

L.N. 249 of 2018

Merchant Shipping (Safety) (Fire-fighting Appliances
and Fire Protection) Regulation

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Merchant Shipping (Safety) (Fire-fighting Appliances and Fire Protection) Regulation

(Made by the Secretary for Transport and Housing under sections 99, 101, 107 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

Part 1

Preliminary

1. Commencement

This Regulation comes into operation on 1 March 2019.

2. Interpretation

(1) In this Regulation—

alteration (改動) means any repair, alteration or modification that is of a major character;

cargo ship (貨船) means a ship that is not a passenger ship;

Chapter II-2 (《第 II-2 章》) means Chapter II-2 of the Annex to the Convention, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

constructed (建造), in relation to a ship, means the stage at which—

- (a) the keel of the ship is laid;
- (b) construction identifiable with the ship begins and assembly of the ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;

- (c) if the ship has undergone only one alteration—the alteration commences; or
- (d) if the ship has undergone 2 or more alterations—the latest alteration commences;

Convention (《公約》) means the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, or any convention that replaces that Convention or any successor convention, as amended from time to time and as applicable to Hong Kong;

gross tonnage (總噸位), in relation to a ship, means the gross tonnage of the ship determined in accordance with the Merchant Shipping (Registration) (Tonnage) Regulations (Cap. 415 sub. leg. C);

passenger ship (客船) means a ship carrying more than 12 passengers.

- (2) For the purposes of this Regulation, a cargo ship converted into a passenger ship is to be regarded as a passenger ship constructed on the date on which the conversion commences.

3. Application

- (1) This Regulation applies to—
 - (a) a Hong Kong ship (wherever it is) engaged in an international voyage; and
 - (b) a non-Hong Kong ship that is—
 - (i) engaged in an international voyage; and
 - (ii) within the waters of Hong Kong.
- (2) However, this Regulation does not apply to the following ships—
 - (a) a ship of war or troopship;

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- (b) a ship not propelled by mechanical means;
 - (c) a wooden ship of primitive build;
 - (d) a pleasure vessel not engaged in trade;
 - (e) a vessel used for catching fish, whales, seals, walrus or other living resources of the sea;
 - (f) a high speed craft to which the Merchant Shipping (Safety) (High Speed Craft) Regulation (Cap. 369 sub. leg. AW) applies;
 - (g) a local vessel within the meaning of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) (other than a local vessel referred to in section 3(4) of that Ordinance); and
 - (h) a non-Hong Kong ship flying the flag of a State that is not a Convention country, if the ship is within the waters of Hong Kong due to—
 - (i) stress of weather; or
 - (ii) any other circumstances that could not have been prevented or forestalled by the owner or the master of the ship.
- (3) Also, subject to section 14, this Regulation does not apply to a cargo ship of less than 500 gross tonnage.
- (4) In this section—

Convention country (公約國) means a country that is a party to the Convention;

Hong Kong ship (香港船舶) means a ship registered in Hong Kong;

international voyage (國際航程) means—

- (a) a voyage between Hong Kong and a port outside the People's Republic of China; or

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- (b) a voyage between a port in a Convention country and a port outside that country (whether in another Convention country or not);

non-Hong Kong ship (非香港船舶) means a ship other than a Hong Kong ship;

pleasure vessel (遊樂船隻) means a vessel (other than a passenger ship) primarily used for sport or recreation.

Part 2

Fire Prevention, Fire Protection and Fire-fighting

4. Prevention of fire and explosion

- (1) A ship constructed before 1 July 2002 must comply with the applicable requirements relating to the prevention of fire and explosion specified in regulations 4.5.7.1, 4.5.10.1.1, 4.5.10.1.4, 5.3.1.3.2 and 5.3.4 of Chapter II-2.
- (2) A ship constructed on or after 1 July 2002 must comply with the applicable requirements relating to the prevention of fire and explosion specified in regulations 4, 5 and 6 of Chapter II-2.
- (3) This section is a fire-fighting appliances regulation for the purposes of section 44 of the Ordinance.

