vessel and the shore and fitted with a handrail or landing steps alongside which the vessel has made fast*”<sup>24</sup>.

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<sup>23</sup> Section 32 of MS Regulation

<sup>24</sup> *ibid*

39. Landing facilities in Hong Kong can generally be categorised into:
- (a) public piers and landings;
  - (b) passenger ferry piers and ferry terminals; and
  - (c) private piers.
40. **Public piers and landings** are open for use by members of the public free of charge while **passenger ferry piers and ferry terminals** are often licensed to commercial service providers for exclusive use.
41. **Private piers** will be subject to the rules and regulations of the respective private organisations. For example, in order to use the private pier at Aberdeen Marina Club, a member of the club has to first apply for approval beforehand to receive an assigned time slot of up to ten minutes for embarkation and disembarkation purposes. Certain information has to be provided in advance, such as captain name and boat licence number. If the intended passengers wish to board or alight at any private pier, it is prudent to first check whether any such required approvals have been obtained from the respective private organisations.
42. **It is therefore our view that, to avoid complications, the subject water taxis should embark and disembark only at public piers and landings.**
43. It is also noteworthy that under the MS Regulation, a local vessel shall not lie alongside any pier or landing for any purpose other than embarkation and disembarkation and shall not take longer than reasonably necessary<sup>25</sup>. **The subject water taxis should therefore also stay at a reasonable distance from the piers or landings while waiting for customers.**

#### **D. ENVIRONMENTAL ISSUES**

44. On top of certain environmental issues that the vessels are required to comply for the purpose of Approval of Plans and Survey, there will be additional ongoing local environmental obligations which the operators of water taxis should be aware of and ensure compliance with. Hong Kong has enacted a series of law and regulations specifically for environmental protection<sup>26</sup>. For example, it is an offence for any vessel in Hong Kong waters to emit “dark smoke” (as defined in the MSO) for 3 minutes or more continuously at any one time<sup>27</sup>.
45. Furthermore, as Hong Kong is an associate member of the International Maritime Organisation (“**IMO**”), the international requirements and operational standards of the IMO will also apply to the water taxis which operate within the waters of Hong Kong. The IMO is a specialised agency of the United Nations which sets the global standard for the safety, security and environmental performance of international shipping. The IMO provides for approximately 60 different legal instruments which govern the regulatory development of its member states and

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<sup>25</sup> Section 28 of MS Regulation

<sup>26</sup> Please see **Appendix 2** for your reference a non-exhaustive list of Hong Kong laws and if you wish us to provide further details on any specific law, we can separately look into these.

<sup>27</sup> Section 51 of MSO

associate members. These legal instruments typically set a specific deadline that the international requirements have to be put in place by the member state or associate member<sup>28</sup>.

## **E. BOOKING SYSTEM**

46. Since the booking system is the interface or platform where the Booking Platform Provider will interact with the charterer, it is important to make use of such platform to exclude certain liabilities and safeguard the Booking Platform Provider's interests. This includes setting out disclaimers and clear terms and conditions. Based on our preliminary understanding of the proposed water taxi system, it is envisaged that some of the following terms could be useful in protecting the Booking Platform Provider:

- (a) It should be made clear to the Charterers that the water taxis will only operate within waters of Hong Kong only. This is because if the subject water taxis operate beyond Hong Kong waters, there will be potential liability regarding immigration, custom etc. issues, which the Booking Platform Provider would prefer to ring-fence itself from.
- (b) It should also be made clear that the subject water taxis are not "kaito" or ferry services and no separate fares are to be charged. This is to make clear that no FSO license is required in the event the Booking Platform Provider is being challenged in this aspect.
- (c) Set out clearly the obligations of Shipowners and their respective crew. This is to share and shift part of the legal responsibility to the Shipowner.

## **E. CONCLUSION**

47. Based on the above, it is our view that the simplest way of setting up the proposed water taxi system will be to:

- (a) deploy existing vessels which have already complied with the relevant licensing regime of MD as water taxis;
- (b) subject to Option 2 (as mentioned in paragraphs 35 and 36 above) operate these water taxis for private exclusive use on a charter model, with no separate fares being charged directly or indirectly; and
- (c) to utilise public piers and landings as opposed to ferry piers and private piers.

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<sup>28</sup> Please see **Appendix 3** for your reference a non-exhaustive list of legal instruments initiated and enacted by the IMO and if you wish us to provide further details on any specific convention, code or regulation, we can separately look into these.

## **APPENDIX 1:**

“Local vessel” is defined under section 2 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) (“*MSO*”) to include:

- (a) any vessel used solely within the waters of Hong Kong, whether registered under the Merchant Shipping (Registration) Ordinance (Cap 415) or in a place outside Hong Kong;
- (b) any vessel regularly employed in trading to or from Hong Kong unless registered in a place outside Hong Kong;
- (c) any vessel possessed or used for pleasure purposes in the waters of Hong Kong;
- (d) any vessel employed in sea fishing plying regularly in the waters of Hong Kong, or using the waters of Hong Kong as a base; or
- (e) any vessel-
  - (i) registered in the Mainland of China or Macau;
  - (ii) employed in trading to or from Hong Kong; and
  - (iii) issued with any certificate by a government authority of the Mainland of China or Macau permitting its trading to Hong Kong other than any accepted convention certificate.

## **APPENDIX 2:**

### *List of Environmental-Related Hong Kong Laws*

1. Water Pollution Control Ordinance (Cap. 358)
2. Water Disposal Ordinance (Cap. 354)
3. Dumping at Sea Ordinance (Cap. 466)
4. Noise Control Ordinance (Cap. 400)
5. Hazardous Chemicals Control Ordinance (Cap. 595)
6. Air Pollution Control Ordinance (Cap. 311)



### **APPENDIX 3:**

#### *List of Environmental-Related International Conventions, Rules and Regulations*

1. International Convention for the Safety of Life at Sea
2. International Convention for the Prevention of Pollution from Ships
3. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers
4. Convention on Facilitation of International Maritime Traffic
5. The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships
6. Maritime Labour Convention
7. International Convention on Salvage
8. United Nations Convention on the Law of the Sea
9. International Convention on Civil Liability for Oil Pollution Damage
10. International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage
11. International Ballast Water Management Convention
12. International Regulations for Preventing Collisions at Sea

**ATTACHMENT 1**

*Paper No. TFWL/02/2012 "Waterborne Passenger Transportation in Victoria Harbour"*

# **Task Force on Water-land Interface**

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For discussion  
on 21 February 2012

TFWL/02/2012

## **Waterborne Passenger Transportation in Victoria Harbour**

### **PURPOSE**

This paper briefs Members on the -

- (a) existing situation of waterborne passenger transportation in Victoria Harbour;
- (b) observations from a preliminary desktop research of “water-taxi” services in overseas cities; and
- (c) factors for consideration when contemplating the potential of “water-taxi” services in Victoria Harbour.

