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

L.N. 250 of 2018

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2018年第250号法律公告

《2018年商船(安全)(货船构造及检验)(1984年9月1日之前建造的船舶)(修订)规例》

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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. Y) 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。

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 Cross-heading before regulation 7 repealed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.
Section 6

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 Cross-heading before regulation 8 repealed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

“12. 對‘B’級鑲板的規定
如”。

10. 修訂第13條
第13條——
廢除

“13. (1) 船”
代以

“13. 某些結構的物料
(1) 船”。

11. 修訂第14條
第14條——
廢除

“14. (1) 在”
代以

“14. 對門口及開口的規定
(1) 在”。

12. 修訂第15條
第15條——
廢除
13. Regulation 16 amended
Regulation 16—
Repeal

14. Regulation 17 amended
Regulation 17—
Repeal

15. Regulation 18 amended
Regulation 18—
Repeal

“15. Materials for certain structures within accommodation spaces
In”.

“16. Materials for certain bulkheads
The”.

“17. Certain deck coverings must not be readily ignitable
Deck”.
16. Regulation 19 amended

(1) Regulation 19—

Repeal

“18. (1) Paints”

Substitute

“18. Requirements for certain surface materials, pipes, outlets, etc.

(1) Paints”.

“19. (a) Subject”

Substitute

“19. Requirements for skylights to certain spaces and windows in engine casings

(1) Subject”.

(2) Regulation 19—

Repeal

“(b) Windows”

Substitute

“(2) Windows”.

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, 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) 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).”.

18. Regulation 30A added

After regulation 30—

Add
Section 18

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—
(2) 在本條中——

《第II-1章指明版》(specified Chapter II-1) 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-1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) 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” 的譯名)；

(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；

(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);
20. Regulation 50A added

After regulation 50—
Add

“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”—
Section 23

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

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

“(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
Explanatory Note

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.

第 1 段

Explanatory Note

1. 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.

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