

Brief Introduction of the Main Contents of the New and Amended Regulations

Merchant Shipping (Safety) (Carriage of Cargoes) (Amendment) Regulation 2016

Merchant Shipping (Safety) (IMSBC Code) Regulation

Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) (Amendment) Regulation 2016

1. The International Convention for the Safety of Life at Sea (SOLAS)

SOLAS, which governs the standards for the construction, equipment and operation of ships to ensure maritime safety, was adopted and entered into force in 1980. SOLAS is implemented in Hong Kong through the Merchant Shipping (Safety) Ordinance (Cap. 369) and its subsidiary legislation. Different aspects of maritime safety are covered under different chapters of the Annex to SOLAS, and the requirements therein are incorporated into our local legislation as necessary. This amendment exercise focuses on carriage of cargoes (Chapter VI).

1.1 Carriage of Cargoes

The Merchant Shipping (Safety) (Carriage of Cargoes) Regulation (Cap. 369AV) is amended and a new regulation entitled Merchant Shipping (Safety) (IMSBC Code) Regulation is made to reflect the changing patterns for carrying cargoes and the corresponding new safety measures. The major amendments are set out below —

(a) **Verifying the gross mass of cargoes (VGM):**

To prevent collapse of container stacks during voyage, with effect from 1 July 2016, shippers will be required to verify the gross mass of cargoes before loading the packed containers on board. This can be done by physically weighing the packed container as a whole, or adding up the constituent packages, cargoes and loads. The ship master and the terminal operator should not load containers without VGM documentation.

For this new requirement, please also refer to MSIN No. 23/2016 for more detailed requirements and guidelines by IMO.

Due to Member States' concerns regarding practical aspects of compliance with the requirement on VGM, in particular, relating to transhipped containers and communication of VGM information, in an initial period following their entry into force, IMO issued MSC.1/Circ.1548 on 23 May 2016 to advise Administrations and port State control authorities to adopt a practical and pragmatic approach when verifying compliance with this new requirement.

MSC.1/Circ.1548 is attached as **Appendix** to this Annex 4. Shipowners, Ship Managers, Ship Operators and Masters are advised to take note of this IMO circular, and observe all relevant requirements stipulated under both SOLAS and the national regulations of port States.

(b) **Banning certain dangerous operations:**

To enhance safety of ship and seafarers on board, blending liquid cargoes or operations that may generate uncontrollable chemical reactions on voyages will be prohibited.

(c) **Extending the regulatory scope to cover ships carrying oil fuels:**

Ships carrying oil fuels will be required to provide on board a material safety data sheet so that seafarers have clear information on the potential health and environmental impacts of the oil cargo or oil fuel. To reflect the extended regulatory scope, the Merchant Shipping (Safety) (Carriage of Cargoes) Regulation (Cap. 369AV) will be renamed Merchant Shipping (Safety) (Carriage of Cargoes and Oil Fuel) Regulation.

1.2 Regulating carriage of solid bulk cargo:

As carriage of solid bulk cargo can pose specific danger to ships, IMO has introduced the International Maritime Solid Bulk Cargoes Code ("IMSBC Code") under SOLAS. At present, there is no corresponding local legislation in Hong Kong. So, a new regulation is made under the Merchant Shipping (Safety) Ordinance to prescribe the procedures for shipment and mandate precautions for loading, stowage, carriage and discharge of solid bulk cargoes.

2. The Convention on the International Regulations for Preventing Collisions at Sea (COLREGs):

2.1 COLREGs, which impose steering, sailing and signaling requirements on vessels to prevent ship collisions, were adopted in 1972 and entered into force in 1977.

They are implemented in Hong Kong through the Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations (Cap. 369N). COLREGs were progressively updated to take into account technological advancement and changes in shipping practices. This amendment exercise incorporates the latest international requirements into local legislation.