### **OVERVIEW OF EXISTING SITUATION**

2. At present, different types of waterborne transport services are being operated in Victoria Harbour to meet the commuting, recreational, tourist and ad hoc demands. These services include regular passenger ferry services, harbour tour services, cross-boundary ferry services and chartered services. Waterborne transport services in Hong Kong are operated commercially by the private sector.

#### **Regular Passenger Ferry Services**

3. The history of regular passenger ferry services stretches back to the late 19<sup>th</sup> Century, with the first regular cross-harbour passenger ferry service between Tsim Sha Tsui and Central established in around 1880s. There are currently 9 ferry operators providing regular franchised or licensed passenger ferry services under the Ferry Services Ordinance (Chapter 104) (FSO) within Victoria Harbour with 8 fixed routes plying within Victoria Harbour and 14 routes serving outlying islands of which 7 routes call at Victoria Harbour. About 60 registered vessels are currently operating the above ferry services. These vessels mainly use designated ferry piers for embarkation and disembarkation.

4. The franchised and licensed ferry services are supplemented by “kaitos”(街渡) which are also licensed under the FSO to serve remote coastal settlements. The scale of operation of “kaito” services is normally small and some of these services are operated on an irregular basis. There are currently 62 ferry operators providing 71 kaito services of which

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2 routes are operated between Victoria Harbour and destinations outside the Harbour. About 90 registered vessels are currently operating “kaito” services. These vessels use both ferry piers and public landings for embarkation and disembarkation.

5. In 2010, the average total daily patronage of the franchised and licensed ferry services (excluding kaitos) was about 136,000 passenger trips, accounting for about 1.2% of total public transport ridership. Due to the continuous enhancement of public transport network and the lack of growth in ferry passengers, the importance of ferry services to the public transport network in Hong Kong has been on the decline in the past two decades. The patronage of ferry services as a percentage of total public transport ridership has fallen from about 3.3% in 1989 to about 1.2% in 2010. As the land-based public transport network in Hong Kong continues to develop, the potential for expansion of passenger ferry services as a means of public transport appears to be limited. Whilst ferry services play a supplementary role to cross-harbour service and provide alternative choices for commuters, their role is more prominent in areas not conveniently served by or not accessible to land transport such as the outlying islands. Against this general background, the Government has been adopting a cautious approach in proposing any new ferry services.

6. For details of domestic passenger ferry services operating in the territory, please refer to Annex A.

### ***Harbour Tour Services***

7. Harbour tour services are also very common in Victoria Harbour. Some vessels operate sightseeing tour within the Harbour to meet tourist demand. Some vessels are operated as floating restaurants. There are other vessels operating chartered services for exclusive use (not charging separate fares) or to meet ad hoc demand. These services are exempted from the FSO. On the other hand, a licensed ferry service for a fixed route of “Harbour Tour” (Tsim Sha Tsui – Central – Wan Chai Round Trip) is currently operated by Star Ferry.

### **Cross-Boundary Ferry Services**

8. The first cross-boundary passenger ferry service (between Hong Kong and Macau) was established in around 1985. There are currently 8 operators providing services to Macau and other cities in southern China. About 114 vessels, mostly high-speed passenger craft such as jetfoils and catamarans, operate cross-boundary ferry services from the 4 ferry terminals in Tsim Sha Tsui and Sheung Wan (within Victoria Harbour) and also Tuen Mun and Hong Kong International Airport.

9. In 2010, 24.29 million passengers passed through the terminals, comprising 19.75 million passenger trips to/from Macau and about 5.54 million passenger trips to/from Mainland ports.

### **DESKTOP RESEARCH OF “WATER-TAXI” SERVICES IN OVERSEAS CITIES**

10. The Harbour Unit of the Development Bureau has recently conducted a preliminary desktop research on the provision of “water-taxi” services in a number of overseas cities in Europe, North America, Australasia and South-east Asia, including London, Copenhagen, Amsterdam, Venice, Seattle, Brooklyn, Sydney, Auckland, Singapore and Bangkok.

#### **Key observations**

11. There is no universal definition for “water-taxi” services around the world, and the modes of operation are diverse. Based on the research findings, it is noted that “water-taxi” services in overseas cities are mainly operated on commercial basis by private companies<sup>1</sup>. Some operate like our licensed ferry services with fixed route, fixed intervals and separate fare; and some operate like our exempted chartered ferry service for tourism-oriented harbour tour or point-to-point service which may require advance booking. The size of vessels used as “water-taxi” and their capacities also differ substantially across cities, from 8 per vessel in Amsterdam to 244 per vessel in Brooklyn. The pricing structure is also different. Some charge for a single trip, some for day-pass (or half-day ride), and some charge according to the distance or time used (per hour or per minute). While prices vary across cities as well as across routes within a city, it appears that a certain premium is charged for services considered to be more tourism-oriented. A comparison table showing the key features of “water-taxi” services in the selected overseas cities is at Annex B.

12. It is worth noting that the preliminary study covers those services named as “water-taxi” services in overseas cities, and whether such services differ from the existing domestic ferry services in Hong Kong more in name or in substance is not certain from the information.

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<sup>1</sup> With the exception of Seattle, where an independent special purpose public body (King County Ferry District) was created in 2007 to expand transportation options for county residents through provision of water-taxi services.

### **FACTORS FOR CONSIDERATION WHEN CONTEMPLATING THE POTENTIAL OF “WATER-TAXI” SERVICE IN VICTORIA HARBOUR**

13. While the operation of “water-taxi” services in the overseas cities may provide some references, when contemplating the potential for expanding water-borne passenger transportation options in Hong Kong, there are also some factors for consideration in our local context.

#### **Nature of the Victoria Harbour Waters**

14. Unlike some harbourfront areas in overseas cities which comprise multiple land pieces (such as Venice) or a large land piece straddled by canals/rivers (such as Amsterdam), there are mainly two large land pieces (Kowloon Peninsula and Hong Kong Island) on the two sides of Victoria Harbour and a large number of outlying islands outside the harbour. The geographical layout of Victoria Harbour, together with mixed traffic density (comprising comparatively large ocean going vessels, cruise ships, river trade cargo vessels and high speed craft, etc.) clustering within Victoria Harbour, do not support a favourable calm sea condition for the operation of smaller size vessels used for “water-taxi” services. The cumulative wave wash effect generated by the propellers and movements of mixed traffic within Victoria Harbour precincts will make travelling on small size vessels uncomfortable as the vessels roll and sway vigorously. Therefore, many passengers onboard may experience seasickness. To this end, passengers may prefer taking larger vessels to tour around the Victoria Harbour or using other means of transport to cross the harbour.

#### **Business Case**

15. It is noted from the preliminary study on overseas examples that the provision of “water-taxi” services is very much subject to private sector initiatives. To date, the Transport Department (TD) has not received any concrete proposal for provision of “water-taxi” services in Hong Kong, nor has there been any official application to the Marine Department (MD) for licensing of local vessels as “water-taxi”. The existence of market niche / potential for “water-taxi” service is uncertain.

