

L.N. 250 of 2018

Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) (Amendment) Regulation 2018

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Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) (Amendment) Regulation 2018

(Made by the Secretary for Transport and Housing under sections 96, 107 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

1. Commencement

This Regulation comes into operation on 1 March 2019.

2. Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) Regulations amended

The Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. R) are amended as set out in sections 3 to 24.

3. Regulation 1 amended (citation, interpretation, application and exemption)

(1) Regulation 1(2)—

Repeal the definition of ‘A’ Class division

Substitute

“**‘A’ Class division** (‘A’ 級隔板) has the meaning of “**A” Class division** given by regulation 1(3) of the Merchant Shipping (Safety) (Fire Protection) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. Y);”.

(2) Regulation 1(2)—

Add in alphabetical order

“**alteration** (改動), for the purposes of the definition of **constructed**, means any repair, alteration or modification that is of a major character;

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;”.

4. Regulation 6 amended (emergency source of electrical power)

- (1) Regulation 6, heading—

Repeal

“**source of electrical power**”

Substitute

“**electricity source for ships of 5 000 tons or over**”.

- (2) Regulation 6—

Repeal the cross-heading before subregulation (1).

5. Cross-heading before regulation 7 repealed

Cross-heading before regulation 7—

Repeal the cross-heading.

6. Regulation 7 amended

Regulation 7—

Repeal

“7. (1) In”

Substitute

“7. **Emergency electricity source for ships of 1 600 tons or over
but under 5 000 tons**

(1) In”.

7. Cross-heading before regulation 8 repealed

Cross-heading before regulation 8—

Repeal the cross-heading.

8. Regulation 8 amended

Regulation 8—

Repeal

“8. (1) In”

Substitute

“8. **Emergency electricity source for ships of under 1 600 tons**

(1) In”.

9. Regulation 12 amended

Regulation 12—

Repeal

“12. Where”

Substitute

“12. Requirements for ‘B’ Class panels

If”.

10. Regulation 13 amended

Regulation 13—

Repeal

“13. (1) The”

Substitute

“13. Materials for certain structures

(1) The”.

11. Regulation 14 amended

Regulation 14—

Repeal

“14. (1) In”

Substitute

“14. Requirements for doorways and openings

(1) In”.

12. Regulation 15 amended

Regulation 15—

Repeal

“15. In”

Substitute

“15. Materials for certain structures within accommodation spaces

In”.

13. Regulation 16 amended

Regulation 16—

Repeal

“16. The”

Substitute

“16. Materials for certain bulkheads

The”.

14. Regulation 17 amended

Regulation 17—

Repeal

“17. Deck”

Substitute

“17. Certain deck coverings must not be readily ignitable

Deck”.

15. Regulation 18 amended

Regulation 18—

Repeal

“18. (1) Paints”

Substitute

“18. Requirements for certain surface materials, pipes, outlets, etc.

(1) Paints”.

16. Regulation 19 amended

(1) Regulation 19—

Repeal

“19. (a) Subject”

Substitute

“19. Requirements for skylights to certain spaces and windows in engine casings

(1) Subject”.

(2) Regulation 19—

Repeal

“(b) Windows”

Substitute

“(2) Windows”.

17. Regulation 30 amended (oil and gaseous fuel installations)

After regulation 30(4)—

Add

“(5) The oil fuel arrangements of a ship must comply with the requirements specified in regulations 15.2.9 (or the alternative requirement specified in regulation 15.2.12), 15.2.10 and 15.2.11 of specified Chapter II-2.

(6) In this regulation—

specified Chapter II-2 (《第 II-2 章指明版》) means Chapter II-2 of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by the following instruments adopted by the International Maritime Organization that apply to Hong Kong—

- (a) the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 17 February 1978;
- (b) the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 11 November 1988;
- (c) Resolutions MSC.1(XLV), MSC.6(48), MSC.13(57), MSC.22(59), MSC.24(60), MSC.27(61) and MSC.31(63);
- (d) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 adopted on 29 November 1995; and
- (e) Resolution MSC.57(67).”.

18. Regulation 30A added

After regulation 30—

Add

“30A. Use of low-flashpoint fuel

- (1) A ship (other than a specified ship) may use low-flashpoint fuel if—
 - (a) the use is approved by the Director on being satisfied that the applicable requirements specified in the IGF Code are complied with in relation to the ship; and
 - (b) the applicable requirements on the arrangement, installation, control and monitoring of machinery, equipment and systems using low-flashpoint fuel specified in the IGF Code are complied with in relation to the ship.
- (2) If a ship uses low-flashpoint fuel under subregulation (1), regulation 30 does not apply to the ship.
- (3) The owner and the master of a ship (other than a specified ship) that uses low-flashpoint fuel must ensure that the applicable requirements on the testing, drills, emergency exercises and operations specified in the IGF Code are complied with in relation to the ship.
- (4) In this regulation—

