Merchant Shipping (Safety) (High Speed Craft) (Amendment) Regulation 2016

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### Merchant Shipping (Safety) (High Speed Craft) (Amendment) Regulation 2016

**B1176**

### 2016年第56号法律公告

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Section 1

Merchant Shipping (Safety) (High Speed Craft) (Amendment) Regulation 2016

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

1. Commencement

This Regulation comes into operation on 1 July 2016.

2. Merchant Shipping (Safety) (High Speed Craft) Regulation amended

The Merchant Shipping (Safety) (High Speed Craft) Regulation (Cap. 369 sub. leg. AW) is amended as set out in sections 3 to 15.

3. Section 2 amended (interpretation)

(1) Section 2(1), definition of failure mode and effect analysis—

Repeal

"in accordance with annex 4 of the HSC Code, of the craft’s”

Substitute

“of a craft’s”.

(2) Section 2(1), definition of high speed craft—

Repeal

everything after “or”
Substitute
“exceeding $3.7\sqrt[3]{0.1667}$ (where $\sqrt[3]{\cdot}$ = volume of displacement corresponding to the design waterline (m$^3$)), excluding a craft the hull of which is supported completely clear above the water surface in non-displacement mode by aerodynamic forces generated by ground effect;”.

(3) Section 2(1)—
Repeal the definition of HSC Code
Substitute
“HSC Code (《高速船規則》) means the 1994 Code or the 2000 Code;”.

(4) Section 2(1), Chinese text, definition of 安全證明書—
Repeal
everything after “條發出的”
Substitute
“證明書，而就任何其他高速船而言，指由該船的註冊國家或地區的政府按《高速船規則》第1章發出（或代該政府發出）的證明書；”.

(5) Section 2(1), Chinese text, definition of 營運許可證—
Repeal
everything after “條發出的”
Substitute
“許可證，而就任何其他高速船而言，指由該船的註冊國家或地區的政府按《高速船規則》第1章發出（或代該政府發出）的許可證；”.

(6) Section 2(1)—
Repeal the definition of design waterline.
(7) 第2(1)條，在安全證明書的定義之前——
加入
“《1994年規則》(1994 Code) 指由國際海事組織海上安全委員會藉MSC.36(63)號決議通過的《國際高速船
安全規則》，而凡不時有對該規則作出任何修改或修
訂，而該等修改或修訂適用於香港，則以該規則
經該等修改或修訂的版本為準；

《2000年規則》(2000 Code) 指由國際海事組織海上安全
委員會藉MSC.97(73)號決議通過的《國際高速船
安全規則》，而凡不時有對該規則作出任何修改或修
訂，而該等修改或修訂適用於香港，則以該規則
經該等修改或修訂的版本為準；”。

(8) 第2(1)條——
按筆劃數目順序加入
“改動(alteration) 就某高速船而言，指對該船作出的任
何重大修理、改動、修改或舾裝；

建造(constructed) 就某高速船而言，指以下階段——
(a) 安放該船的龍骨；或
(b) 能識別為該船的建造開始，及該船已開始裝
配，而裝配量至少為50公噸或所有結構材料
估計重量的3%，以較少者為準；

《國際安全管理規則》(International Safety Management
Code) 指由國際海事組織通過的《國際船舶安全營
運與防止污染管理規則》，而凡不時有對該規則作
出任何修改或修訂，而該等修改或修訂適用於香
港，則以該規則經該等修改或修訂的版本為準；

(7) Section 2(1), before the definition of cargo craft——
Add
“1994 Code (《1994年規則》) means the International
Code of Safety for High Speed Craft adopted by the
Maritime Safety Committee of the International
Maritime Organization by resolution MSC.36(63), as
from time to time revised or amended by any revision
or amendment that applies to Hong Kong;

2000 Code (《2000年規則》) means the International
Code of Safety for High Speed Craft adopted by the
Maritime Safety Committee of the International
Maritime Organization by resolution MSC.97(73), as
from time to time revised or amended by any revision
or amendment that applies to Hong Kong;”.

