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Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2018

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Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2018

(Made by the Secretary for Transport and Housing under sections 94, 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) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations amended

The Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. AL) are amended as set out in sections 3 to 14.

3. Regulation 1 amended (interpretation and application)

(1) Regulation 1(2)—

Repeal the definition of “*A*” Class division

Substitute

““*A*” Class division (“A”級隔板) has the meaning 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)—

Repeal the definition of *constructed*

Substitute

“**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;”.

(3) 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;

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);”.

4. Regulation 114 amended (oil fuel installations: (boilers and machinery))

After regulation 114(11)—

Add

“(11A) 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.”.

5. Regulation 114A added

After regulation 114—

Add

“114A. 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 114 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—

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 ship that is owned or operated by—

- (a) the Government; or
- (b) the government of a party to the Convention.”.

6. Regulations 129A and 129B added

Part VII, after regulation 129—

Add

“129A. Discharges

A ro/ro passenger ship must comply with the requirements on discharge valves for scuppers specified in regulation 37.2.1.2 of specified Chapter II-2.

129B. Escape routes

A ro/ro passenger ship must comply with the requirements on escape routes specified in regulation 28-1 (except regulation 28-1.1.1) of specified Chapter II-2.”.

7. Regulation 131 amended (general)

Regulation 131(1)—

Repeal

“127 and 129”

Substitute

“127, 129, 129A and 129B”.

8. Regulation 131B repealed (access opening indicator lights)

Regulation 131B—

Repeal the regulation.

9. Regulation 131D repealed (television surveillance)

Regulation 131D—

Repeal the regulation.

10. Regulations 131DA to 131DD added

At the end of Part VIIB—

Add

“131DA. Additional requirements for ro/ro passenger ships

- (1) The applicable requirements on the watertight integrity of access to ro/ro cargo spaces of a ship specified in regulation 20-2 of specified Chapter II-1 must be complied with in relation to a ship.
- (2) The applicable requirements on the integrity of the hull and superstructure, damage prevention and control specified in regulations 23-2.1, 23-2.2 and 23-2.3 of specified Chapter II-1 must be complied with in relation to a ship.

- (3) The master of a ship must ensure that the applicable requirements on the supervision, and reporting and recording in the log book of the access to ro/ro cargo spaces specified in regulation 20-2 of specified Chapter II-1 are complied with in relation to the ship.
- (4) The master of a ship must ensure that the applicable requirements on the restriction of access to ro/ro cargo spaces specified in regulation 20-3 of specified Chapter II-1 are complied with in relation to the ship.
- (5) The master of a ship must ensure that the applicable requirements on the closure of bulkheads on the ro/ro cargo spaces specified in regulation 20-4 of specified Chapter II-1 are complied with in relation to the ship.
- (6) The master of a ship must ensure that the applicable requirements on documented operating procedures for closing and securing of watertight doors and other closing appliances specified in regulation 23-2.4 of specified Chapter II-1 are complied with in relation to the ship.
- (7) 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).

131DB. Discharges

A ship must comply with the requirements on discharge valves for scuppers specified in regulation 37.2.1.2 of specified Chapter II-2.

131DC. Escape routes

A ship must comply with the requirements on escape routes specified in regulation 28-1 (except regulation 28-1.1.1) of specified Chapter II-2.

131DD. Oil fuel arrangements

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.”.

11. Part VIID added

After Part VIIC—

Add

“Part VIID

Prohibition of Asbestos

131F. Application of Part VIID

This Part applies to a ship to which these regulations apply.

131G. No asbestos in materials used for structure etc. of ships

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.”.

12. Regulation 133 substituted

Regulation 133—

Repeal the regulation

Substitute

“133. Several provisions are passenger ship construction regulations

In so far as passenger ships registered in Hong Kong are concerned, regulations 4, 5, 6, 7, 8, 9A, 9B, 9I, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 66A, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 86, 86A, 87, 88, 89, 90, 91, 92, 93, 94, 95, 95A, 96, 97, 98, 99, 100, 101, 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 114A, 115, 116, 117, 118, 119, 120, 121, 122, 123, 126, 127, 128, 129, 129B, 130, 131, 131A, 131C, 131DA(1) and (2), 131DC, 131DD, 131E, 131F, 131G and 132 are passenger ship construction regulations for the purposes of section 94 of the Ordinance.”.

13. Regulations 133A and 133B added

After regulation 133—

Add

“133A. Offences for Hong Kong passenger ships

- (1) This regulation applies to a passenger ship registered in Hong Kong.

- (2) If regulation 129A or 131DB 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) A person who contravenes regulation 9C, 9D, 9E, 9F, 9G, 9H, 114A(3) or 131DA(3), (4), (5) or (6) commits an offence and is liable to a fine at level 3.

133B. Offences for non-Hong Kong passenger ships

- (1) This regulation applies to a passenger ship that is not registered in Hong Kong.
- (2) If a ship in relation to which regulation 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 45, 46, 47, 48, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 66A, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 87, 88, 89, 90, 91, 92, 93, 94, 95, 95A, 96, 97, 98, 99, 100, 101, 101A, 101B, 103, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 114A(1), 115, 116, 117, 118, 119, 120, 122, 126, 127, 128, 129, 129A, 129B, 131, 131C, 131DA(1) or (2), 131DB, 131DC, 131DD, 131E or 131G is contravened proceeds or attempts to proceed to sea, the owner and the master of the ship each commits an offence and is liable to a fine at level 3.
- (3) A person who contravenes regulation 114A(3) or 131DA(3), (4), (5) or (6) commits an offence and is liable to a fine at level 3.”.

14. Schedule 3 amended (stability in damaged condition)

- (1) Schedule 3, after paragraph 1(1)(c)(iii)—

Add

“(iiia) for a ro/ro passenger ship—throughout the ship’s length;”.

(2) Schedule 3, paragraph 1(1)(c)(iv)—

Repeal

“the foregoing sub-subparagraphs (i), (ii) and (iii)”

Substitute

“sub-subparagraphs (i), (ii), (iii) and (iiia)”.

Frank CHAN Fan
Secretary for Transport and
Housing

4 December 2018

Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. AL).

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 passenger 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 fuels.
4. Further, the Regulation creates offences for certain new provisions and amends the offence provisions by distinguishing regulations that are passenger ship construction regulations for the purposes of section 94 of the Merchant Shipping (Safety) Ordinance (Cap. 369) from other regulations.