#### **Legal/Technical Issues**

##### ***Licensing of vessels***

16. Vessels operating in Hong Kong are required to be certificated and licensed under the relevant legislation in Hong Kong. The certification and licensing of vessels are overseen by MD. Subject to the compliance of the safety requirements under the Merchant Shipping (Local Vessels) Ordinance (Cap. 548), a passenger-carrying vessel could be certificated and licensed on application by the owner(s) either as Class I

(ferry/launch/primitive vessel) or Class II vessel (transportation boat/transportation sampan) respectively, depending on the passenger carrying capacity<sup>2</sup> of the vessel.

17. The owner should first apply for an Approval-in-Principle Letter (AIP letter) from MD. Thereafter, it should apply to MD for the approval of plans and survey of the vessel, as well as a Certificate of Ownership (COO) and an Operating Licence (OL), which are required for operating a vessel for any commercial purposes, including carriage of passengers, in the waters of Hong Kong.

### ***Licensing of service***

18. TD is responsible for licensing of ferry services under the FSO. Under Section 4 of the Ordinance, a ferry service that is for reward at a separate fare should be operated under a franchise or licence granted by TD, unless it is grouped under the exempted ferry services as listed in Section 5. These exempted ferry services include cargo service, employees' service, permitted service and tour service. Whether "water-taxi" service will require regulation and licensing under FSO will be subject to the nature and mode of operation. Given the small carrying capacity, uncertainty in demand and financial viability as well as the availability of existing ferry service network with Victoria Harbour, "water-taxi" service is more appropriate to be explored in the context of charter-hired service instead of regular passenger ferry service.

### ***Marine Safety***

19. Victoria Harbour is a very busy harbour with a diversity of port, municipal, transport and recreational/leisure activities. There are about 220 vessels movements/per minute within Victoria Harbour. MD therefore plays an important role in ensuring that the activities and movements of vessels are conducted in a safe and orderly manner to meet the needs and aspirations of different stakeholders.

20. In terms of marine traffic, MD sets aside certain areas of the harbour as "Principle Fairways" (see [Annex C](#)), where anchoring of vessels are prohibited to facilitate the passage of vessels, under the Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548F). There are also certain prohibited/restricted zones, as well as speed limits at different areas for different lengths of vessels.

21. In terms of vessel standards, the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) and the Merchant Shipping (Safety and Survey) Regulation (Cap. 548G) stipulate certain requirements on vessel

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<sup>2</sup> over 12 passengers for Class I and 12 or less passengers for Class II

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construction and design, equipment on board (such as fire safety, life-saving, navigation, etc.), which are subject to inspection by government surveyors/inspectors.

### ***Locations for Embarkation/Disembarkation***

22. There are various types of landing facilities for passenger-carrying vessels within Victoria Harbour, including public piers/landings, passenger ferry piers and ferry terminals. Their usage for marine operations is overseen by MD and TD. Some ferry piers are leased to ferry operators on exclusive basis for operation of franchised and licensed ferry services.

23. According to the Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548F), embarkation/disembarkation of passengers on/from vessels should take place at a pier, seawall or landing place by means of a gangway adequately secured to the vessel and the shore and fitted with a handrail or landing steps alongside which the vessel has made fast. A map showing the distribution of public piers/landings around Victoria Harbour, open for use by members of the public free of charge, is at Annex D.

### ***Berthing/Anchorage/Mooring of Water-Taxis (When Being Idle)***

24. According to the Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548F), a local vessel should generally not lie alongside piers/landings for any time longer than is reasonably necessary for the embarkation/disembarkation. While “water-taxis” should not stay idle at the “Principle Fairways” under the law, they may either stay at a reasonable distance near the piers/landings (such that usage of the piers/landings by other vessels is not affected) or utilize typhoon shelters.

## **CONCLUSION**

25. Members are invited to note the background/reference materials for existing water transport services in Victoria Harbour and the preliminary findings of the desktop research on “water-taxi” services.

**Development Bureau  
Marine Department  
Transport Department  
February 2012**



**Domestic Passenger Ferry Services**

***Franchised or Licensed***

Within Victoria Harbour (8)

- Tsim Sha Tsui – Central<sup>1</sup>
- Tsim Sha Tsui – Wan Chai<sup>1</sup>
- North Point – Hung Hom
- North Point – Kowloon City
- North Point – Kwun Tong
- Sai Wan Ho – Sam Ka Tsuen
- Sai Wan Ho – Kwun Tong
- Harbour Tour (Tsim Sha Tsui – Central – Wan Chai Round Trip)

Between Victoria Harbour and Outlying Islands (14)

- Central – Cheung Chau
- Central – Mui Wo
- Central – Peng Chau
- Central – Yung Shue Wan
- Central – Sok Kwu Wan
- Central – Discovery Bay
- Central – Ma Wan
- North Point - Joss House Bay<sup>2</sup>
- Peng Chau – Mui Wo – Chi Ma Wan – Cheung Chau(Inter-islands)
- Tuen Mun – Tung Chung – Sha Lo Wan – Tai O
- Aberdeen – Pak Kok Tusen – Yung Shue Wan
- Aberdeen – Mo Tat – Sok Kwu Wan
- Discovery Bay – Mui Wo
- Ma Wan – Tsuen Wan

***Kaitos***

Between Victoria Harbour and Outlying Islands (2)

- Sai Wan Ho – Tung Lung Chau via Joss House Bay
- Sam Ka Tsuen – Tung Lung Chau

Outside Victoria Harbour (69)

- Aberdeen – Ap Lei Chau
- Aberdeen – Mo Tat

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<sup>1</sup> This is a franchised ferry service.

<sup>2</sup> The service is operated on the day preceding to the Tin Hau Festival and the Tin Hau Festival Day only.