(8) Section 2(1)—
Add in alphabetical order
“alteration (改動), in relation to a high speed craft, means
any repair, alteration, modification or outfitting of
the craft that is of a major character;

applicable Code (適用《規則》) means—
(a) in relation to a high speed craft that is subject
to the requirement under section 3A(2), 3B(2)
or 3C(2), the 1994 Code; and
(b) in relation to a high speed craft that is subject
to the requirement under section 3A(3), 3B(4)
or 3C(3), the 2000 Code;

constructed (建造), in relation to a high speed craft, means
the stage at which—
(a) the keel of the craft is laid; or
國際航程 (international voyage) 指符合以下說明的航程——
(a) 香港與中國人民共和國以外的港口之間；或
(b) 某屬公約締約國的國家的港口與該國家以外的港口（不論是否位於屬公約締約國的國家）之間；

船東 (owner) 就某高速船而言，指——
(a) 船的船東；或
(b) 符合以下說明的人——
   (i) 承擔營運該船的責任；及
   (ii) 在承擔該責任時，同意擔負《國際安全管理規則》就該船施加的所有職責及責任；

跨境航程 (cross-boundary voyage) 指符合以下說明的航程——
(a) 香港與香港以外的港口之間；及
(b) 並非國際航程；

適用《規則》(applicable Code) 指——
(a) (就須受第 3A(2)、3B(2) 或 3C(2) 條所訂的規
定規限的高速船而言)《1994 年規則》；及

(b) construction identifiable with the craft begins,
and assembly of the craft has commenced
comprising at least 50 tonnes or 3% of the
estimated mass of all structural material,
whichever is less;

cross-boundary voyage (跨境航程) means a voyage—
(a) between Hong Kong and a port outside Hong
Kong; and
(b) which is not an international voyage;

International Safety Management Code (《國際安全管理
規則》) means the International Management Code
for the Safe Operation of Ships and for Pollution
Prevention adopted by the International Maritime
Organization, as from time to time revised or
amended by any revision or amendment that applies
to Hong Kong;

international voyage (國際航程) means a voyage between—
(a) Hong Kong and a port outside the People's
Republic of China; or
(b) a port in a country which is a party to the
Convention and a port outside that country
(whether in a country which is a party to the
Convention or not);

owner (船東), in relation to a high speed craft, means—
(a) the owner of the craft; or
(b) a person who—
   (i) has assumed responsibility for the
operation of the craft; and
(b) (就須受第3A(3)、3B(4)或3C(3)條所訂的規定規限的高速船而言)《2000年規則》;”。

(9) 第2(2)條，中文文本——
廢除
“《守則》”
代以
“《高速船規則》”。

4. 修訂第3條 (適用範圍)
(1) 第3條——
廢除第(1)款。
(2) 第3(2)條——
廢除
“第(1)款所指明並”。
(3) 第3(2)(b)條——
廢除第(ii)節
代以
“(ii) 跨境航程；及”。

5. 加入第3A、3B及3C條
在第3條之後——
加入

(ii) on assuming that responsibility, has agreed to take over all the duties and responsibilities imposed in respect of the craft by the International Safety Management Code;”.

(9) Section 2(2), Chinese text—
Repeal
“《守則》”
Substitute
“《高速船規則》”.

4. Section 3 amended (application)
(1) Section 3——
Repeal subsection (1).
(2) Section 3(2)—
Repeal
“specified in subsection (1)”.
(3) Section 3(2)(b)—
Repeal subparagraph (ii)
Substitute
“(ii) cross-boundary voyages; and”.

5. Sections 3A, 3B and 3C added
After section 3—
Add
3A. **High speed craft engaged in cross-boundary voyages to comply with HSC Code**

(1) This section applies to a high speed craft engaged in cross-boundary voyages.

(2) The following high speed craft must be built, equipped, operated and maintained in accordance with the 1994 Code—

(a) a high speed craft constructed before 1 March 1999 and to which alterations were made on or after 1 March 1999 but before 1 July 2016; and

(b) a high speed craft constructed on or after 1 March 1999 but before 1 July 2016 and to which no alterations are made on or after 1 July 2016.

(3) The following high speed craft must be built, equipped, operated and maintained in accordance with the 2000 Code—

(a) a high speed craft constructed before 1 July 2016 and to which alterations are made on or after 1 July 2016; and

(b) a high speed craft constructed on or after 1 July 2016.

