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Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) (No. 2) Regulation 2018

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Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 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 and Survey) (Ships Built On or After 1 September 1984) Regulations amended

The Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. AM) are amended as set out in sections 3 to 26.

3. Regulation 1 amended (interpretation and application)

(1) Regulation 1(2)—

Repeal the definition of *dangerous goods*

Substitute

“*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);”.

(2) Regulation 1(2)—

Repeal the definition of *new passenger ship*

Substitute

“*new passenger ship* (新客船) means—

- (a) a passenger ship constructed on or after 1 September 1984 and before 1 July 2002; or
- (b) a cargo ship converted to a passenger ship on or after 1 September 1984 and before 1 July 2002;”.

(3) Regulation 1(2)—

Repeal the definition of *ro/ro passenger ship*

Substitute

“*ro/ro passenger ship* (滾裝客船) means a passenger ship—

- (a) for a ship constructed before 1 July 1997—
provided with cargo spaces or vehicle spaces in which cargo or vehicles can be loaded or unloaded in a horizontal direction; or
- (b) for a ship constructed on or after 1 July 1997—
provided with special category spaces or ro/ro cargo spaces;”.

(4) Regulation 1(2)—

Repeal the definition of *existing passenger ship*.

(5) 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;

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);

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 18A added

After regulation 18—

Add

“18A. Construction of watertight ventilators and watertight trunks

- (1) The watertight ventilators and watertight trunks of a passenger ship must be watertight at least up to the bulkhead deck of the ship.
- (2) If a ventilation trunk that passes through a structure penetrates the bulkhead deck of the ship, the trunk must be capable of withstanding the water pressure that may be present within the trunk after having taken into account the maximum angle of heel after flooding but before equalization specified in regulation 11B(4)(a).
- (3) If all or part of the penetration is on the main ro/ro deck of the ship, the trunk must be capable of withstanding impact pressure due to internal water motions of water trapped on the ro/ro deck.
- (4) Watertight deck, ventilator and trunk of a passenger ship must be subject to a hose or flooding test after completion of its construction.”.

5. Regulation 20 amended (openings in the shell plating below the margin line)

- (1) Before regulation 20(1)—

Add

“(1A) In this regulation—

margin line (限界線)—

- (a) for a passenger ship constructed on or after 1 September 1984 and before 1 July 1998—has the meaning given by regulation 1(2); or
- (b) for a passenger ship constructed on or after 1 July 1998—means a line drawn at the same level of the bulkhead deck at the side of the ship.”.

(2) After regulation 20(4)(da)—

Add

“(db) 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.”.

6. Regulation 21 amended (side and other openings above the margin line)

After regulation 21(3)—

Add

“(4) A passenger ship constructed on or after 1 July 1997 must comply with the applicable requirements on the watertight integrity above the margin line specified in regulation 20 of specified Chapter II-1.”.

7. Regulation 42 amended (application of Part IV)

Regulation 42—

Repeal

everything after “except”

Substitute

“that—

- (a) regulation 48(1)(e) only applies to a ship constructed on or after 1 February 1995; and

(b) regulation 53A only applies to a ship constructed on or after 1 July 1998.”.

8. Regulation 46 amended (emergency and transitional source of electrical power and emergency switchboards: ships of Classes I, II and II(A))

After regulation 46(12)—

Add

“(13) If a ship was constructed on or after 1 July 1998 and electrical power is necessary for the restoration of its propulsion, the ship must comply with the applicable requirements specified in regulation 42 of specified Chapter II-1.”.

9. Regulation 53A added

After regulation 53—

Add

“53A. Ventilation openings

The special category space of a ship must comply with the requirements on ventilation openings specified in regulation 37.4 of specified Chapter II-2.”.

10. Regulation 55 amended (application of Part V)

Regulation 55—

Repeal

“64(10)(b) and (c)”

Substitute

“56(9), 64(10)(b) and (c), 66(6) and (7), 67, 67A”.

11. Regulation 56 amended (general)

After regulation 56(8)—

Add

- “(9) A ship constructed on or after 1 July 1998 must comply with the applicable requirements on the location and arrangement of vent pipes and provision of oil tanks specified in regulation 26.11 of specified Chapter II-1.
- (10) The owner and the master of a ship must ensure that the applicable requirements on the inspection and replacement of non-metallic expansion joints in piping systems specified in regulation 26.9 of specified Chapter II-1 are complied with in relation to the ship.
- (11) The owner and the master of a ship must ensure that the applicable requirements on the written language of the operating and maintenance instructions and engineering drawings for the ship machinery and equipment specified in regulation 26.10 of specified Chapter II-1 are complied with in relation to the ship.”.

12. Regulation 64 amended (oil fuel installations: (boilers and machinery))

After regulation 64(15)—

Add

- “(15A) the requirements on oil fuel arrangements 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 must be complied with;”.

