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

Contents

1. Commencement ........................................................................... B6583
2. Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations amended ........................................................................................................ B6583
3. Regulation 1 amended (citation, interpretation, application and exemption) ........................................ B6583
4. Regulation 5A added ................................................................. B6589
5A. Opening in shell plating below freeboard deck .............. B6589
5. Regulation 12 amended (cargo tank ventilation) .......... B6589
6. Regulation 14 amended (general) ........................................ B6593
7. Regulation 22 amended (oil and gaseous fuel installations) ................................................................. B6593
8. Regulation 22A added ............................................................. B6595
22A. Use of low-flashpoint fuel ................................................. B6595
9. Regulation 23 amended (lubricating and other oil systems) ...................................................................... B6597

1. 生效日期 ........................................................................................................... B6582
2. 修訂《商船(安全)(貨船構造及检验)(1984年9月1日或之後建造的船舶)規例》 ......................................................... B6582
3. 修訂第1條 (引稱、釋義、適用範圍及豁免) .................................................. B6582
4. 加入第5A條 ....................................................................................................... B6588
   5A. 乾舷甲板之下的外板開口 ............................................................... B6588
5. 修訂第12條 (液貨船的通風) ............................................................... B6588
6. 修訂第14條 (一般規定) .................................................................................... B6592
7. 修訂第22條 (油類及氣體燃料裝設) ............................................................ B6592
8. 加入第22A條 ....................................................................................................... B6594
   22A. 使用低閃點燃料 ....................................................................................... B6594
9. 修訂第23條 (潤滑及其他油類系統) .................................................................. B6596
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. Regulation 24 amended (machinery controls)</td>
<td>B6598</td>
</tr>
<tr>
<td>11. Regulation 24A added</td>
<td>B6599</td>
</tr>
<tr>
<td>24A. Machinery controls: post-1 July 1998 ships</td>
<td>B6599</td>
</tr>
<tr>
<td>12. Regulation 40 amended (fire safety)</td>
<td>B6601</td>
</tr>
<tr>
<td>13. Regulation 45 amended (emergency and transitional source of electrical power and emergency switchboards)</td>
<td>B6601</td>
</tr>
<tr>
<td>14. Regulation 50 amended (electrical equipment in hazardous areas and spaces)</td>
<td>B6601</td>
</tr>
<tr>
<td>15. Regulation 54 amended (materials used in construction)</td>
<td>B6603</td>
</tr>
<tr>
<td>16. Regulation 55BA added</td>
<td>B6603</td>
</tr>
<tr>
<td>55BA. Safe access to tanker bows</td>
<td>B6604</td>
</tr>
<tr>
<td>17. Regulation 56 amended (initial surveys)</td>
<td>B6605</td>
</tr>
<tr>
<td>18. Regulation 57 amended (renewal surveys)</td>
<td>B6605</td>
</tr>
<tr>
<td>19. Regulation 59 amended (annual surveys)</td>
<td>B6607</td>
</tr>
<tr>
<td>20. Regulation 64 amended (penalties)</td>
<td>B6607</td>
</tr>
</tbody>
</table>
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) MSC.1(XLV) 號決議、MSC.2(XLV) 號決議、MSC.6(48) 號決議、MSC.11(55) 號決議及 MSC.12(56) 號決議；

(d) 1988年11月9日通過的《1974年國際海上人命安全公約締約政府會議就全球海上遇險和安全系統的第1號決議》(此為“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”譯名)；

(e) MSC.13(57) 號決議、MSC.19(58) 號決議、MSC.26(60) 號決議及 MSC.27(61) 號決議；

(f) 1995年11月29日通過的《1974年國際海上人命安全公約締約政府會議第1號決議》(此為“Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974”譯名)；及

(g) MSC.47(66) 號決議、MSC.57(67) 號決議及 MSC.65(68) 號決議；

**specified Chapter II-2** (《第II-2章指明版》) 指於1974年11月1日在倫敦簽訂的《國際海上人命安全公約》的附件第II-2章，該章並經國際海事組織通過的以下文書修改或修訂，而該等修改或修訂適用於香港——


(b) 1988年11月11日通過的《1974年國際海上人命安全公約的1988年議定書》；

(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》) 指於1974年11月1日在倫敦簽訂的《國際海上人命安全公約》的附件第II-2章，該章並經國際海事組織通過的以下文書修改或修訂，而該等修改或修訂適用於香港——