- Aberdeen – Po Toi Island via Stanley
- Mo Tat – Sok Kwu Wan
- Peng Chau – Discovery Bay via Trappist Monastery
- Cheung Chau Public Pier – Sai Wan
- Sha Tau Kok – Lai Chi Wo/Sai Lau Kong/Sam Au Village/Kat O
- Sha Tau Kok – Ap Chau
- Sha Tau Kok – Kat O TP
- Wong Shek – Wan Tsai/Chek Keng
- Ma Liu Shui – Tung Ping Chau
- Ma Liu Shiu – Tap Mun via Sham Chung, Lai Chi Chong, Ko Lau Wan, Chek King and Wong Shek
- Tap Mun – Wong Shek
- Sai Kung – Kiu Tsui/Hap Mun Bay/Yim Tin Tsai/Kau Sai/Leung Shuen Wan (15 routes)
- Sai Kung – Kiu Tsui/Hap Mun Bay/Yim Tin Tsai/Kau Sai/Leung Shuen Wan/Tai She Wan (2 routes)
- Sai Kung – Kiu Tsui/Hap Mun Bay/Yim Tin Tsai/Kau Sai/Leung Shuen Wan/ Nam Fung Wan/Tai Long Sai Wan
- Sai Kung – Kiu Tsui/Hap Mun Bay/Yim Tin Tsai/Kau Sai/Nam Fung Wan/Leung Shuen Wan
- Sai Kung – Kiu Tsui/Hap Mun Bay/Yim Tin Tsai/Kau Sai/Chong Hing Water Sports Centre/Leung Shuen Wan (2 routes)
- Sai Kung – Kiu Tsui/Hap Mun Bay/Yim Tin Tsai/Nam Fung Wan/Leung Shuen Wan
- Sai Kung – Kiu Tsui/Hap Mun Bay/Yim Tin Tsai/Sam Sing Wan/Leung Shuen Wan (2 routes)
- Sai Kung – Kiu Tsui/Hap Mun Bay/Yim Tin Tsai/Tai She Wan/Kau Sai/Leung Shuen Wan
- Sai Kung – Kiu Tsui/Hap Mun Bay/Yim Tin Tsai/Tai She Wan/Sam Sing Wan/Kau Sai/Leung Shuen Wan
- Sai Kung – Kiu Tsui/Hap Mun Bay/Yim Tin Tsai/Leung Shuen Wan (3 routes)
- Sai Kung – Kiu Tsui/Hap Mun Bay/Yim Tin Tsai/Tai She Wan (3 routes)
- Sai Kung – Kiu Tsui/Hap Mun Bay/Yim Tin Tsai/Kau Sai
- Sai Kung – Kiu Tsui/Hap Mun Bay/Yim Tin Tsai (2 routes)
- Sai Kung – Kiu Tsui/ Yim Tin Tsai/ Leung Shuen Wan/Pak Lap/Tai Long Sai Wan/Hap Mun Bay/Kau Sai
- Sai Kung – Kiu Tsui/Hap Mun Bay/Wong Yi Chau
- Sai Kung – Kiu Tsui/Hap Mun Bay/Sam Sing Wan/Ma Nam Wat/Kau Sai/Leung Shuen Wan
- Sai Kung – Kiu Tsui/Hap Mun Bay/Sam Sing Wan/Kau Sai/Leung Shuen Wan
- Sai Kung – Kiu Tsui/Hap Mun Bay/Nam Fung Wan
- Sai Kung – Kiu Tsui/Yim Tin Tsai/Kau Sai/Pak Lap
- Sai Kung – Kiu Tsui/ Yim Tin Tsai/Pak Wan/Tai She Wan/Kau Sai/Leung Shuen Wan
- Sai Kung – Kiu Tsui/Wong Yi Chau/Leung Shuen Wan
- Sai Kung – Kiu Tsui/Leung Shuen Wan

- Sai Kung – Hap Mun Bay/Leung Shuen Wan/Sai Wan
- Sai Kung – Hap Mun Bay/Sam Sing Wan/Yim Tin Tsai/Kau Sai/Leung Shuen Wan
- Sai Kung – Fo Tau Fan Chau (The Dawn Island Pier)
- Sai Kung – Tai Long Sai Wan/Ham Tin
- Pak Sha Wan – Kiu Tsui/Hap Mun Bay/Sam Sing Wan/Nam Fung Wan/Leung Shuen Wan/ Sha Tsui
- Pak Sha Wan – Kiu Tsui/Hap Mun Bay/Sam Sing Wan/Ma Nam Wat/Kau Sai/Leung Shuen Wan
- Pak Sha Wan – Kiu Tsui/Hap Mun Bay/Sam Sing Wan/Kau Sai (2 routes)
- Pak Sha Wan – Kiu Tsui/Hap Mun Bay/Yim Tin Tsai/Sam Sing Wan
- Pak Sha Wan – Sam Sing Wan/Kiu Tsui/Hap Mun Bay/Yim Tin Tsai/Kau Sai/Leung Shuen Wan
- Pak Sha Wan – Sam Sing Wan/Hap Mun Bay/Sha Tsui/Kau Sai
- Pak Sha Wan – Sam Sing Wan/Hap Mun Bay/Kau Sai

## Research on Water-Taxi Services in Overseas Cities

### Annex B

	London	Copenhagen	Amsterdam	Venice	Seattle	Brooklyn	Sydney	Auckland	Singapore	Bangkok
<b>(A) <u>Ownership</u></b>										
➤ <b>Operation by Publicly- or Privately-owned Entities?</b>	<ul style="list-style-type: none"> <li>Operated by privately-owned company</li> </ul>	<ul style="list-style-type: none"> <li>Operated by privately-owned company</li> </ul>	<ul style="list-style-type: none"> <li>Operated by privately-owned company</li> </ul>	<ul style="list-style-type: none"> <li>Operated by private co-operative of water-taxi operators</li> </ul>	<ul style="list-style-type: none"> <li>Funded and overseen by public body - King County Ferry District (KFCD)<sup>1</sup></li> <li>Operated by local authority - King County Marine Division</li> </ul>	<ul style="list-style-type: none"> <li>Operated by privately-owned company</li> </ul>	<ul style="list-style-type: none"> <li>Operated by private company (family-owned business)</li> </ul>	<ul style="list-style-type: none"> <li>Operated by privately-owned company</li> </ul>	<ul style="list-style-type: none"> <li>Operated by privately-owned company</li> </ul>	<ul style="list-style-type: none"> <li>Operated by privately-owned company and other private operators</li> </ul>
➤ <b>Name of Operator</b>	<ul style="list-style-type: none"> <li>KPMG Thames Clippers</li> </ul>	<ul style="list-style-type: none"> <li>Flyvefisk / Copenhagen Water Taxi was established in 2004</li> </ul>	<ul style="list-style-type: none"> <li>"VIP Watertaxi Amsterdam"</li> </ul>	<ul style="list-style-type: none"> <li>Consorzio Motoscafi Venezia (CMV) (the co-operative of water-taxi operators in Venice)</li> </ul>	<ul style="list-style-type: none"> <li>King County Marine Division is engaged by KCFD to operate the water taxis</li> </ul>	<ul style="list-style-type: none"> <li>New York Water Taxi (NYWT)</li> </ul>	<ul style="list-style-type: none"> <li>"H2O Taxis"</li> </ul>	<ul style="list-style-type: none"> <li>Reubens Water Taxis</li> </ul>	<ul style="list-style-type: none"> <li>Singapore River Cruise Pte Ltd (SRC)</li> </ul>	<ul style="list-style-type: none"> <li>Chao Phraya Express Boat Co., Ltd (CPEX)</li> </ul>
<b>(B) <u>Target Customers</u></b>										
➤ <b>For Tourists or Local Commuters?</b>	<ul style="list-style-type: none"> <li>For both tourists and local commuters</li> </ul>	<ul style="list-style-type: none"> <li>Mainly for sightseeing trips for tourists, sometimes in collaboration with restaurants,</li> </ul>	<ul style="list-style-type: none"> <li>For small groups to travel around the city and its surrounding areas</li> </ul>	<ul style="list-style-type: none"> <li>Mainly for tourists</li> <li>Also for faster transportation between airport/ports and Central</li> </ul>	<ul style="list-style-type: none"> <li>Mainly for local commuters</li> <li>Also aims at promoting tourism</li> </ul>	<ul style="list-style-type: none"> <li>Mainly for tourists (sightseeing and entertainment)</li> </ul>	<ul style="list-style-type: none"> <li>Mainly targeted at groups (for business conference, dinner, wedding party, etc)</li> </ul>	<ul style="list-style-type: none"> <li>Mainly targeted for touring around the Auckland Harbour</li> <li>Also for sightseeing</li> </ul>	<ul style="list-style-type: none"> <li>For both tourists and local commuters</li> </ul>	<ul style="list-style-type: none"> <li>Mainly for local commuters</li> </ul>