IGC Code (《國際氣體規則》) means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk set out in the Annex to Resolution MSC.5(48) adopted by the Maritime Safety Committee of the International Maritime Organization on 17 June 1983, as from time to time revised or amended by any revision or amendment to any provision of such Code that applies to Hong Kong;

IGF Code (《國際氣體燃料規則》) means the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels set out in the Annex to Resolution MSC.391(95) adopted by the Maritime Safety Committee of the International Maritime Organization on 11 June 2015, as from time to time revised or amended by any revision or amendment to any provision of such Code that applies to Hong Kong;

low-flashpoint fuel (低閃點燃料) means gaseous or liquid fuel that has a flashpoint lower than that permitted under regulation 4.2.1.1 of Chapter II-2 of the Annex to the Convention as from time to time revised or amended by any revision or amendment to that regulation that applies to Hong Kong;

specified ship (指明船舶) means—

- (a) a gas carrier in relation to which the applicable requirements of the IGC Code are complied with; or
- (b) a ship that is owned or operated by—
 - (i) the Government; or
 - (ii) the government of a party to the Convention.”.

19. Regulation 37A added

Part II, Section I, after regulation 37—

Add

“37A. Safe access to tanker bows

- (1) A tanker must be provided with the means of access to its bow—

- (a) as required by regulation 3-3 of specified Chapter II-1; and
- (b) as approved by the Director by reference to the guidelines developed by the International Maritime Organization as amended from time to time.

(2) In this regulation—

specified Chapter II-1 (《第 II-1 章指明版》) means Chapter II-1 of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by the following instruments adopted by the International Maritime Organization that apply to Hong Kong—

- (a) the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 17 February 1978;
- (b) the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 11 November 1988;
- (c) Resolutions MSC.1(XLV), MSC.2(XLV), MSC.6(48), MSC.11(55) and MSC.12(56);
- (d) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 on the Global Maritime Distress and Safety System adopted on 9 November 1988;
- (e) Resolutions MSC.13(57), MSC.19(58), MSC.26(60) and MSC.27(61);

- (f) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 adopted on 29 November 1995; and
- (g) Resolutions MSC.47(66), MSC.57(67) and MSC.65(68).”.

20. Regulation 50A added

After regulation 50—

Add

“50A. No asbestos in materials used for structure etc. of ship

Materials installed on a ship on or after 1 March 2019 that are used for the structure, machinery, electrical installations or equipment of the ship must not contain asbestos.”.

21. Regulation 74A amended (initial surveys)

- (1) Regulation 74A(2), after “these regulations”—

Add

“and all other applicable enactments relating to construction of the ship”.

- (2) Regulation 74A(3), after “these regulations”—

Add

“and all other applicable enactments relating to construction of the ship”.

22. Regulation 74B amended (renewal surveys)

- (1) Regulation 74B(2), after “these regulations”—

Add

“and all other applicable enactments relating to construction of the ship”.

- (2) Regulation 74B(3), after “these regulations”—

Add

“and all other applicable enactments relating to construction of the ship”.

23. Regulation 74D amended (annual surveys)

Regulation 74D(2), after “these regulations”—

Add

“and all other applicable enactments relating to construction of the ship”.

24. Regulation 80 amended (penalties)

- (1) Regulation 80, heading—

Repeal

“Penalties”

Substitute

“Offences”.

- (2) Regulation 80—

Repeal subregulation (1)

Substitute

“(1) If regulation 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 30A, 31, 32, 33, 35, 36, 37, 37A, 41B, 41C, 41D, 41E, 44, 46, 47, 48, 49, 50, 50A, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 70A, 70B or 77(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 3.”.

(3) Regulation 80—

Repeal subregulation (2).

(4) Regulation 80(3)——

Repeal

everything after “to a fine”

Substitute

“at level 3.”.

Frank CHAN Fan
Secretary for Transport and
Housing

4 December 2018

Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. R).

2. The main purpose of the Regulation is to implement the requirements of Chapters II-1 and II-2 of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by the following resolutions adopted by the International Maritime Organization that are applicable to cargo ships constructed before 1 September 1984—
 - (a) Resolution MSC.31(63) adopted on 23 May 1994;
 - (b) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 adopted on 29 November 1995 (SOLAS/CONF.3/46);
 - (c) Resolution MSC.47(66) adopted on 4 June 1996;
 - (d) Resolution MSC.57(67) adopted on 5 December 1996; and
 - (e) Resolution MSC.65(68) adopted on 4 June 1997.
3. The Regulation also imposes requirements on a ship using low-flashpoint fuel.
4. Further, the Regulation creates offences for the newly added requirements and revises the penalty level for the existing offences to align with those applicable to passenger ships.
5. Besides, the Regulation adds section headings for certain regulations and makes minor textual amendments.