(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) MSC.1(XLV) 號決議，MSC.6(48) 號決議，MSC.13(57) 號決議，MSC.22(59) 號決議，MSC.24(60) 號決議，MSC.27(61) 號決議及 MSC.31(63) 號決議；
(d) 1995 年 11 月 29 日通過的《1974 年國際海上人命安全公約締約政府會議第 1 號決議》（此為 “Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974” 的譯名）；及
(e) MSC.57(67) 號決議；”。

(4) 第 1(3A) 條，新定義，在“安放”之前——
加入
“而在 2002 年 7 月 1 日之前”。

4. 加入第 5A 條
在第 5 條之後——
加入

“5A. 乾舷甲板之下的外板開口
在 1998 年 7 月 1 日或之後建造的船舶，須符合《第 II-1 章指明版》第 17 及 17-1 條對乾舷甲板之下的外板開口所指明的適用規定。”。

5. 修訂第 12 條 (液貨艙的通風)
(1) 第 12(2)(a) 條 ——
廢除
“計的壓力，”
代以

(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
Section 5

“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
6. 修訂第 14 條 (一般規定)

在第 14(8) 條之後——

加入

“(9) 在 1998 年 7 月 1 日或之後建造的船舶，須符合《第 II-1 章明版》第 26.11 條對透氣管的位置和布置以及油艙的設置所指明的適用規定。”。

(10) 船舶的船東及船長，須確保《第 II-1 章明版》第 26.9 條對檢查和更換管道系統內的非金屬膨脹接頭所指明的適用規定，就該船舶而獲遵從。

(11) 船舶的船東及船長，須確保《第 II-1 章明版》第 26.10 條對以下指令及繪圖採用的書面語文所指明的適用規定，就該船舶而獲遵從：該船舶的機械及設備的操作和保養指令，以及該船舶的機械及設備的工程繪圖。”。

7. 修訂第 22 條 (油類及氣體燃料裝設)

在第 22(2)(k) 條之後——

加入

“(ka) 《第 II-2 章明版》第 15.2.9 條 (或第 15.2.12 條所指明的替代規定)、第 15.2.10 及 15.2.11 條對油類燃料布置所指明的規定，須獲遵從：’”。

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

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—

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) **Add**
10. 修訂第24條（機械控制）
(1) 第24條，標題，在“控制”之後——
加入
“：在1984年9月1日至1998年7月1日期間建造的船舶”。
(2) 在第24(1)條之前——
加入
“(1A) 本條適用於在1984年9月1日或之後而在1998年7月1日之前建造的船舶。”。

11. 加入第24A條
在第24條之後——
加入
“24A. 機械控制：在1998年7月1日之後建造的船舶
(1) 本條適用於在1998年7月1日或之後建造的船舶。”。

12. 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.”.
12. 修訂第 40 條 (消防安全)
第 40(1) 條——
廢除
“在每艘船舶上設置的每條燃油及潤滑油壓力管，均”
代以
“裝設於在 1998 年 7 月 1 日之前建造的船舶上的燃油及
潤滑油壓力管，”。

13. 修訂第 45 條 (應急電源和過渡電源及應急配電板)
在第 45(12) 條之後——
加入
“(13) 如船舶在 1998 年 7 月 1 日或之後建造，並必需使
用電力恢復其推進，則該船舶須符合第 II-1 章指
明版第 42 條所指明的適用規定。”。

14. 修訂第 50 條 (危險範圍及艙間的電力設備)
(1) 第 50(5) 條——
廢除
“《商船 (安全) (危險貨物) 規例》(第 369 章・附屬法例)
第 7(2) 條所詳列的”
15. 修訂第 54 條 (建造物料)

第 54 條——

廢除第 (4) 款

代以

“(4) 凡在 2019 年 3 月 1 日或之後在船舶上裝設物料，而該等物料用於該船舶的結構、機械、電力裝設或設備，則該等物料不得含有石棉。”

16. 加入第 55BA 條

第 V 部，在第 55B 條之後——

加入

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
17. **Regulation 56 amended (initial surveys)**

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

\[ \text{Add} \]

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

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

\[ \text{Add} \]

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

18. **Regulation 57 amended (renewal surveys)**

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

\[ \text{Add} \]

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

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

\[ \text{Add} \]

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

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“**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.”.
Section 19

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, 32, 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
在“可處”之後的所有字句
代以
“第 3 級罰款。”。

運輸及房屋局局長
陳帆

2018 年 12 月 4 日

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.
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.