<sup>1</sup> An independent special purpose public body created to expand transportation options through water taxi services, which was created by the King's County Council (KCC) in 2007 to expand transportation options for county residents. For details, please refer to <http://www.kingcountyperies.org/>.

	London	Copenhagen	Amsterdam	Venice	Seattle	Brooklyn	Sydney	Auckland	Singapore	Bangkok
		hotels and companies <ul style="list-style-type: none"> <li>“Cab rides” also available for quick access from one end of the harbour to the other</li> </ul>	<ul style="list-style-type: none"> <li>To offer relaxing and enjoyable journey, free of horns and traffic jams on busy city streets</li> </ul>	Venice <ul style="list-style-type: none"> <li>Also between Central Venice and Macro Polo Airport/other ports</li> </ul>				and island hopping		
<b>(C) Accessibility</b>										
>	<ul style="list-style-type: none"> <li>More than 10 major piers/landing points along the River Thames</li> </ul>	<ul style="list-style-type: none"> <li>Mainly serving any points within the Copenhagen Harbour, as long as there are mooring facilities</li> <li>Prior arrangement with the operator needed for trips outside the Harbour</li> </ul>	<ul style="list-style-type: none"> <li>Mainly at any points along the waterside in Central Amsterdam (CA)</li> <li>Service outside CA will be subject to extra fees</li> </ul>	<ul style="list-style-type: none"> <li>Within Central Venice</li> <li>Also between Central Venice and Macro Polo Airport/other ports</li> </ul>	<ul style="list-style-type: none"> <li>Serves 2 fixed routes in the King County</li> </ul>	<ul style="list-style-type: none"> <li>It tours around the 4 designated piers in the New York City</li> </ul>	<ul style="list-style-type: none"> <li>Point-to-point service within the Sydney Harbour, in between Sydney Islands and beaches</li> </ul>	<ul style="list-style-type: none"> <li>Auckland Viaduct Harbour</li> <li>All the islands of Hauraki Gulf</li> </ul>	<ul style="list-style-type: none"> <li>Provides scenic rides along the River</li> <li>The taxis double up as an alternative mode of transportation around the Marina Bay</li> </ul>	<ul style="list-style-type: none"> <li>Along the major <i>klongs</i> (waterways) in Bangkok, with various piers serving as pick-up and drop-off points</li> </ul>
>	<ul style="list-style-type: none"> <li>Operating <b>5</b> routes along the River, namely, Commuter Service, Tate</li> </ul>	<ul style="list-style-type: none"> <li>No prescribed routes</li> <li><u>Point-to-point</u> service upon</li> </ul>	<ul style="list-style-type: none"> <li>No prescribed routes</li> <li><u>On-call</u> service along</li> </ul>	<ul style="list-style-type: none"> <li>No prescribed routes</li> <li>Some <b>7-8</b> locations</li> </ul>	<ul style="list-style-type: none"> <li>Operating <b>2</b> fixed routes<sup>4</sup></li> </ul>	<ul style="list-style-type: none"> <li>Running <b>1</b> fixed route</li> <li>Serving <b>4</b> major piers in NYC<sup>5</sup>.</li> </ul>	<ul style="list-style-type: none"> <li>No prescribed routes</li> <li><u>Point-to-point</u> service upon</li> </ul>	<ul style="list-style-type: none"> <li>For operations within the Harbour, the taxis can serve in</li> </ul>	<ul style="list-style-type: none"> <li>Running <b>1</b> route</li> <li>Serving <b>9</b> major stops along the</li> </ul>	<ul style="list-style-type: none"> <li>At least <b>some 12</b> fixed routes are operated by different service</li> </ul>

<sup>2</sup> VIP Watertaxi Amsterdam operates 18 fixed points. For the list of pick-up and drop-off points, please refer to [http://www.motoscafivenezia.it/eng/biglietto\\_1.php](http://www.motoscafivenezia.it/eng/biglietto_1.php).

	London	Copenhagen	Amsterdam	Venice	Seattle	Brooklyn	Sydney	Auckland	Singapore	Bangkok
	to Tate Service, Canary Wharf Shuttle Service, Hilton Ferry Service, and the O2 Express	customers' request, provided there are mooring facilities	any point of waterside throughout Amsterdam	(mainly airport, ports and major hotels) <sup>3</sup> are designated as pick-up and drop-off points, whereas customers may also specify alternative location for pick-up and drop-off			customers' request (as above)	between any of the <u>g</u> major points <sup>6</sup>	Singapore River <sup>7</sup>	providers along major <i>Klongs</i> <sup>8</sup> .
			<ul style="list-style-type: none"> <li>Some <b>18</b> locations are set up as fixed pick-up and drop-off points<sup>2</sup>, whereas customers may specify alternative pick-up and drop-off points</li> </ul>		<ul style="list-style-type: none"> <li>Accessible restrooms, adequate shelters and wheelchair tie-downs are available on the vessels</li> </ul>	<ul style="list-style-type: none"> <li>Not mentioned on the operator's website</li> </ul>	<ul style="list-style-type: none"> <li>Disabled access to the water-taxi is available</li> </ul>	<ul style="list-style-type: none"> <li>Not mentioned on the operator's website</li> </ul>	<ul style="list-style-type: none"> <li>Not mentioned on the operator's website</li> </ul>	<ul style="list-style-type: none"> <li>Normally, each fixed route serves some <b>5-30</b> piers/landing points<sup>9, 10</sup>,</li> </ul>
➤ <b>Service for the Disabled</b>	<ul style="list-style-type: none"> <li>All boats are wheelchair accessible</li> </ul>	<ul style="list-style-type: none"> <li>Not mentioned</li> </ul>	<ul style="list-style-type: none"> <li>Not mentioned on the operator's website</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>		<ul style="list-style-type: none"> <li>Not mentioned on the operator's website</li> </ul>	<ul style="list-style-type: none"> <li>Disabled access to the water-taxi is available</li> </ul>	<ul style="list-style-type: none"> <li>Not mentioned on the operator's website</li> </ul>	<ul style="list-style-type: none"> <li>Not mentioned on the operator's website</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<b>(D) Pricing</b>										

<sup>3</sup> See the list at [http://www.motoscaffivenezia.it/eng/biglietto\\_1.php](http://www.motoscaffivenezia.it/eng/biglietto_1.php)

<sup>4</sup> Namely: (i) West Seattle/Downtown Seattle and (ii) Vashon Island/Downtown Seattle. For reference, please refer to [http://www.kingcountyfermydistrict.org/pdfs/kcfs\\_fact061608.pdf](http://www.kingcountyfermydistrict.org/pdfs/kcfs_fact061608.pdf).

