

L.N. 56 of 2016

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

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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 $3.7\nabla^{0.1667}$ (where ∇ = 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) 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

- (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

- (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) 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—

- (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.”.

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”

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”.

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.”.

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)—

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

Explanatory Note

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.