3B. **Certain high speed craft engaged in cross-boundary voyages to comply with HSC Code on approval of Director**

(1) Subsection (2) applies to a Hong Kong high speed craft which is—

(a) engaged in cross-boundary voyages; and

(b) constructed before 1 March 1999 and to which no alterations are made on or after 1 March 1999.
(2) 在以下情況下，本款適用的高速船須按照《1994年規則》建成、裝備、營運及維修——

(a) 該船的船東向處長申請，要求《1994年規則》適用於該船；及

(b) 處長批准該申請。

(3) 第 (4) 款適用於符合以下說明的香港高速船——

(a) 行走跨境航程；及

(b) 在 1999年3月1日當日或之後 (但在2016年7月1日之前) 建造，而該船在2016年7月1日當日或之後，並沒有改動。

(4) 儘管有第 3A(2)(b) 條的規定，在以下情況下，本款適用的高速船須按照《2000年規則》建成、裝備、營運及維修——

(a) 該船的船東向處長申請，要求《2000年規則》適用於該船；及

(b) 處長批准該申請。

3C. 行走國際航程的高速船，須符合《高速船規則》

(1) 本條適用於行走國際航程的高速船。

(2) 以下高速船須按照《1994年規則》建成、裝備、營運及維修——

(2) A high speed craft to which this subsection applies must be built, equipped, operated and maintained in accordance with the 1994 Code if—

(a) the owner of the craft makes an application to the Director that the 1994 Code is to apply to the craft; and

(b) the Director approves the application.

(3) Subsection (4) applies to a Hong Kong high speed craft which is—

(a) engaged in cross-boundary voyages; and

(b) constructed on or after 1 March 1999 but before 1 July 2016 and to which no alterations are made on or after 1 July 2016.

(4) Despite section 3A(2)(b), a high speed craft to which this subsection applies must be built, equipped, operated and maintained in accordance with the 2000 Code if—

(a) the owner of the craft makes an application to the Director that the 2000 Code is to apply to the craft; and

(b) the Director approves the application.

3C. High speed craft engaged in international voyages to comply with HSC Code

(1) This section applies to a high speed craft engaged in international voyages.

(2) The following high speed craft must be built, equipped, operated and maintained in accordance with the 1994 Code—
6. **Section 4 repealed (compliance with the HSC Code)**

Section 4—

**Repeal the section.**

7. **Section 5 amended (survey requirements)**

(1) Section 5(2)(a)(iv), after “analysis”—

**Add**

“conducted in accordance with annex 4 of the applicable Code”.

(2) Section 5(2)(a)(v)—

**Repeal**

everything after “required”

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(a) a high speed craft constructed before 1 January 1996 and to which alterations were made on or after 1 January 1996 but before 1 July 2002; and

(b) a high speed craft constructed on or after 1 January 1996 but before 1 July 2002 and to which no alterations are made on or after 1 July 2002.

(3) The following high speed craft must be built, equipped, operated and maintained in accordance with the 2000 Code—

(a) a high speed craft constructed before 1 July 2002 and to which alterations are made on or after 1 July 2002; and

(b) a high speed craft constructed on or after 1 July 2002.”.
8. 修訂第 6 條 (發出安全證明書)
(1) 第 6 條，標題，在“發出”之後——
加入
“及展示”。
(2) 第 6(2) 條，中文文本——
廢除
“高速船安全”
代以
“安全”。
(3) 在第 6(2) 條之後——
加入
“(3) 獲發安全證明書的高速船，須攜載該證明書。
(4) 凡高速船獲發安全證明書，該證明書的一份複本，
須張掛於該船上一個顯眼及可到達的地方。”。

8. Section 6 amended (issue of High Speed Craft Safety Certificate)
(1) Section 6, heading, after “Issue”—
Add
“and display”.
(2) Section 6(2), Chinese text—
Repeal
“高速船安全”
Substitute
“安全”.
(3) After section 6(2)—
Add
“(3) A High Speed Craft Safety Certificate must be
 carried on the high speed craft in respect of which
 the Certificate is issued.
(4) A copy of a High Speed Craft Safety Certificate
 must be posted up in a prominent and accessible
 place on the high speed craft in respect of which the
 Certificate is issued.”.

Substitute
“to be carried on the craft under the applicable Code;
and”.
(3) Section 5(2)(a)(vi), (b) and (c)—
Repeal
“HSC”
Substitute
“applicable”.

