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

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Merchant Shipping (Safety) (Cargo 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 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 On or After 1 September 1984) Regulations amended

The Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. S) are amended as set out in sections 3 to 20.

3. Regulation 1 amended (citation, interpretation, application and exemption)

(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 definitions of ‘A’ Class division and ‘B’ Class division of BO standard.

(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;

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 1(3A), definition of *new*, after “1984”—
- Add**
- “and before 1 July 2002”.

4. Regulation 5A added

After regulation 5—

Add

“5A. Opening in shell plating below freeboard deck

A ship constructed on or after 1 July 1998 must comply with the applicable requirements on the opening in the shell plating below the freeboard deck specified in regulations 17 and 17-1 of specified Chapter II-1.”.

5. Regulation 12 amended (cargo tank ventilation)

- (1) Regulation 12(2)(a)—

Repeal

“pressures,”

Substitute

“pressures;”.

- (2) Regulation 12(2)(b)—

Repeal

“tank, and”

Substitute

“tank;”.

- (3) Regulation 12(2)(c)—

Repeal

“rate.”

Substitute

“rate; and”.

- (4) After regulation 12(2)(c)—

Add

“(d) comply with the applicable requirements on the means for overpressure and underpressure protection specified in regulations 59.1.2.3 and 59.1.3.3 of specified Chapter II-2.”.

- (5) Regulation 12(6)—

Repeal

“The”

Substitute

“For a ship constructed before 1 July 1998, the”.

- (6) After regulation 12(6)—

Add

“(6A) For a ship constructed on or after 1 July 1998, if the venting arrangement of a cargo tank is combined with other cargo tanks, the isolation arrangement of each of the cargo tanks concerned must comply with

the applicable requirements specified in regulation 59.1.3.2 of specified Chapter II-2.”.

6. Regulation 14 amended (general)

After regulation 14(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.”.

7. Regulation 22 amended (oil and gaseous fuel installations)

After regulation 22(2)(k)—

Add

- “(ka) 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;”.

8. Regulation 22A added

After regulation 22—

Add

“22A. 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 22 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;

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) a gas carrier in relation to which the applicable requirements of the IGC Code are complied with; or
- (b) a ship that is owned or operated by—
 - (i) the Government; or
 - (ii) the government of a party to the Convention.”.

9. Regulation 23 amended (lubricating and other oil systems)

- (1) After regulation 23(2)—

Add

“(2A) 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.”.

(2) After regulation 23(3)—

Add

“(3A) 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.”.

10. Regulation 24 amended (machinery controls)

(1) Regulation 24, heading, after “**controls**”—

Add

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

(2) Before regulation 24(1)—

Add

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

11. Regulation 24A added

After regulation 24—

Add

“**24A. 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.”.

12. Regulation 40 amended (fire safety)

Regulation 40(1)—

Repeal

“In every ship every fuel oil and lubricating oil pressure pipe provided shall”

Substitute

“A fuel oil and lubricating oil pressure pipe installed in a ship constructed before 1 July 1998 must”.

13. Regulation 45 amended (emergency and transitional source of electrical power and emergency switchboards)

After regulation 45(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.”.

14. Regulation 50 amended (electrical equipment in hazardous areas and spaces)

(1) Regulation 50(5)—

Repeal

“detailed in regulation 7(2) of the Merchant Shipping (Safety) (Dangerous Goods) Regulations (Cap. 369 sub. leg.)”

Substitute

“classified in the IMDG Code”.

- (2) Regulation 50(5)—

Repeal

“detailed in the aforesaid regulations”

Substitute

“classified in the IMDG Code”.

- (3) After regulation 50(5)—

Add

“(6) In subregulation (5)—

IMDG Code (《海運危險貨物規則》) means the International Maritime Dangerous Goods Code adopted by the International Maritime Organization by Resolution MSC.122(75), as from time to time revised or amended by any revision or amendment that applies to Hong Kong.”.

15. Regulation 54 amended (materials used in construction)

Regulation 54—

Repeal subregulation (4)

Substitute

“(4) 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.”.

16. Regulation 55BA added

Part V, after regulation 55B—

Add

“55BA. Safe access to tanker bows

A tanker constructed on or after 1 July 1998 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.”.

17. Regulation 56 amended (initial surveys)

- (1) Regulation 56(2), after “these regulations”—

Add

“and all other applicable enactments relating to construction of the ship”.

- (2) Regulation 56(3), after “these regulations”—

Add

“and all other applicable enactments relating to construction of the ship”.

18. Regulation 57 amended (renewal surveys)

- (1) Regulation 57(2), after “these regulations”—

Add

“and all other applicable enactments relating to construction of the ship”.

- (2) Regulation 57(3), after “these regulations”—

Add

“and all other applicable enactments relating to construction of the ship”.

19. Regulation 59 amended (annual surveys)

Regulation 59(2), after “these regulations”—

Add

“and all other applicable enactments relating to construction of the ship”.

20. Regulation 64 amended (penalties)

(1) Regulation 64, heading—

Repeal

“Penalties”

Substitute

“Offences”.

(2) Regulation 64—

Repeal subregulation (1)

Substitute

“(1) If regulation 2, 3, 3A, 4, 5, 5A, 6, 7, 8, 9, 10, 10A, 11, 12, 13, 13A, 14, 15, 16, 17, 18, 19, 20, 21, 22, 22A, 23, 24, 24A, 25, 26, 27, 28, 29, 30, 31, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 55A, 55B, 55BA, 55C or 61(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 64—

Repeal subregulation (2).

(4) Regulation 64(3)—

Repeal

everything after “to a fine”

Substitute

“at level 3.”.

Frank CHAN Fan
Secretary for Transport and
Housing

4 December 2018

Explanatory Note

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

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 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 fuel.
4. Besides, the Regulation amends the definition of *dangerous goods*. It also repeals an obsolete reference to a piece of repealed legislation and replaces it with a reference to the International Maritime Dangerous Goods Code.

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5. 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.