

MARINE DEPARTMENT NOTICE NO. 86 OF 2016

(Statutory Requirements)

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

Amendments to the Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations, Cap.369N (“the Regulation”) have been made to implement the recent amendments to the International Regulations for Preventing Collisions at Sea 1972 adopted by the International Maritime Organization. The Amendment Regulation will come into operation on 1 July 2016.

2. In accordance with the application provisions of the Regulation, as well as Section 10 of the Shipping and Port Control Ordinance, Cap. 313 and Section 27 of the Merchant Shipping (Local Vessels) Ordinance, Cap.548, the Regulation applies to Hong Kong registered ships and local vessels wherever they may be and other ships while they are within the waters of Hong Kong.

3. A copy of the said amendments to the Regulation is attached to this Notice and also available on the website of Marine Department:

- <http://www.mardep.gov.hk/en/notices/notices.html>

4. Shipowners, ship masters, coxswains, agents and operators are advised to note the above, and follow the new requirements accordingly.

H. M. TUNG
Director of Marine (Ag.)

Marine Department
Government of the HKSAR
Date: 24 June 2016

Action files ref: L/M. No. 14/2016 in MP/N 509/1

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L.N. 53 of 2016

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

(Made by the Secretary for Transport and Housing under sections 93, 100 and 107 of the Merchant Shipping (Safety) Ordinance (Cap. 369))

1. Commencement

This Regulation comes into operation on 1 July 2016.

2. Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations amended

The Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations (Cap. 369 sub. leg. N) are amended as set out in sections 3 and 4.

3. Regulation 2 amended (interpretation)

- (1) Regulation 2(1), definition of *International Regulations*—

Repeal

everything after “A.678(16)” and before “set out”

Substitute

“, A.736(18), A.910(22), A.1004(25) and A.1085(28) of the International Maritime Organization, except Rules 39, 40 and 41, as”.

- (2) Regulation 2(1)—

(a) definition of *Merchant Shipping Notice*;

(b) definition of *Notice to Mariners*—

Repeal the definitions.

- (3) Regulation 2—

Repeal subregulation (2)

Substitute

“(2) A reference to traffic separation schemes in Rules 1(d) and 10(a) of the International Regulations is to be construed as a reference to the traffic separation schemes referred to in the resolutions and circulars of the Organization by which the schemes are adopted or amended from time to time.”.

- (4) Regulation 2(4)—

Repeal

everything after “is a reference to the International Code of Signals”

Substitute

“adopted and amended from time to time by the Organization.”.

- (5) After regulation 2(4)—

Add

“(5) The reference to the International Aeronautical and Maritime Search and Rescue Manual, Volume III in paragraph 3 of Annex IV to the International Regulations is a reference to Volume III of the International Aeronautical and Maritime Search and Rescue Manual adopted and amended from time to time by the Organization and the International Civil Aviation Organization.”.

4. Schedule amended (International Regulations for Preventing Collisions at Sea 1972)

- (1) The Schedule, heading—

Repeal

“FOR PREVENTING COLLISIONS AT SEA 1972”.

- (2) The Schedule, Rule 3(a), after “non-displacement craft”—

Add

“, WIG craft”.

- (3) The Schedule, after Rule 3(l)—

Add

“(m) The term “Wing-In-Ground (WIG) craft” means a multimodal craft which, in its main operational mode, flies in close proximity to the surface by utilizing surface-effect action.”.

- (4) The Schedule, Rule 8(a)—

Repeal

“taken to avoid collision shall,”

Substitute

“to avoid collision shall be taken in accordance with the rules of this Part and,”.

- (5) The Schedule, after Rule 18(e)—

Add

- “(f) (i) A WIG craft when taking-off, landing and in flight near the surface shall keep well clear of all other vessels and avoid impeding their navigation;
- (ii) a WIG craft operating on the water surface shall comply with the Rules of this Part as a power-driven vessel.”.