9. Section 8 amended (Permit to Operate High Speed Craft)

(1) Section 8(2)—
Repeal
“1.2.2 to 1.2.7 of the HSC”
Substitute
“paragraphs 1.2.1.2 to 1.2.1.7 of the applicable”.

(2) Section 8(3)—
Repeal
“carried under section 10(1)”
Substitute
“required to be carried on the craft under the applicable Code”.

(3) Section 8—
Repeal subsection (6).

(4) At the end of section 8—
Add
“(7) The Permit to Operate High Speed Craft issued in respect of a craft under subsection (2) ceases to be valid if the High Speed Craft Safety Certificate issued in respect of the craft ceases to be valid.

(8) A Permit to Operate High Speed Craft must be carried on the high speed craft in respect of which the Permit is issued.

(9) A copy of a Permit to Operate High Speed Craft must be posted up in a prominent and accessible place on the high speed craft in respect of which the Permit is issued.”.
10. **Section 9 amended (maintenance of conditions after survey)**
    Section 9—
    Repeal subsection (1).

11. **Section 10 repealed (information to be made available)**
    Section 10—
    Repeal the section.

12. **Section 11 amended (equivalents)**
    Section 11(1) and (2)—
    Repeal
    “HSC” (wherever appearing)
    Substitute
    “applicable”.

13. **Section 12 amended (exemptions)**
    Section 12—
    Repeal
    “HSC”
    Substitute
    “applicable”.

14. **Section 14 amended (delegation)**
    Section 14(1), after “sections”—
    Add
    “3B,”.

15. **Section 15 amended (penalties)**
    (1) Section 15(1)—
废除
“4、7(9)、8(1)、9或10”
代以
“3A(2)或(3)、3B(2)或(4)、3C(2)或(3)、7(9)、8(1)或9”。

(2) 第15(1)条——
废除
“第4级罚款”
代以
“罚款$20,000”。

(3) 在第15(1)条之后——
加入
“(1A) 如第6(3)或(4)或8(8)或(9)条遭违反，有关的高速船的船长及船东均属犯罪，可各处罚款$5,000。”。

运输及房屋局局长
张炳良

2016年5月3日

Merchant Shipping (Safety) (High Speed Craft) (Amendment) Regulation 2016

Repeal
“sections 4, 7(9), 8(1), 9 or 10”
Substitute
“section 3A(2) or (3), 3B(2) or (4), 3C(2) or (3), 7(9), 8(1) or 9”.

(2) Section 15(1)—
Repeal
“are liable to a fine at level 4”
Substitute
“is liable to a fine of $20,000”.

(3) After section 15(1)—
Add
“(1A) If section 6(3) or (4) or 8(8) or (9) is contravened, the master and the owner of the high speed craft concerned each commits an offence and is liable to a fine of $5,000.”.

Anthony B. L. CHEUNG
Secretary for Transport and Housing

3 May 2016
Chapter X of the Annex to the International Convention for the Safety of Life at Sea 1974 as amended (Convention) seeks to impose safety measures for high speed craft. Requirements in the following codes were made mandatory in relation to certain high speed craft by the Convention—

(a) the International Code of Safety for High Speed Craft adopted by the Maritime Safety Committee of the International Maritime Organization (IMO) by resolution MSC.36(63) as amended from time to time (1994 Code);

(b) the International Code of Safety for High Speed Craft adopted by the Maritime Safety Committee of IMO by resolution MSC.97(73) as amended from time to time (2000 Code).

2. The Merchant Shipping (Safety) (High Speed Craft) Regulation (Cap. 369 sub. leg. AW) (principal Regulation) was made in 1998 to implement Chapter X of the Annex to the Convention in relation to the 1994 Code.

3. To implement the latest version of Chapter X of the Annex to the Convention, this Regulation amends the principal Regulation—

(a) to update the latest requirements under the 1994 Code; and

(b) to implement the requirements under the 2000 Code.
4. The main amendments are set out below—

(a) section 5 adds new sections 3A, 3B and 3C to the principal Regulation to provide that certain high speed craft must be built, equipped, operated and maintained in accordance with the 1994 Code or the 2000 Code;

(b) section 8 amends section 6 of the principal Regulation to provide for the display requirement of a High Speed Craft Safety Certificate; and

(c) section 9(4) amends section 8 of the principal Regulation to deal with the validity of a Permit to Operate High Speed Craft and the display requirement of the Permit.