5. Fire protection systems and arrangements

- (1) A ship constructed on or after 1 July 2002 must comply with the applicable requirements on fire protection systems and arrangements specified in regulations 7 and 8 of Chapter II-2.
- (2) A ship constructed on or after 1 July 2002 must comply with the applicable requirements on the containment of fire specified in regulation 9 of Chapter II-2.
- (3) This section is a fire-fighting appliances regulation for the purposes of section 44 of the Ordinance.

6. Fire-fighting appliances and arrangements

- (1) A ship constructed before 1 July 2002 must comply with the applicable requirements on fire-fighting appliances and arrangements specified in regulations 10.4.1.3, 10.4.1.5, 10.5.6 and 10.6.4 of Chapter II-2.

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- (2) A ship constructed on or after 1 July 2002 must comply with the applicable requirements on fire-fighting appliances and arrangements specified in regulation 10 (other than regulation 10.10) of Chapter II-2.
 - (3) This section is a fire-fighting appliances regulation for the purposes of section 44 of the Ordinance.
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Part 3

Structural Integrity, Means of Escape and Personal Protective Equipment

7. Structural integrity

- (1) A ship constructed on or after 1 July 2002 must comply with the applicable requirements on the structural integrity specified in regulation 11 of Chapter II-2.
- (2) If subsection (1) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.

8. Emergency alarm system etc.

- (1) A ship constructed on or after 1 July 2002 must comply with the requirements on the provision of a general emergency alarm system specified in regulation 12.2 of Chapter II-2.
- (2) A passenger ship constructed on or after 1 July 2002 must comply with the requirements on the provision of a public address system specified in regulation 12.3 of Chapter II-2.
- (3) If subsection (1) or (2) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.

9. Means of escape

- (1) A ship constructed on or after 1 July 2002 must comply with the applicable requirements on the means of escape specified in regulation 13 (other than regulations 13.3.4 and 13.4.3) of Chapter II-2.
- (2) If subsection (1) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.

10. Personal protective equipment

- (1) A ship must comply with the applicable requirements on the provision of emergency escape breathing devices specified in regulations 13.3.4 and 13.4.3 of Chapter II-2.
 - (2) A ship constructed on or after 1 July 2002 must comply with the applicable requirements on the provision of fire-fighter's outfits specified in regulation 10.10 of Chapter II-2.
 - (3) If subsection (1) or (2) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.
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Part 4

Operation of Ship

11. Operational readiness and maintenance of systems and appliances

- (1) The owner and the master of a ship must ensure that the applicable requirements on the operational readiness and maintenance of the fire protection systems and fire-fighting systems and appliances specified in regulation 14 of Chapter II-2 are complied with in relation to the ship.
- (2) This section is a fire-fighting appliances regulation for the purposes of section 44 of the Ordinance.

12. Instructions for on-board training and drills

- (1) The owner and the master of a ship must ensure that the applicable requirements on the provision of instructions for on-board training and drills specified in regulation 15 of Chapter II-2 are complied with in relation to the ship.
- (2) This section is a fire-fighting appliances regulation for the purposes of section 44 of the Ordinance.

13. Provision of fire safety operational booklets

- (1) The owner and the master of a ship must ensure that the applicable requirements on the provision of fire safety operational booklets specified in regulations 16.2 and 16.3.1 of Chapter II-2 are complied with in relation to the ship.
 - (2) This section is a fire-fighting appliances regulation for the purposes of section 44 of the Ordinance.
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Part 5

Carriage of Dangerous Goods etc.