Section 4

- (6) The Schedule, Rule 23—

Renumber paragraph (c) as paragraph (d).

- (7) The Schedule, after Rule 23(b)—

Add

“(c) A WIG craft only when taking-off, landing and in flight near the surface shall, in addition to the lights prescribed in paragraph (a) of this Rule, exhibit a high intensity all-round flashing red light.”.

- (8) The Schedule, Rule 31, after “a seaplane”—

Add

“or a WIG craft”.

- (9) The Schedule, Rule 33(a)—

Repeal

everything after “of 12” and before “or more in length shall,”

Substitute

“metres or more in length shall be provided with a whistle, a vessel of 20 metres or more in length shall be provided with a bell in addition to a whistle, and a vessel of 100 metres”.

- (10) The Schedule, English text, Rule 33(a)—

Repeal

“specifications”

Substitute

“specification”.

- (11) The Schedule, Rule 33(a)—

Repeal

“prescribed”

Substitute

“required”.

- (12) The Schedule, Rule 35—

Renumber paragraphs (i) and (j) as paragraphs (j) and (k) respectively.

- (13) The Schedule, after Rule 35(h)—

Add

“(i) A vessel of 12 metres or more but less than 20 metres in length shall not be obliged to give the bell signals prescribed in paragraphs (g) and (h) of this Rule. However, if she does not, she shall make some other efficient sound signal at intervals of not more than 2 minutes.”.

- (14) The Schedule, Annex I, paragraph 2(d)—

Repeal

“23(c)(i)”

Substitute

“23(d)(i)”.

- (15) The Schedule, Annex I—

Repeal paragraph 13

Substitute

“13. High-speed craft*

- (a) The masthead light of high-speed craft may be placed at a height related to the breadth of the craft lower than that prescribed in paragraph 2(a)(i) of this annex, provided that the base angle of the isosceles triangles formed by the sidelights and masthead light, when seen in end elevation, is not less than 27°.
- (b) On high-speed craft of 50 metres or more in length, the vertical separation between foremast and mainmast light of 4.5 metres required by paragraph 2(a)(ii) of this annex may be modified provided that such distance shall not be less than the value determined by the following formula:

$$y = \frac{(a + 17\Psi)C}{1000} + 2$$

where: y is the height of the mainmast light above the fore mast light in metres;

a is the height of the foremast light above the water surface in service condition in metres;

Ψ is the trim in service condition in degrees;

C is the horizontal separation of masthead lights in metres.

- * Refer to the International Code of Safety for High-Speed craft, 1994 and the International Code of Safety for High-Speed Craft, 2000.”.

- (16) The Schedule, Annex III, paragraph 1(a)—

Repeal

everything after “shall lie within the range”

Substitute

“70-700Hz. The range of audibility of the signal from a whistle shall be determined by those frequencies, which may include the fundamental and/or one or more higher frequencies, which lie within the range 180-700Hz (+/-1%) for a vessel of 20 metres or more in length, or 180-2100Hz (+/-1%) for a vessel of less than 20 metres in length and which provide the sound pressure levels specified in paragraph 1(c) below.”.

- (17) The Schedule, Annex III, paragraph 1(c)—

Repeal

everything after “distance of 1” and before “The range of audibility”

Substitute

“metre from it, a sound pressure level in at least one 1/3rd-octave band within the range of frequencies 180-700Hz (+/-1%) for a vessel of 20 metres or more in length, or 180-2100Hz (+/-1%) for a vessel of less than 20 metres in length, of not less than the appropriate figure given in the table below.

Length of vessel in metres	1/3rd-octave band level at 1 metre in dB referred to $2 \times 10^{-5} \text{N/m}^2$	Audibility range in nautical miles
200 or more	143	2
75 but less than 200	138	1.5
20 but less than 75	130	1
Less than 20	120 ^{*1}	0.5
	115 ^{*2}	
	111 ^{*3}	

- *1 When the measured frequencies lie within the range 180-450Hz
- *2 When the measured frequencies lie within the range 450-800Hz
- *3 When the measure frequencies lie within the range 800-2100Hz”.