<sup>5</sup> Namely: Pier 84, Battery Park Slip 6, Pier 17, and Fulton Ferry Landing. For details, please refer to <http://www.nywater-taxi.com/tours/hop>.

<sup>6</sup> See <http://water-taxis.org/index-5.html>

<sup>7</sup> SRC operates water taxis and cruise services along the Singapore River. The water taxis serve 5 major points along the River: "Marina Bay → Fullerton/Merlion → Raffles Landing Stone/Boat Quay → Liang Court/Riverside Point → Robertson Quay/Grand Copthorne Waterfront".

<sup>8</sup> Including *Klong Saen Saep Express Boat*, *Chao Phraya Express Boat*, *Saithon-Klong Toei Express Boat*, *NIDA Line*, etc

<sup>9</sup> There are 24 pier stops along the NIDA Line and 6 along the Golden Mount Line ([http://en.wikipedia.org/wiki/Klong\\_Saen\\_Saep\\_Express\\_Boat](http://en.wikipedia.org/wiki/Klong_Saen_Saep_Express_Boat))

<sup>10</sup> The no-flag boat serves 30 pier stops along the waterway in Chao Phraya district (<http://www.chaophrayaexpressboat.com/en/services/route-print.asp>)

	London	Copenhagen	Amsterdam	Venice	Seattle	Brooklyn	Sydney	Auckland	Singapore	Bangkok
➤ <b>Basic Fee</b>	<ul style="list-style-type: none"> <li>Depending on routes, <b>£3.30 - £6.00</b> (HK\$41.10 - HK\$74.73)<sup>11</sup> for single ride for adult, and <b>£1.70 - £2.80</b> (HK\$21.17 - HK\$34.87) for child<sup>12</sup></li> </ul>	<ul style="list-style-type: none"> <li>Price ranging from <b>kr.500 to kr.700</b> (HK\$587.75 - HK\$822.85)<sup>13</sup> for a 1/2 hours' ride during weekdays<sup>14</sup></li> <li>Higher fee from <b>kr.700 to kr.900</b> (HK\$822.85 - HK\$1,057.95) for a 1/2 hours' during weekends<sup>15</sup></li> <li>Surcharge of <b>100%</b> for journey outside the Harbour, due to extra crew<sup>16</sup></li> </ul>	<ul style="list-style-type: none"> <li>Composed of Pick-up Charge and Per-minute Rates<sup>17</sup></li> <li><b>(i) Pick-up Charge</b> <ul style="list-style-type: none"> <li>• <b>€7.50</b> (HK\$80.33)<sup>18</sup> (for pick-up within CA)</li> <li>• <b>€12.50</b> (HK\$133.88) (for pick-up outside CA)</li> </ul> </li> <li><b>(ii) Per-minute Rates</b> <ul style="list-style-type: none"> <li>• <b>€1.75</b> (HK\$18.74) per minute per boat (for disembarkati on within CA)</li> <li>• <b>€2.25</b></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>On average, <b>€30.00</b> (HK\$321.30) is charged for trip within Central Venice<sup>19</sup></li> <li>Normally, <b>€100.00</b> (HK\$1,071.00) is charged between Airport and Central Venice<sup>20</sup></li> <li><b>€10.00</b> (HK\$107.10) surcharge for nightshift (from 10pm to 7am)<sup>21</sup></li> <li><b>€10.00</b> (HK\$107.10) surcharge for nightshift (from 10pm to 7am)<sup>21</sup></li> <li><b>€2.25</b> (HK\$21.48) for youth (aged 6 to 18)</li> <li><b>Free</b> for</li> </ul>	<ul style="list-style-type: none"> <li>Ranges from <b>US\$3.50 - US\$4.50</b> (HK\$27.34 - HK\$35.16)<sup>22</sup> per adult<sup>23</sup></li> <li><b>US\$1.50 - US\$2.00</b> (HK\$11.72 - HK\$15.63) for seniors (aged 65 and above) and Persons with Disabilities (PWDs)</li> <li><b>US\$2.25 - US\$2.75</b> (HK\$17.58 - HK\$21.48) for youth (aged 6 to 18)</li> <li><b>Free</b> for</li> </ul>	<ul style="list-style-type: none"> <li>One-day Pass: <b>US\$25.00</b> (HK\$195.31) for adult and <b>US\$15.00</b> (HK\$117.19) for child<sup>24</sup></li> </ul>	<ul style="list-style-type: none"> <li>A minimum of 6 passengers per order is needed for each quotation<sup>25</sup></li> <li>For reference, the cost is as low as <b>A\$5.50</b> (HK\$44.12)<sup>26</sup> per person for a group of 100 traveling within the Sydney CBD area<sup>27</sup></li> </ul>	<ul style="list-style-type: none"> <li><b>(i) Within Auckland Harbour</b> <ul style="list-style-type: none"> <li>• <b>NZ\$10.00 - NZ\$40.00</b> (HK\$61.13 - HK\$244.50)<sup>28</sup> per head<sup>29</sup>, with minimum callout fee ranging from <b>NZ\$60.00 - NZ\$280.00</b> (HK\$366.75 - HK\$1,711.50)</li> </ul> </li> <li><b>(ii) Auckland Harbour to Outer Islands</b> <ul style="list-style-type: none"> <li>• <b>NZ\$25.00 - NZ\$40.00</b> (HK\$152.81 - HK\$244.50) per head,</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Ranging from <b>S\$4 to S\$16</b> (HK\$24.37 - HK\$97.50)<sup>30</sup></li> </ul>	<ul style="list-style-type: none"> <li>Depending on routes and service locations, the price ranges from <b>8 Baht to 30 Baht</b><sup>31, 32</sup>, (<b>HK\$2.05 - HK\$7.68</b>)<sup>33</sup></li> </ul>

<sup>11</sup> GB£1 = HK\$12.455 (as at 15 Nov 2011) (Source: Hong Kong Bankers' Association (HKAB). See the selling exchange rates at <http://www.hkab.org.hk/ExchangeRateDisplayAction.do?lang=en>)

<sup>12</sup> [https://booking.thamesclippers.com/single\\_tickets](https://booking.thamesclippers.com/single_tickets)

