



The Hebe Haven Yacht Club Limited 白沙灣遊艇會  
10.5 Miles, Hiram's Highway, Pak Sha Wan, Sai Kung, N.T. Hong Kong  
香港 新界 西貢 白沙灣 西貢公路 10 咪半  
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30 June 2023

## Member Notice: Club Bye Laws Updates

Dear Members

Please note that the General Committee at its meeting on 29 June 2023 approved **THAT the Bye-laws 7.1, 8.2, 8.6 and 8.8 under Section 2 "Mooring, Berths and Hardstanding" of the Bye-laws of the Club as printed July 2019 be amended as shown in the Attachment to the Proposal dated 22 May 2023 to the General Committee with effect on 1 July 2023.**

These enhancements to the Club Bye Laws regarding Marine Operations, comprise four amendments relating to change of craft and sale of craft, which are detailed in "the Attachment" below for your ease of reference.

Yours faithfully

Don Johnston  
Commodore  
The Hebe Haven Yacht Club Limited





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## ATTACHMENT

### AMENDMENT 1 of 4

#### Previous version:

#### 7. CHANGE OF CRAFT

7.1 Any Member replacing his/her existing craft must obtain approval in writing from the Club BEFORE the replacement craft is placed on any Club marine facility. Members are not allowed to change their craft more than twice in a one year (1) period.

#### New version:

#### 7. CHANGE OF CRAFT

7.1 Any Member that wishes to replace his/her existing craft on a Club marine facility must obtain approval in writing from the Club BEFORE the replacement craft is placed on that facility. Members are allowed to change their craft only if his/her existing craft has remained on the same facility for a period of not less than one (1) year.

### AMENDMENT 2 of 4

#### Previous version:

8.2 Sale of the whole interest in a boat to a Club Member: The Club is to be notified in writing within seven days of a change of ownership. If the vendor does not wish to retain the marine facility for another vessel then, SUBJECT ALWAYS TO BYE-LAW 8.1, the new owner may be allocated the marine facility, in question, subject to the relevant Bye-laws being satisfied.

#### New version:

8.2 Sale of the whole interest in a craft to a Club Member: The Club is to be notified in writing within seven days of a change of ownership. If the vendor does not wish to retain the marine facility for another craft, then, SUBJECT ALWAYS TO BYE-LAW 8.1, the new owner may be allocated the marine facility, in question, subject to the relevant Bye-laws being satisfied.



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### AMENDMENT 3 of 4

#### Previous version:

8.6 Subject to Bye-laws 8.1, 8.2, 8.4, 9.1 and 10.2, and to the purchaser otherwise satisfying the requirements for being granted membership by the Club, where a Member has sold a boat and the purchaser wishes to occupy the marine facility, which was occupied by the vendor the following shall apply:

(a) if the purchaser is a non-member and the boat remains on the Club marine facility, then vis-à-vis the Club, the Member vendor shall remain responsible for all charges and responsibilities of the owner with respect to the boat as though it remained in their ownership including the responsibility for removing the boat from the Club's premises in the event the purchaser's application to join the Club is rejected, the non-member purchaser shall apply for Membership within 14 days of the date of purchase. If the Purchaser is an Absent Member they shall reactivate their Membership within 14 days from the date of purchase; and,

(b) the non-member purchaser shall if called upon to do so satisfy the General Committee that the purchase price for the boat contains no element of a price paid to obtain the Club marine facility to circumvent the waiting list for that marine facility; and

(c) the purchaser shall not be permitted to place another boat on that Club marine facility for a period of 12 months from the date of the purchase of the boat without first having satisfied the General Committee that the original transaction was not made with the intention of securing a Club marine facility for the replacement boat and by so doing circumventing the relevant waiting list.

#### New version:

8.6 Subject to Bye-laws 8.1, 8.2, 8.4, 9.1 and 10.2, and to the purchaser otherwise satisfying the requirements for being granted membership by the Club, where a Member has sold a craft and the purchaser wishes to occupy the marine facility, which was occupied by the vendor the following shall apply:

(a) if the purchaser is a non-member and the craft remains on the Club marine facility, then vis-à-vis the Club, the Member vendor shall remain responsible for all charges and responsibilities of the owner with respect to the craft as though it remained in their ownership including the responsibility for removing the craft from the Club's premises in the event the purchaser's application to join the Club is rejected, the non-member purchaser shall apply for Membership within 14 days of the date of purchase. If the Purchaser is an Absent Member they shall reactivate their Membership within 14 days from the date of purchase; and,

(b) the non-member purchaser shall if called upon to do so satisfy the General Committee that the purchase price for the craft contains no element of a price paid to obtain the Club marine facility to circumvent the waiting list for that marine facility; and

(c) the purchaser shall not be permitted to place another craft on that same Club marine facility for a period of 24 months from the date of the purchase of the craft currently on the facility without first having satisfied the General Committee that the original transaction was not made with the intention of securing a Club marine facility for the replacement craft and by so doing circumventing the relevant waiting list.

