Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2018

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1. **Commencement**
   This Regulation comes into operation on 1 March 2019.

2. **Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations amended**
   The Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. AL) are amended as set out in sections 3 to 14.

3. **Regulation 1 amended (interpretation and application)**
   (1) Regulation 1(2)—
   **Repeal the definition of “A” Class division**
   **Substitute**
   ““A” Class division ("A" Class division) has the meaning 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)—
   **Repeal the definition of constructed**
代以

“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装配已開始，而装配量至少為 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；”。

(3) 第 1(2) 條——

按筆劃數目順序加入

“改動 (alteration) 就建造的定義而言，指任何重大修理、改動或修改；

《第 II-2 章指明版》(specified Chapter II-2) 指於 1974 年 11 月 1 日於倫敦簽訂的《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——


3 月 24 日通過的《1978 年關於船舶建造的議定書》(此為 “the Protocol of 1978 relating to the Construction of Ships, 1978” 的譯名)；


Substitute

“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;”.

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;

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);”.

### Regulation 114 amended (oil fuel installations: (boilers and machinery))

After regulation 114(11)—

Add

“(11A) 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.”.

### Regulation 114 added

After regulation 114—

Add

“114A. Use of low-flashpoint fuel

(1) A ship (other than a specified ship) may use low-flashpoint fuel if—

“114A. 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) 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 114 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—

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;
6. 加入第 129A 及 129B 條

第 VII 部，在第 129 條之後——

加入

“129A. 排放口

滾裝客船須符合《第 II-2 章指明版》第 37.2.1.2 條對泄水孔的排放閥所指明的規定。

129B. 逃生路線

滾裝客船須符合《第 II-2 章指明版》第 28-1 條 (第 28-1.1.1 條除外) 對逃生路線所指明的規定。”。

7. 修訂第 131 條 (一般規定)

第 131(1) 條——

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 ship that is owned or operated by—

(a) the Government; or

(b) the government of a party to the Convention.”.

6. Regulations 129A and 129B added

Part VII, after regulation 129—

Add

“129A. Discharges

A ro/ro passenger ship must comply with the requirements on discharge valves for scuppers specified in regulation 37.2.1.2 of specified Chapter II-2.

129B. Escape routes

A ro/ro passenger ship must comply with the requirements on escape routes specified in regulation 28-1 (except regulation 28-1.1.1) of specified Chapter II-2.”.

7. Regulation 131 amended (general)

Regulation 131(1)—
8. 廢除第 131B 條（出入口顯示燈）
第 131B 條—
廢除該條。

9. 廢除第 131D 條（電視監視）
第 131D 條—
廢除該條。

10. 加入第 131DA 至 131DD 條
在第 VIIB 部的末處—
加入

“131DA. 滾裝客船的附加規定

(1) 《第 II-1 章指明版》第 20-2 條對通往船舶滾裝貨艙
通道入口的水密完整性所指明的適用規定，須就船
舶而獲遵從。

(2) 《第 II-1 章指明版》第 23-2.1、23-2.2 及 23-2.3 條對
船體及上層建築的完整性，以及對防止損壞和控制
損壞所指明的適用規定，須就船舶而獲遵從。

Regulation 131B repealed (access opening indicator lights)
Regulation 131B—
Repeal the regulation.

Regulation 131D repealed (television surveillance)
Regulation 131D—
Repeal the regulation.

Regulations 131DA to 131DD added
At the end of Part VIIIB—
Add

“131DA. Additional requirements for ro/ro passenger ships

(1) The applicable requirements on the watertight
integrity of access to ro/ro cargo spaces of a ship
specified in regulation 20-2 of specified Chapter II-1
must be complied with in relation to a ship.

(2) The applicable requirements on the integrity of the
hull and superstructure, damage prevention and
control specified in regulations 23-2.1, 23-2.2 and
23-2.3 of specified Chapter II-1 must be complied
with in relation to a ship.
(3) The master of a ship must ensure that the applicable requirements on the supervision, and reporting and recording in the log book of the access to ro/ro cargo spaces specified in regulation 20-2 of specified Chapter II-1 are complied with in relation to the ship.

(4) The master of a ship must ensure that the applicable requirements on the restriction of access to ro/ro cargo spaces specified in regulation 20-3 of specified Chapter II-1 are complied with in relation to the ship.

(5) The master of a ship must ensure that the applicable requirements on the closure of bulkheads on the ro/ro cargo spaces specified in regulation 20-4 of specified Chapter II-1 are complied with in relation to the ship.

(6) The master of a ship must ensure that the applicable requirements on documented operating procedures for closing and securing of watertight doors and other closing appliances specified in regulation 23-2.4 of specified Chapter II-1 are complied with in relation to the ship.

(7) In this regulation—

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).

131DB. Discharges

A ship must comply with the requirements on discharge valves for scuppers specified in regulation 37.2.1.2 of specified Chapter II-2.
131DC. Escape routes
A ship must comply with the requirements on escape routes specified in regulation 28-1 (except regulation 28-1.1.1) of specified Chapter II-2.

131DD. Oil fuel arrangements
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.”.

11. Part VIID added
After Part VIIIC—

Add

“Part VIID
Prohibition of Asbestos

131F. Application of Part VIID
This Part applies to a ship to which these regulations apply.

131G. No asbestos in materials used for structure etc. of ships
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.”.
12. Regulation 133 substituted

Regulation 133—

Repeal the regulation
Substitute

“133. Several provisions are passenger ship construction regulations


13. Regulations 133A and 133B added

After regulation 133—
Add

“133A. Offences for Hong Kong passenger ships

(1) This regulation applies to a passenger ship registered in Hong Kong.

(1) This regulation applies to a passenger ship registered in Hong Kong.
133B. 關於香港客船的罪行

(1) 本條適用於並非在香港註冊的客船。

(2) 如關於某船舶而第129A或131DB條違反，該船舶的船東及船長均屬犯罪，可處第3級罰款。

(3) 任何人如違反第9C、9D、9E、9F、9G、9H、114A(3)或131DA(3)、(4)、(5)或(6)條，即屬犯罪，可處第3級罰款。

133B. Offences for non-Hong Kong passenger ships

(1) This regulation applies to a passenger ship that is not registered in Hong Kong.


(3) 任何人如違反第114A(3)、131DA(3)、(4)、(5)或(6)條，即屬犯罪，可處第3級罰款。”。

14. Schedule 3 amended (stability in damaged condition)

(1) Schedule 3, after paragraph 1(1)(c)(iii)—
Section 14

Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2018

Add
“(iii) for a ro/ro passenger ship—throughout the ship’s length;”.

(2) Schedule 3, paragraph 1(1)(c)(iv)—
Repeal
“the foregoing sub-subparagraphs (i), (ii) and (iii)”
Substitute
“sub-subparagraphs (i), (ii), (iii) and (iii) (iii)”.  

Frank CHAN Fan
Secretary for Transport and Housing

4 December 2018
This Regulation amends the Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. AL).

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 passenger 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 fuels.

4. Further, the Regulation creates offences for certain new provisions and amends the offence provisions by distinguishing regulations that are passenger ship construction regulations for the purposes of section 94 of the Merchant Shipping (Safety) Ordinance (Cap. 369) from other regulations.