14. Carriage of dangerous goods

- (1) The following ships that have cargo spaces intended for carrying dangerous goods in packaged form must comply with the applicable fire safety requirements on the carriage of dangerous goods specified in regulation 19.3 of Chapter II-2—
 - (a) a cargo ship of less than 500 gross tonnage constructed on or after 1 February 1992 but before 1 July 2002;
 - (b) a cargo ship of 500 gross tonnage or above constructed on or after 1 September 1984 but before 1 July 2002;
 - (c) a passenger ship constructed on or after 1 September 1984 but before 1 July 2002.
- (2) Subsection (1) applies subject to regulations 1.2.4.3, 1.2.4.4, 1.2.4.5, 1.2.4.6, 1.2.4.7 and 1.2.4.8 of Chapter II-2.
- (3) Subsection (1) does not apply to a ship when it is carrying—
 - (a) dangerous goods specified as class 6.2 or 7 of the IMDG Code;
 - (b) dangerous goods in limited quantities specified in Chapter 3.4 of the IMDG Code; or
 - (c) dangerous goods in excepted quantities specified in Chapter 3.5 of the IMDG Code.
- (4) A ship (including a cargo ship of less than 500 gross tonnage), if constructed on or after 1 July 2002, must, when carrying dangerous goods, comply with the

applicable fire safety requirements on the carriage of dangerous goods specified in regulation 19 of Chapter II-2.

- (5) If subsection (1) or (4) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.

- (6) In this section—

cargo space (貨艙) has the meaning given by regulation 3 of Chapter II-2;

dangerous goods (危險貨物) means dangerous goods as defined by section 1(1) of the Merchant Shipping (Safety) (Dangerous Goods and Marine Pollutants) Regulation (Cap. 413 sub. leg. H);

IMDG Code (《海運危險貨物規則》) means the International Maritime Dangerous Goods Code adopted by the International Maritime Organization by Resolution MSC.122(75), as from time to time revised or amended by any revision or amendment that applies to Hong Kong.

15. Ships having vehicle spaces etc.

- (1) A ship—

- (a) that is constructed on or after 1 July 2002; and
(b) that has vehicle spaces, special category spaces or ro-ro spaces,

must comply with the applicable requirements on fire safety in relation to such spaces specified in regulation 20 of Chapter II-2.

- (2) A ship that has compressed gas fuelled vehicle spaces must comply with the applicable requirements on the provision of equipment specified in regulation 20-1 of Chapter II-2.

(3) If subsection (1) or (2) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.

(4) In this section—

compressed gas fuelled vehicle spaces (壓縮氣體燃料車艙) means the vehicle spaces, or ro-ro spaces, intended for carrying a motor vehicle the tank of which is fuelled with compressed hydrogen or compressed natural gas for its propulsion;

ro-ro spaces (滾裝艙間) has the meaning given by regulation 3 of Chapter II-2;

special category spaces (特種艙) has the meaning given by regulation 3 of Chapter II-2;

vehicle spaces (車艙) has the meaning given by regulation 3 of Chapter II-2.

Part 6

Other Requirements

16. Helicopter operations

- (1) Subsections (2) and (3) apply to a ship constructed on or after 1 July 2002 that is fitted with helicopter facilities.
- (2) A ship must comply with the applicable requirements on fire safety in relation to helicopter operations specified in regulation 18 (other than regulations 18.2.2 and 18.5) of Chapter II-2.
- (3) A ship must also comply with the applicable requirements on fire-fighting appliances in relation to helicopter operations specified in regulation 18.5 of Chapter II-2.
- (4) A ship constructed on or after 1 July 2002 that is not fitted with helicopter facilities must comply with the applicable requirements on fire safety in relation to helicopter operations specified in regulation 18.2.2 of Chapter II-2.
- (5) If subsection (2) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.
- (6) Subsections (3) and (4) are fire-fighting appliances regulations for the purposes of section 44 of the Ordinance.
- (7) In this section—
helicopter facility (直升機設施) has the meaning given by regulation 3 of Chapter II-2.

