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

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(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**
“改動 (alteration) 就 建造 的定義而言，指任何重大修理、改動或修改；
建造 (constructed) 就某船舶而言，指處於以下階段——
(a) 安放該船舶的龍骨；
(b) 能識別為該船舶的建造開始及該船舶的裝配已開始，而裝配量至少為 50 公噸或所有結構材料估計重量的 1%，以較少者為準；
(c) 如該船舶只經過一次改動——開始進行該次改動；或
(d) 如該船舶經過多於一次改動——開始進行最
近一次改動；”。

4. 修訂第 6 條 (應急電源)
(1) 第 6 條，標題，在 “應急” 之前——
加入
“5 000 噸或以上的船舶的”。
(2) 第 6 條——
廢除在第 (1) 款之前的小標題。

5. 廢除在第 7 條之前的小標題
在第 7 條之前的小標題——
廢除該小標題。

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“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 Cross-heading before regulation 7 repealed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
13. Regulation 16 amended  
Regulation 16—  
Repeal

14. Regulation 17 amended  
Regulation 17—  
Repeal

15. Regulation 18 amended  
Regulation 18—  
Repeal
16. Regulation 19 amended
(1) Regulation 19—
Repeal
(2) Regulation 19—
Repeal

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) Resolution MSC.1(XLV), MSC.6(48), MSC.13(57), MSC.22(59), MSC.24(60), MSC.27(61) and MSC.31(63); and

(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. 使用低閃點燃料

(1) 如以下情況均符合：船舶（指明船舶除外）可使用低閃點燃料——

(a) 處長由於信納《國際氣體燃料規則》所指明的適用規定就該船舶而獲遵從，批准該船舶使用低閃點燃料；及

(b) 《國際氣體燃料規則》對使用低閃點燃料的機械、設備及系統的布置、裝設、控制和監察所指明的適用規定，就該船舶而獲遵從。

(2) 如有關船舶根據第(1)款使用低閃點燃料，則第30條不適用於該船舶。

(3) 使用低閃點燃料的船舶（指明船舶除外）的船東及船長，須確保《國際氣體燃料規則》對測試、演習、緊急練習及操作所指明的適用規定，就該船舶而獲遵從。

(4) 在本條中——

低閃點燃料（low-flashpoint fuel）指閃點低於公約的附件第II-2章第4.2.1.1條所允許者的氣體燃料或液體燃料，而凡不時有對該條作出任何修改或修訂，而該等修改或修訂適用於香港，則以該條經該等修改或修訂的版本為準；

指明船舶（specified ship）指——

(a) 氣體運輸船，而《國際氣體規則》的適用規定就該運輸船而獲遵從；或

(b) 由以下政府擁有或營運的船舶——

(i) 特區政府；或

(ii) 公約締約成員的政府；

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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;
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);
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
Section 24

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“(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
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.