(d) in exceptional cases with extenuating circumstances—as determined by the General Committee—if the General Committee approves such a request of the purchaser to place another craft on the same Club marine facility within 24 months of an approved Grandfather right transfer, the purchaser shall pay to the Club a transfer fee equivalent to 10 months of the facility fee.





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#### AMENDMENT 4 of 4

##### Previous version:

8.8 Grandfather rights rules apply to existing marine facilities as follows;

- (a) facilities transfer rights would be extended to all Members holding a marine facility agreement with the Club, subject to them currently having held a vessel at that type of facility for a minimum period of not less than five (5) years;
- (b) facilities transfer rights would be extended to all Full Members holding a marine facility agreement with the Club, subject to them currently having held a vessel at that type of facility for a minimum period of not less than three (3) years;
- (c) facilities transfer rights could be extended, subject to voting by the Operations Committee, to Members whom warranted special consideration due to circumstances of bereavement or relocation affecting spouses and other boating partnerships recognized by the Club;
- (d) when an existing facility becomes free, the priority for allocation will continue to be governed by the waiting list

##### New version:

8.8 Grandfather rights rules apply to existing marine facilities as follows;

- (a) facilities transfer rights would be extended to all Members holding a marine facility agreement with the Club, subject to them currently having held any craft (with a valid operating licence and valid insurance at all times) at that type of facility for a period of not less than five (5) years, and that they have held their existing craft (with a valid operating licence and valid insurance at all times) at that type of facility for a period of not less than two (2) years;
- (b) facilities transfer rights would be extended to all Full Members holding a marine facility agreement with the Club, subject to them currently having held any craft (with a valid operating licence and valid insurance at all times) at that type of facility for a minimum period of not less than three (3) years, and that they have held their existing craft (with a valid operating licence and valid insurance at all times) at that type of facility for a minimum period of not less than two (2) years;
- (c) facilities transfer rights could be extended, subject to voting by the Operations Committee, to Members whom warranted special consideration due to circumstances of bereavement or relocation affecting spouses and other boating partnerships recognized by the Club;
- (d) the vendor of the craft shall not be permitted to acquire a Club marine facility of the same type within 24 months of an approved Grandfather right transfer;
- (e) when an existing facility becomes free, the priority for allocation will continue to be governed by the waiting list





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## 會員通告：白沙灣遊艇會附例更新

尊貴的會員：

本會執行委員會在 2023 年 6 月 29 日的會議上批准修訂 2019 年 7 月印製的附例第二節 “浮泡泊位、浮橋泊位和岸上船位” 第 7.1、8.2、8.6 和 8.8 條（如 2023 年 5 月 22 日向執行委員會提交的提案附件所示），並由 2023 年 7 月 1 日起生效。

該修訂是關於海事營運，包括與更換船隻和船隻出售相關的四項修改。詳情請參閱“附件”。

此致

白沙灣遊艇會會長  
Don Johnston  
2023年6月30日



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## 附件

### 第一項修訂

#### 舊版本:

#### 7. 更換船隻

- 7.1 任何會員如更換現有船隻，必須先獲得本會書面同意，方可把新船置於其租用之本會海事設施。會員不可在一年內更換船隻多於兩次。

#### 新版本:

#### 7. 更換船隻

- 7.1 任何會員如更換現有船隻，必須先獲得本會書面同意，方可把新船置於其租用之本會海事設施。會員只可在他/她的現有船隻停放在現有設施不少於一（1）年，方可更換船隻。

### 第二項修訂

#### 舊版本:

#### 8.2 出售船隻全部權益予本會會員:

會員在船隻擁有權轉讓後七天內須以書面形式通知本會。在附例第 8.1 條的前提下，如賣方無意保留其海事設施以放置另一船隻，新擁有人或可依據有關附例租用該海事設施。

#### 新版本:

#### 8.2 出售船隻全部權益予本會會員:

會員在船隻擁有權轉讓後七天內須以書面形式通知本會。在附例第 8.1 條的前提下，如賣方無意保留其海事設施以放置另一船隻，新擁有人或可依據有關附例租用該海事設施。



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### 第三項修訂

#### 舊版本:

8.6 根據附例第8.1、8.2、8.4、9.1及10.2條，倘若會員之船隻已出售，買方亦符合取得會籍的要求，且欲使用該會員之海事設施，買方及賣方必須注意以下事項：