<sup>13</sup> kr.1 = HK\$1.1755 (as at 15 Nov 2011) (Source: HKAB)

<sup>14</sup> <http://www.flyvefisk.dk/english/bookprices.aspx>

<sup>15</sup> <http://www.flyvefisk.dk/english/bookprices.aspx>

<sup>16</sup> <http://www.water-taxi.nl/watertaxi/bookprices.aspx>

<sup>17</sup> <http://www.water-taxi.nl/watertaxi/prizen-en.php>

<sup>18</sup> €1 = HK\$10.71 (as at 15 Nov 2011) (Source: HKAB)

<sup>19</sup> <http://europeforvisitors.com/venice/articles/water-taxi.htm>

<sup>20</sup> [http://www.motoscafiavenezia.it/eng/biglietto\\_1.php](http://www.motoscafiavenezia.it/eng/biglietto_1.php)

<sup>21</sup> <http://www.motoscafiavenezia.it/eng/informazioni.php>

<sup>22</sup> US\$1 = HK\$7.8125 (as at 15 Nov 2011) (Source: HKAB)

<sup>23</sup> <http://www.kingcountyferrydistrict.org/default.aspx?ID=17>

<sup>24</sup> <http://www.nvwater taxi.com/fours/hop>

<sup>25</sup> <http://www.h2owatertaxis.com.au/>

<sup>26</sup> A\$1 = HK\$8.0210 (as at 15 Nov 2011) (Source: HKAB)

<sup>27</sup> <http://www.h2owatertaxis.com.au/group-transport.html>

<sup>28</sup> NZ\$1 = HK\$6.1125 (as at 15 Nov 2011) (Source: HKAB)

<sup>29</sup> <http://watertaxis.org/index-5.html>

	London	Copenhagen	Amsterdam	Venice	Seattle	Brooklyn	Sydney	Auckland	Singapore	Bangkok
➤ <b>Package and Discounts (e.g., monthly or annual pass)</b>	<ul style="list-style-type: none"> <li>Individual River Roamer Ticket<sup>34</sup></li> <li>Family River Roamer Ticket<sup>35</sup></li> <li>Season ticket for frequent passengers<sup>36</sup></li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>10% discount for return ticket to and from airport<sup>37</sup></li> </ul>	<ul style="list-style-type: none"> <li>Regular pre-paid fare ranges from <b>US\$3.00</b> to <b>US\$3.75</b> per adult (for use of transit passes and ORCA e-purse)<sup>38</sup></li> </ul>	<ul style="list-style-type: none"> <li><b>50% off</b> for veteran and active military personnel in November<sup>39</sup></li> </ul>	<ul style="list-style-type: none"> <li>A great "mate rate" is available for large group<sup>40</sup></li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<b>(E) Capacity and Frequency</b>										
<b>Capacity</b>	<ul style="list-style-type: none"> <li>Fleets ranging from <b>62, 125, 138</b></li> </ul>	<ul style="list-style-type: none"> <li><b>12</b> passengers for each</li> </ul>	<ul style="list-style-type: none"> <li>Each basic Yellow Cab<sup>43</sup> can carry up</li> </ul>	<ul style="list-style-type: none"> <li>Up to <b>10</b> passengers for each</li> </ul>	<ul style="list-style-type: none"> <li>Each fleet is rated to carry <b>150</b></li> </ul>	<ul style="list-style-type: none"> <li>Up to <b>81</b> passengers for Berger</li> </ul>	<ul style="list-style-type: none"> <li>From <b>12</b>-seater water taxi to</li> </ul>	<ul style="list-style-type: none"> <li>Up to <b>10+</b> passengers<sup>51</sup></li> </ul>	<ul style="list-style-type: none"> <li>Not mentioned on the operator's</li> </ul>	<ul style="list-style-type: none"> <li>Fleets are normally with <b>40-50</b> seats<sup>52</sup></li> </ul>

<sup>30</sup> S\$1 = HK\$6.0935 (as at 15 Nov 2011) (Source: HKAB)

<sup>31</sup> <http://www.chaophrayaexpressboat.com/en/services/>

<sup>32</sup> [http://en.wikipedia.org/wiki/Khlong\\_Saen\\_Saep\\_Express\\_Boat](http://en.wikipedia.org/wiki/Khlong_Saen_Saep_Express_Boat)

<sup>33</sup> 1 Baht = HK\$0.2560 (as at 15 Nov 2011) (Source: HKAB)

<sup>34</sup> For unlimited travel during prescribed hours

<sup>35</sup> For 2 adults and 3 children

<sup>36</sup> Season tickets for 1 month, 6 months and 12 months are available. See <http://www.thamesclippers.com/routes-times-prices-booking/how-to-book.html>

<sup>37</sup> [http://www.motoscafivenezia.it/eng/biglietto\\_1.php](http://www.motoscafivenezia.it/eng/biglietto_1.php)

<sup>38</sup> <http://www.kingcountyferrydistrict.org/default.aspx?ID=17>

<sup>39</sup> <http://www.nvwater taxi.com/tours/hop>

<sup>40</sup> <http://www.h2owatertaxis.com.au/group-transport.html>



	London	Copenhagen	Amsterdam	Venice	Seattle	Brooklyn	Sydney	Auckland	Singapore	Bangkok
	to <b>220</b> seats <sup>41</sup>	boat <sup>42</sup>	to <b>8</b> passengers <ul style="list-style-type: none"> <li>Each Watertaxi VIP can carry a maximum of <b>12</b> passengers<sup>44</sup></li> </ul>	water taxi <sup>45, 46</sup>	passengers <sup>47</sup>	Class Water Taxi <sup>48</sup> <ul style="list-style-type: none"> <li>Up to <b>244</b> passengers for Durst Class Water Taxi<sup>49</sup></li> </ul>	MAXI taxi carrying <b>49</b> passengers <sup>50</sup>		website	
<b>Frequency of Service (Regular or Advance Booking?)</b>	<ul style="list-style-type: none"> <li>Regular service at almost all piers.</li> <li>Departures from major piers every 20-30 minutes<sup>53</sup></li> </ul>	<ul style="list-style-type: none"> <li>Advance booking / hiring is required<sup>54</sup></li> <li>No regular service</li> </ul>	<ul style="list-style-type: none"> <li>Water cabs are on call all day long<sup>55</sup></li> <li>Water taxis can be hailed on the waterside</li> <li>Reservation can be made by telephone, email and the website booking</li> </ul>	<ul style="list-style-type: none"> <li>Line-up of water taxis at major piers, such as Macro Polo Airport, Santa Lucia Railway Station and Piazzale Roma, etc.<sup>56</sup></li> <li>Booking by phone and email through CMV<sup>57</sup></li> </ul>	<ul style="list-style-type: none"> <li>Regular service in accordance with operator's schedule</li> </ul>	<ul style="list-style-type: none"> <li>Year-round regular service in accordance with operator's schedule<sup>58</sup></li> <li>Need to book tickets before the ride</li> </ul>	<ul style="list-style-type: none"> <li>Advance booking through phone or internet is required</li> </ul>	<ul style="list-style-type: none"> <li>Service available through riders' advance booking or operator's provision on its own schedule<sup>59</sup></li> </ul>	<ul style="list-style-type: none"> <li>Regular service in accordance with operator's schedule</li> </ul>	<ul style="list-style-type: none"> <li>Regular service in accordance with operator's schedule</li> <li>The typical service hours are from 6:00am to 8:00pm, with boat frequencies varying</li> </ul>