13. **Regulation 64A added**

After regulation 64—

Add

“64A. 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 64 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.”.

14. Regulation 66 amended (oil systems for lubricating, heating, cooling and control)

After regulation 66(5)—

Add

- “(6) The arrangements for lubricating oil of a post 1992 ship must also comply with the applicable requirements specified in regulations 15.2.10 and 15.2.11 of specified Chapter II-2.
- (7) The arrangements for flammable oils (other than fuel and lubricating oil) of a ship constructed on or after 1 July 1998 must also comply with the applicable requirements specified in regulations 15.2.10 and 15.2.11 of specified Chapter II-2.”.

15. Regulation 67 amended (machinery controls)

- (1) Regulation 67, heading, after “**controls**”—

Add

“: ships constructed between 1 September 1984 and 1 July 1998”.

- (2) Before regulation 67(1)—

Add

“(1A) This regulation applies to a ship constructed on or after 1 September 1984 and before 1 July 1998.”.

16. Regulation 67A added

After regulation 67—

Add

“67A. Machinery controls: post-1 July 1998 ships

- (1) This regulation applies to a ship constructed on or after 1 July 1998.
- (2) The applicable requirements on the machinery for the propulsion, control and safety of the ship specified in regulation 31 of specified Chapter II-1 must be complied with in relation to a ship.”.

17. Regulation 75 amended (application of Part VI)

- (1) Regulation 75, English text—

Repeal

“in regulation”

Substitute

“in regulations”.

- (2) Regulation 75—

Repeal

“(7)(d)”

Substitute

“(7)(d) and 76A”.

18. Regulation 76 amended (means of escape)

Regulation 76(5)(b), after “Organization.”—

Add

“This paragraph also applies to the crew accommodation areas of a passenger ship carrying more than 36 passengers.”.

19. Regulation 76A added

After regulation 76—

Add

“76A. 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.”.

20. Regulation 80A substituted

Regulation 80A—

Repeal the regulation

Substitute

“80A. 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.”.

21. Regulation 80C repealed (access opening indicator lights)

Regulation 80C—

Repeal the regulation.

22. Regulation 80E repealed (television surveillance)

Regulation 80E—

Repeal the regulation.

23. Regulations 80EA to 80ED added

At the end of Part VIA—

Add

“80EA. 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.

80EB. 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.

80EC. 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.

80ED. 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.”.

24. Regulations 85A and 85B added

After regulation 85—

Add

“85A. Several provisions are passenger ship construction regulations

In so far as Hong Kong passenger ships are concerned, regulations 4, 5, 6, 7, 8, 9A, 9B, 9C, 9D, 9I, 10, 11A, 11B, 12, 13, 14, 15, 15A, 16, 17, 18, 18A, 19, 20 (except subregulation (4)(db)), 21, 22, 23, 24, 25, 26, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 64A, 65, 66, 67, 67A, 68, 69, 72, 73, 75, 76, 76A, 79, 80, 80A, 80B, 80D, 80EA(1) and (2), 80EC, 80ED and 80F are passenger ship construction regulations for the purposes of section 94 of the Ordinance.

85B. Offences for Hong Kong passenger ships

- (1) This regulation applies to a Hong Kong passenger ship.
- (2) If regulation 20(4)(db), 53A, 54, 70, 71, 74, 77, 78, 80EB or 82(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 3.
- (3) A person who contravenes regulation 9E, 9F, 9G, 9H, 64A(3) or 80EA(3), (4), (5) or (6) commits an offence and is liable to a fine at level 3.”.

25. Regulation 86 substituted

Regulation 86—

Repeal the regulation

Substitute

“86. Offences for non-Hong Kong passenger ships

- (1) This regulation applies to a passenger ship that is not registered in Hong Kong.

- (2) If regulation 4, 6, 7, 8, 10, 11A, 11B, 12, 13, 15A, 18, 18A, 19, 21, 22, 23, 24, 25, 26, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 53A, 54, 56, 57, 58, 59, 60, 61, 62, 63, 64, 64A(1), 65, 66, 67, 67A, 68, 69, 70, 71, 72, 73, 74, 76, 76A, 77, 78, 79, 80, 80A, 80D, 80EA(1) or (2), 80EB, 80EC, 80ED, 80F or 82(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 3.
- (3) A person who contravenes regulation 64A(3) or 80EA(3), (4), (5) or (6) commits an offence and is liable to a fine at level 3.”.

26. Schedule 3 amended (stability in damaged condition)

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

Add

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

- (2) Schedule 3, Part 1, paragraph 1(3)(d)—

Repeal

“(b) and (c)”

Substitute

“(b), (c) and (ca)”.

Frank CHAN Fan
Secretary for Transport and
Housing

4 December 2018

Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. AM).

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 on or after 1 September 1984 and before 1 July 2002—
 - (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. Besides, the Regulation amends the definition of *dangerous goods*.
5. Further, the Regulation 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.