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

Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>B6726</td>
</tr>
<tr>
<td>2.</td>
<td>B6726</td>
</tr>
<tr>
<td>3.</td>
<td>B6726</td>
</tr>
<tr>
<td>4.</td>
<td>B6730</td>
</tr>
<tr>
<td>5.</td>
<td>B6730</td>
</tr>
<tr>
<td>6.</td>
<td>B6734</td>
</tr>
<tr>
<td>7.</td>
<td>B6734</td>
</tr>
<tr>
<td>8.</td>
<td>B6734</td>
</tr>
<tr>
<td>9.</td>
<td>B6734</td>
</tr>
</tbody>
</table>
《2018年商船（安全）（客船构造）（1984年9月1日之前建造的船舶）（修订）（第2号）规例》

**2018年第255号法律公告**

<table>
<thead>
<tr>
<th>條次</th>
<th>頁次</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.</td>
<td>加入第131DA至131DD條 ...........................................B6736</td>
</tr>
<tr>
<td>131DA.</td>
<td>滾装客船的附加規定 ...........................................B6736</td>
</tr>
<tr>
<td>131DB.</td>
<td>排放口 ......................................................B6740</td>
</tr>
<tr>
<td>131DC.</td>
<td>逃生路線 ..................................................B6742</td>
</tr>
<tr>
<td>131DD.</td>
<td>油類燃料布置 .............................................B6742</td>
</tr>
<tr>
<td>11.</td>
<td>加入第VIID部 .............................................B6742</td>
</tr>
</tbody>
</table>

**第VIID部**

禁用石棉

<table>
<thead>
<tr>
<th>條次</th>
<th>頁次</th>
</tr>
</thead>
<tbody>
<tr>
<td>131F.</td>
<td>第VIID部的適用範圍 .........................................B6742</td>
</tr>
<tr>
<td>131G.</td>
<td>用於船舶結構等的物料，不得含有石棉 .........................B6742</td>
</tr>
<tr>
<td>12.</td>
<td>取代第133條 ..............................................B6744</td>
</tr>
<tr>
<td>133.</td>
<td>若干條文屬客船構造規例 ......................................B6744</td>
</tr>
<tr>
<td>13.</td>
<td>加入第133A及133B條 ..........................................B6744</td>
</tr>
<tr>
<td>133A.</td>
<td>關於香港客船的罪行 .......................................B6744</td>
</tr>
<tr>
<td>133B.</td>
<td>關於非香港客船的罪行 .....................................B6746</td>
</tr>
<tr>
<td>14.</td>
<td>修訂附表3（損毀狀況下的穩定性） .............................B6746</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>條次</th>
<th>頁次</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.</td>
<td>Schedule 3 amended (stability in damaged condition) ..........B6747</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.</td>
<td>Regulations 131DA to 131DD added .........................B6737</td>
</tr>
<tr>
<td>131DA.</td>
<td>Additional requirements for ro/ro passenger ships ............B6737</td>
</tr>
<tr>
<td>131DB.</td>
<td>Discharges ..................................................B6741</td>
</tr>
<tr>
<td>131DC.</td>
<td>Escape routes ...............................................B6743</td>
</tr>
<tr>
<td>131DD.</td>
<td>Oil fuel arrangements .......................................B6743</td>
</tr>
<tr>
<td>11.</td>
<td>Part VIID added ..............................................B6743</td>
</tr>
</tbody>
</table>

**Part VIID**

*Prohibition of Asbestos*

<table>
<thead>
<tr>
<th>條次</th>
<th>頁次</th>
</tr>
</thead>
<tbody>
<tr>
<td>131F.</td>
<td>Application of Part VIID ....................................B6743</td>
</tr>
<tr>
<td>131G.</td>
<td>No asbestos in materials used for structure etc. of ships ....B6743</td>
</tr>
<tr>
<td>12.</td>
<td>Regulation 133 substituted ....................................B6745</td>
</tr>
<tr>
<td>133.</td>
<td>Several provisions are passenger ship construction regulations ...B6745</td>
</tr>
<tr>
<td>13.</td>
<td>Regulations 133A and 133B added .............................B6745</td>
</tr>
<tr>
<td>133A.</td>
<td>Offences for Hong Kong passenger ships ....................B6745</td>
</tr>
<tr>
<td>133B.</td>
<td>Offences for non-Hong Kong passenger ships ..................B6747</td>
</tr>
<tr>
<td>14.</td>
<td>Schedule 3 amended (stability in damaged condition) ........B6747</td>
</tr>
</tbody>
</table>
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" 級隔板) 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**
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) 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.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. **Regulation 114 amended (oil fuel installations: (boilers and machinery))**

在第 114(11) 條之後——

加入

“(11A) 船舶的油類燃料裝設，須符合《第 II-2 章指明版》第 15.2.9 條 (或第 15.2.12 條指明的替代規定)、第 15.2.10 及 15.2.11 條指明的適用規定。”。

5. **Regulation 114 added**

在第 114 條之後——

加入

“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——

(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 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.”.

5. **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—
(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 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 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)—
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 VIIB—
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—
Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2018

Section 10

(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.

131DB. 排放口

船舶須符合《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。
131DC. 逃生路线
船舶必须符合《第II-2章指明版》第28-1条（第28-1.1.1条除外）对逃生路线所指明的规定。

131DD. 油类燃料布置
船舶的油类燃料布置，须符合《第II-2章指明版》第15.2.9条（或第15.2.12条指明的替代规定）、第15.2.10及15.2.11条指明的规定。”。

11. 加入第VIID部
在第VIIC部之后——
加入
“第VIID部
禁用石棉

131F. 第VIID部的适用范围
本部适用于本规例适用的船舶。

131G. 用於船舶結構等的物料，不得含有石棉
凡在2019年3月1日或之后在船舶上装设物料，而该物料用於船舶的结构、機器、电力装设或設備，则該物料不得含有石棉。”。

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

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 VIIC—
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
In so far as passenger ships registered in Hong Kong are concerned, regulations 4, 5, 6, 7, 8, 9A, 9B, 9I, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 66A, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 86, 86A, 87, 88, 89, 90, 91, 92, 93, 94, 95, 95A, 96, 97, 98, 99, 100, 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 114A, 115, 116, 117, 118, 119, 120, 121, 122, 123, 126, 127, 128, 129, 129B, 130, 131, 131A, 131C, 131DA(1) and (2), 131DC, 131DD, 131E, 131F, 131G and 132, are passenger ship construction regulations for the purposes of section 94 of the Ordinance.”.

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.
133B. Offences for non-Hong Kong passenger ships

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

(2) If a ship in relation to which regulation 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 45, 46, 47, 48, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66A, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 95A, 96, 97, 98, 99, 100, 101, 101A, 101B, 103, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 114A(1), 115, 116, 117, 118, 119, 120, 122, 126, 127, 128, 129, 129A, 129B, 131, 131C, 131DA(1) or (2), 131DB, 131DC, 131DD, 131E or 131G is contravened proceeds or attempts to proceed to sea, the owner and the master of the ship each commits an offence and is liable to a fine at level 3.

(3) A person who contravenes regulation 9C, 9D, 9E, 9F, 9G, 9H, 114A(3) or 131DA(3), (4), (5) or (6) commits an offence and is liable to a fine at level 3.

14. Schedule 3 amended (stability in damaged condition)

(1) Schedule 3, after paragraph 1(1)(c)(iii)—
Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) ( Amendment) (No. 2) Regulation 2018

Section 14

Add
“(iiiia) 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 (iiiia)”.

Frank CHAN Fan
Secretary for Transport and Housing

4 December 2018
Explanatory Note

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.