<sup>41</sup> <http://www.thamesclippers.com/our-fleet/our-fleet.html>

<sup>42</sup> <http://www.flyvefisk.dk/english/inspiration.aspx>

<sup>43</sup> There are two types of basic Yellow Cabs, namely, Easy Watertaxi Twee and Easy Watertaxi Drie. See <http://www.water-taxi.nl/watertaxi/vloot-en.php> and <http://www.water-taxi.nl/Watertaxi%202011%20ENG.pdf>

<sup>44</sup> <http://www.water-taxi.nl/Watertaxi%202011%20ENG.pdf>

<sup>45</sup> <http://europeforvisitors.com/venice/articles/water-taxiis.htm>

<sup>46</sup> <http://www.motoscativenezia.it/eng/imbarcazioni.php>

<sup>47</sup> <http://www.kingcountyferrydistrict.org/default.aspx?ID=17>

<sup>48</sup> <http://www.nywatertaxi.com/boats>

<sup>49</sup> <http://www.nywatertaxi.com/boats>

<sup>50</sup> <http://www.h2owatertaxis.com.au/water-taxiis.html>

<sup>51</sup> See the price lists at <http://watertaxis.org/index-5.html>

<sup>52</sup> [http://en.wikipedia.org/wiki/Khong\\_Saen\\_Saep\\_Express\\_Boat](http://en.wikipedia.org/wiki/Khong_Saen_Saep_Express_Boat)

<sup>53</sup> <http://www.thamesclippers.com/routes-times-prices-booking/timetables-prices.html>

<sup>54</sup> <http://www.flyvefisk.dk/english/bookprices.aspx>

<sup>55</sup> <http://europeforvisitors.com/venice/articles/water-taxiis-how-to-hire.htm>

<sup>56</sup> <http://europeforvisitors.com/venice/articles/water-taxiis-how-to-hire.htm>

<sup>57</sup> <http://www.nywatertaxi.com/tours/hop>

<sup>58</sup> <http://www.nywatertaxi.com/tours/hop>

<sup>59</sup> <http://watertaxis.org/index-5.html>

	London	Copenhagen	Amsterdam	Venice	Seattle	Brooklyn	Sydney	Auckland	Singapore	Bangkok
			system							between 5-30 minutes <sup>60</sup>
<b>(F) References</b>										
<b>Relevant Websites</b>	<a href="http://www.thamesclippers.com/">http://www.thamesclippers.com/</a>	<a href="http://www.flyvesk.dk/english/frontpage.aspx">http://www.flyvesk.dk/english/frontpage.aspx</a>	<a href="http://www.water-taxi.nl/">http://www.water-taxi.nl/</a>	<a href="http://www.motoscafivenezia.it/english/">http://www.motoscafivenezia.it/english/</a> <a href="http://europesforvisitors.com/venice/articles/water-taxis-how-to-hire.htm">http://europesforvisitors.com/venice/articles/water-taxis-how-to-hire.htm</a>	<a href="http://www.kingcountyferries.org/">http://www.kingcountyferries.org/</a>	<a href="http://www.nywater-taxi.com/about">http://www.nywater-taxi.com/about</a>	<a href="http://www.h2water-taxi.com.au/">http://www.h2water-taxi.com.au/</a>	<a href="http://watertaxis.org/index-1.html">http://watertaxis.org/index-1.html</a>	<a href="http://www.rivercruise.com.sg/">http://www.rivercruise.com.sg/</a>	<a href="http://www.chao-phrayaexpressboat.com/en/home/">http://www.chao-phrayaexpressboat.com/en/home/</a> <a href="http://www.transitbangkok.com/klong_boats.html">http://www.transitbangkok.com/klong_boats.html</a> <a href="http://en.wikipedia.org/wiki/Chlong_Saen_Saep_Express_Boat">http://en.wikipedia.org/wiki/Chlong_Saen_Saep_Express_Boat</a>

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<sup>60</sup> <http://www.chaophrayaexpressboat.com/en/services/>





**ATTACHMENT 2**

*“Application for approval in Principle Letter” Guidance Notes*

# 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](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](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 25m<sup>2</sup>;
    - (b) Class II work boats which are made of non-metal, not fitted with propulsion engine and with an area not exceeding 25m<sup>2</sup>;
    - (c) Class III fishing sampans which are made of non-metal, not fitted with propulsion engine and with an area not exceeding 25m<sup>2</sup>;
    - (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 1<sup>st</sup> 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](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.

**ATTACHMENT 3**

*Invitation for Application for “Kaito” Ferry Services by the Transport Department*

**FERRY SERVICES ORDINANCE (CHAPTER 104)**

**Invitation for Application for ‘Kaito’ Ferry Services**

In accordance with the provisions of Section 28 of the Ferry Services Ordinance, Chapter 104, invitation is open from 13 April 2017 until 18 May 2017 for application for the grant of licences to operate ‘Kaito’ ferry services. Details of existing ‘Kaito’ ferry services are available on the Transport Department’s website (<http://www.td.gov.hk>).

The form “Application for ‘Kaito’ Ferry Service” is obtainable free of charge from the Transport Department’s office at 7/F, Mong Kok Government Offices, 30 Luen Wan Street, Kowloon. Completed application forms should be delivered to the same address by 5.00 pm on 18 May 2017 either in person or by registered post with the postmark date not later than the closing date.

The HKSAR Government does not bind itself to accept any application received.

YEUNG HO Poi-yan, Ingrid *Commissioner for Transport*

第 \_\_\_\_\_ 號公告

運輸署

**渡輪服務條例(第104章)**

**邀請申辦「街渡」渡輪服務**

根據《渡輪服務條例》(第104章)第28條的規定，運輸署現邀請有意申辦「街渡」渡輪服務的人士，由2017年4月13日起至2017年5月18日提交牌照申請。有關現時「街渡」渡輪服務的詳情已載於運輸署網頁 ([www.td.gov.hk](http://www.td.gov.hk))。

「街渡」渡輪服務牌照申請書可於九龍聯運街30號旺角政府合署7樓運輸署辦事處免費索取。請於2017年5月18日下午5時前，把填妥的申請書親身或以掛號郵件方式交回上址；掛號郵遞申請以郵戳日期為準。

香港特別行政區政府並無責任必須接受任何一份申請。

運輸署署長楊何蓓茵