- (18) The Schedule, Annex III, paragraph 2(b)—

Repeal

everything after “vessels of 20” and before “practicable,”

Substitute

“metres or more in length. Where”.

- (19) The Schedule, Annex III, paragraph 2(b)—

Repeal

“3%”

Substitute

“3 percent”.

- (20) The Schedule, English text, Annex IV, paragraph 1(a)—

Repeal

“signal”

Substitute

“signals”.

- (21) The Schedule, Annex IV, paragraph 1(d)—

Repeal

everything after “made by” and before “in the Morse”

Substitute

“any signalling method consisting of the group … — — — … (SOS)”.

Section 4

- (22) The Schedule, Annex IV, paragraph 1(e)—

Repeal

“Mayday”

Substitute

“MAYDAY”.

- (23) The Schedule, English text, Annex IV, paragraph 1(i)—

Repeal

“hand flare”

Substitute

“hand-flare”.

- (24) The Schedule, Annex IV, paragraph 1—

Repeal subparagraph (l)

Substitute

“(l) a distress alert by means of digital selective calling (DSC) transmitted on:

(i) VHF channel 70, or

(ii) MF/HF on the frequencies 2187.5 kHz, 8414.5 kHz, 4207.5 kHz, 6312 kHz, 12577 kHz or 16804.5 kHz;”.

- (25) The Schedule, Annex IV, paragraph 1—

Repeal subparagraph (m)

Substitute

“(m) a ship-to-shore distress alert transmitted by the ship’s Inmarsat or other mobile satellite service provider ship earth station;”.

- (26) The Schedule, English text, Annex IV, paragraph 2, after “the foregoing signals”—

Add a comma.

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Section 4

B1077

- (27) The Schedule, English text, Annex IV, paragraph 2, after
“the above signals”—

Add a comma.

- (28) The Schedule, Annex IV, paragraph 3—

Repeal

“Merchant Ship Search and Rescue Manual”

Substitute

“International Aeronautical and Maritime Search and
Rescue Manual, Volume III”.

Anthony B. L. CHEUNG
Secretary for Transport and
Housing

3 May 2016

Explanatory Note

The Convention on the International Regulations for Preventing Collisions at Sea 1972 (***Convention***) was adopted as a convention of the International Maritime Organization (***IMO***) to enhance safe navigation by setting out rules concerning the steering and sailing, lights, sound signals and distress signals under different situations.

2. This Regulation amends the Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations (Cap. 369 sub. leg. N) to give effect to the amendments to the Convention, as adopted by IMO Resolutions A.910(22) and A.1004(25) in 2001 and 2007 respectively.

L.N. 94 of 2016

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

(Made by the Secretary for Transport and Housing under sections 93,
100 and 107 of the Merchant Shipping (Safety) Ordinance (Cap. 369))

**1. Merchant Shipping (Safety) (Signals of Distress and Prevention
of Collisions) (Amendment) Regulation 2016 amended**

The Merchant Shipping (Safety) (Signals of Distress and
Prevention of Collisions) (Amendment) Regulation 2016 (L.N.
53 of 2016) is amended as set out in section 2.

**2. Section 4 amended (Schedule amended (International Regulations
for Preventing Collisions at Sea 1972))**

Section 4(17), Chinese text, before “的所有”—

Add

“而在“上表中”之前”.

YAU Shing-mu
Acting Secretary for Transport
and Housing

6 June 2016

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

Explanatory Note
Paragraph 1

L.N. 94 of 2016
B2135

Explanatory Note

This Regulation amends the Chinese text of section 4 of the Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) (Amendment) Regulation 2016 (L.N. 53 of 2016) to bring it in line with the English text.