- (a) 倘若買方並非會員，且船隻仍停泊於本會海事設施，身為會員的賣方而非本會須負擔船隻擁有人的一切費用及責任，猶如仍具有擁有權一樣，包括如買方申請入會遭拒時，負責將船隻移離本會的範圍。買方可於購船後十四天內辦理申請會籍手續。如買方為缺席會員，可於購買日期起計十四天內恢復會籍；及
- (b) 使執行委員會滿意地認為，非會員買方所繳付之購船價並不包括獲取本會海事設施之費用在內，以致可避過輪候名單上其他會員分配海事設施之輪候次序；及
- (c) 除非獲得執行委員會之批准，否則買方在購得船隻後十二個月之內，不得以其他船隻取代購得之船隻停放於該本會海事設施，以證明購船之原意並非為一替代船隻取得本會海事設施及避過輪候名單上其他會員分配海事設施之輪候次序。

#### 新版本:

8.6 根據附例第8.1、8.2、8.4、9.1及10.2條，倘若會員之船隻已出售，買方亦符合取得會籍的要求，且欲使用該會員之海事設施，買方及賣方必須注意以下事項：

- (a) 倘若買方並非會員，且船隻仍停泊於本會海事設施，身為會員的賣方而非本會須負擔船隻擁有人的一切費用及責任，猶如仍具有擁有權一樣，包括如買方申請入會遭拒時，負責將船隻移離本會的範圍。買方可於購船後十四天內辦理申請會籍手續。如買方為缺席會員，可於購買日期起計十四天內恢復會籍；及
- (b) 使執行委員會滿意地認為，非會員買方所繳付之購船價並不包括獲取本會海事設施之費用在內，以致可避過輪候名單上其他會員分配海事設施之輪候次序；及



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- (c) 除非獲得執行委員會批准，否則買方在購買該設施的船隻之日起二十四個月內，不得在該本會同一海事設施上放置另一艘船隻，以證明購船之原意並非為一替代船隻取得本會海事設施及避過輪候名單上其他會員分配海事設施之輪候次序。
- (d) 在情有可原的特殊情況下（由執行委員會決定），如果執行委員會批准買方在祖父權利轉讓獲批後 24 個月內在另一海事設施上放置另一艘船隻的請求，則買方應向本會支付相當於 10 個月該設施費的轉讓費。

#### 第四項修訂

##### 舊版本：

8.8 祖父權利適用於現有海事設施，內容如下：

- (a) 設施轉讓權適用於所有持有與本會簽訂海事設施協議的會員，但限於轉讓予現正持有同款設施船隻不少於五(5)年的會員；
- (b) 設施轉讓權適用於所有持有與本會簽訂海事設施協議的正式會員，但限於轉讓予現正持有同款設施船隻不少於三(3)年的正式會員；
- (c) 設施轉讓權或可適用於因離世或移居海外而使配偶及以合夥形式擁有船隻的合夥人受影響的本會認可的特殊情況的會員，但須經海事執行委員會投票贊成；
- (d) 當現有海事設施空置時，分配先後將繼續取決於輪候名單次序。

##### 新版本：

8.8 祖父權利適用於現有海事設施，內容如下：

- a) 設施轉讓權適用於持有與本會簽訂海事設施協議的所有會員，但限於現正持有任何船隻（持有有效的運作牌照和有效的保險）在該設施停泊不少於五(5)年，並且在該設施停泊現有的船隻（持有有效的運作牌照和有效的保險）不少於兩(2)年的會員；





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- b) 設施轉讓權適用於持有與本會簽訂海事設施協議的所有正式會員，但限於現正持有任何船隻（持有有效的運作牌照和有效的保險）在該設施停泊不少於三(3)年，並且在該設施停泊現有的船隻（持有有效的運作牌照和有效的保險）不少於兩(2)年的會員；
- c) 設施轉讓權或可適用於因離世或移居海外而使配偶及以合夥形式擁有船隻的合夥人受影響的本會認可的特殊情況的會員，但須經海事執行委員會投票贊成；
- d) 船隻的賣方在祖父權利轉讓獲批後的 24 個月內，不可獲得本會同款的海事設施；
- e) 當現有海事設施空置時，分配先後將繼續取決於輪候名單次序。