2.2 The Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulation (Cap. 369N) is amended to reflect the latest requirements set out in COLREGs. Key changes are highlighted below —

(a) **Covering a new type of vessel called “Wing-In-Ground craft”:**

As shipping technologies advance, new types of vessels are developed. The scope of the Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulation is extended to cover a new type of vessel called “Wing-In-Ground craft” (WIG craft). WIG craft is a very fast marine transportation vehicle that flies close to the water surface by utilising a cushion of relatively high-pressure air between its wing and the water surface. Because of its speed, in addition to the general requirements applicable to all vessels, WIG craft will be required to keep clear of all other vessels and exhibit a high-intensity all-round flashing red light to alert other vessels. At present, there is no WIG craft in Hong Kong.

(b) **Navigational lights for high speed craft of 50 metres or above:**

Currently, vessels are required to display at certain locations proper navigational lights to ensure that other vessels navigating in the vicinity are aware of their presence. Vessels of 50 metres or above are required to install two masthead lights at different specified heights. As the configuration of high speed craft is different from that of other vessels, IMO has prescribed customised height requirements for them. At present, there is no such craft in Hong Kong.

(c) **Carriage of sound signals appliances:**

Vessels of different lengths are required to carry different sound signaling appliances. Currently, vessels of 12 metres or more in length are required to carry both a whistle and a bell on board. Taking into account the space required and hence the practical difficulty for smaller vessels to install a compliant bell on board, the latest COLREGs allow vessels exceeding 12 metres but less than 20 metres in length to carry only a whistle. The relaxed requirement will not compromise navigational safety as the bells are intended

for use at anchor and smaller vessels rarely anchor in busy waters due to their convenience to berth at piers.

(d) **New technologies for sending distress signals:**

The way distress signals are sent has changed over time alongside technological advancement. The list of distress signals in the law is amended by replacing the obsolete signaling methods with updated ones. Ocean-going vessels have already adopted the new methods which are now commonly used internationally. The new systems are not applicable to local vessels due to their smaller sizes.

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**ADVICE TO ADMINISTRATIONS, PORT STATE CONTROL AUTHORITIES, COMPANIES,
PORT TERMINALS AND MASTERS REGARDING THE SOLAS REQUIREMENTS
FOR VERIFIED GROSS MASS OF PACKED CONTAINERS**

1 The Maritime Safety Committee, at its ninety-sixth session (11 to 20 May 2016), recalled that the amendments to SOLAS regulation VI/2, adopted by resolution MSC.380(94) and which will enter into force on 1 July 2016, introduce new paragraphs 4, 5 and 6 relating to the verification of the gross mass (VGM) of packed containers.

2 In this context, the Committee noted the concerns of Member States regarding practical aspects of compliance with the aforementioned SOLAS amendments, in particular, relating to transhipped containers and communication of VGM information, in an initial period following their entry into force.

3 The Committee agreed that Administrations and port State control authorities should adopt a practical and pragmatic approach when verifying compliance with the requirements of SOLAS regulations VI/2.4 to VI/2.6, for a period of three months after 1 July 2016, with a view to:

- .1 permitting packed containers that are loaded on a ship before 1 July 2016 and are transhipped on or after 1 July 2016 to be shipped to their final port of discharge without the VGM specified in SOLAS regulations VI/2.4 to VI/2.6; and
- .2 providing flexibility to all the stakeholders in containerized transport to refine, if necessary, procedures for documenting, communicating and sharing VGM information.

4 Notwithstanding the above, the Committee emphasized that the stability and safe operation of ships, including the safe packing, handling and transport of containers, is not limited to the provision and use of VGM information and is also covered by a number of SOLAS regulations, including SOLAS regulations VI/2.1, VI/2.2 and VI/2.3, and other IMO instruments, amongst others.

5 Member States are invited to be guided accordingly and to bring the contents of this circular to the attention of all concerned, especially port State control officers.

6 This circular will remain effective until 1 October 2016.