17. Other requirements on passenger ship

- (1) This section applies to a passenger ship constructed on or after 1 July 2010.
- (2) A ship—
 - (a) that is of 120 meters or more in length (as defined by regulation 2 of Chapter II-1); and
 - (b) that has 3 or more main vertical zones (as defined by regulation 3 of Chapter II-2),must comply with the applicable requirements on the design criteria in relation to casualty specified in regulations 21 and 22 of Chapter II-2.
- (3) A ship must comply with the applicable requirements on the provision of a safety centre specified in regulation 23 of Chapter II-2.
- (4) If subsection (2) or (3) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.
- (5) In this section—

Chapter II-1 (《第 II-1 章》) means Chapter II-1 of the Annex to the Convention, as from time to time revised or amended by any revision or amendment that applies to Hong Kong.

18. Other requirements on tanker

- (1) A tanker carrying crude oil (as defined by regulation 3 of Chapter II-2) or other liquid products specified in regulation 1.6.1 of Chapter II-2 must—
 - (a) comply with the applicable requirements on fire safety specified in regulations 1.6.2, 1.6.3, 1.6.4 and 1.6.6 of Chapter II-2; and

- (b) be fitted with a system for the continuous monitoring of the hydrocarbon gases concentration specified in regulation 1.6.7 of Chapter II-2.
- (2) A combination carrier must not carry cargoes other than oil unless the conditions specified in regulation 1.6.5 of Chapter II-2 are satisfied.
- (3) The owner and the master of a tanker must ensure that the applicable requirements on procedures for cargo tank purging and gas-freeing operation specified in—
 - (a) for a tanker constructed before 1 July 2002—regulations 16.3.2.1 and 16.3.2.4 of Chapter II-2; or
 - (b) for a tanker constructed on or after 1 July 2002—regulation 16.3.2 of Chapter II-2,are complied with in relation to the tanker.
- (4) The owner and the master of a tanker must ensure that the applicable requirements on the operation of inert gas system specified in—
 - (a) for a tanker constructed before 1 January 2016—regulation 16.3.3 (except regulation 16.3.3.3) of Chapter II-2; or
 - (b) for a tanker constructed on or after 1 January 2016—regulation 16.3.3 of Chapter II-2,are complied with in relation to the tanker.
- (5) Subsection (1) is a fire-fighting appliances regulation for the purposes of section 44 of the Ordinance.
- (6) If subsection (2) is contravened in relation to a combination carrier, the owner and the master of the carrier each commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.

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- (7) A person who contravenes subsection (3) or (4) commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.
- (8) In this section—
- combination carrier*** (油類 / 散貨兩用船) has the meaning given by regulation 3 of Chapter II-2;
- tanker*** (液貨船) means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of an inflammable nature.

Frank CHAN Fan
Secretary for Transport and
Housing

4 December 2018

Explanatory Note

The object of this Regulation is to give effect to Chapter II-2 of the Annex to the International Convention for the Safety of Life at Sea, 1974 as from time to time revised or amended by any revision or amendment that applies to Hong Kong (*Chapter II-2*). Chapter II-2 specifies the technical requirements on the fire protection, fire detection and fire extinction for ships.

2. The Regulation is divided into 6 Parts.
3. Part 1 provides for the preliminary matters of the Regulation, including the commencement, the interpretation and the scope of application.
4. Parts 2 to 6 implement Chapter II-2.
5. Part 2 covers the requirements on the fire prevention, fire protection and fire-fighting of a ship.
6. Part 3 covers the requirements on the structural integrity and means of escape of a ship. It also covers the provision of personal protective equipment and emergency alarm systems etc. of a ship.
7. Part 4 covers the operational requirements of a ship in terms of its operational readiness and maintenance of systems and appliances, the provision of instructions for on-board training and drills and fire safety operational booklets.

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8. Part 5 covers the requirements of a ship when carrying dangerous goods. It also covers the requirements on fire safety in relation to a ship that has vehicle spaces, special category spaces or ro-ro spaces.
9. Part 6 covers the requirements of a ship in relation to helicopter operations, and the additional requirements on a passenger ship and tanker.