

Merchant Shipping (Safety) (Musters and Training)

(Amendment) Regulation 2001

(Made under sections 99 and 107 of the Merchant Shipping
(Safety) Ordinance (Cap. 369))

1. Commencement

This Regulation shall come into operation on 13 July 2001.

2. Interpretation

Regulation 2 of the Merchant Shipping (Safety) (Musters and Training) Regulations
(Cap. 369 sub. leg.) is amended---

(a) in subregulation (1)---

(i) in the definition of "fishing vessel", by repealing "捕魚船隻" and
substituting "漁船";

(ii) in the definition of "international voyage", by repealing "程" and
substituting "行";

(iii) by adding---

"general emergency alarm system" (總緊急警報系統) means the general emergency alarm
system required under regulation 5(1) or (2), as the case may be;

"long international voyage" (長程國際航行) means an international voyage which is
not a short international voyage;

"LSA Code" (《規則》) means the International Life-Saving Appliance Code adopted by
the Maritime Safety Committee of the International Maritime Organization by
Resolution MSC. 48(66), as may be amended by the Organization from time to time;

"marine evacuation system" (船舶撤離系統) means an appliance complying with the
requirements of section 6.2 of the LSA Code and used for the rapid transfer of persons
from the embarkation deck of a ship to a floating survival craft;

"public address system" (擴音系統) means a public address system complying with the
requirements of section 7.2.2 of the LSA Code;

"short international voyage" (短程國際航行) means an international voyage---

(a) in the course of which a ship is not more than 200 nautical miles from a port
or place in which the passengers and crew could be placed in safety;

(b) which does not exceed 600 nautical miles between the last port of call in the
country in which the voyage begins and the final port of destination; and

(c) the return voyage of which does not exceed 600 nautical miles.

In this definition, "final port of destination" (最終目的港) means the last port of
call in the scheduled voyage at which the ship commences its return voyage to the
country in which the voyage began;"

(b) by repealing subregulation (2) and substituting---

"(2) For the purposes of these regulations the ships to which these regulations apply shall be arranged in the following classes---

Passenger ships

Class I. Passenger ships engaged on voyages (not being short international voyages) any of which are long international voyages.

Class II. Passenger ships engaged on voyages (not being long international voyages) any of which are short international voyages.

Class II(A). Passenger ships in respect of which there is or should be in force a certificate entitled "Passenger Certificate Class II(A)", being a certificate for ships engaged on voyages of any kind other than international voyages.

Ships other than passenger ships

Class VII. Ships (other than ships of Class I, Class VII(A), Class VII(T) and Class XI) engaged on voyages any of which are long international voyages.

Class VII(A). Ships engaged in the whaling industry or employed as fish processing or canning factory ships, and ships engaged in the carriage of persons employed in the whaling, fishing processing or canning industries.

Class VII(T). Tankers engaged on voyages any of which are long international voyages.

Class VIII. Ships (other than ships of Class II, Class VIII(T), Class IX and Class XI) engaged on voyages (not being long international voyages) any of which are short international voyages.

Class VIII(T). Tankers engaged on voyages (not being long international voyages) any of which are short international voyages.

Class VIII(A). Ships (other than ships of Class II(A), Class VIII(A)(T), Class IX, Class IX(A), Class IX(A)(T) and Class XI) engaged only on voyages which are not international voyages.

Class VIII(A)(T). Tankers engaged only on voyages which are not international voyages.

Class IX. Tugs and tenders (other than ships of Class II and Class II(A)) which proceed to sea but are not engaged on long international voyages.

Class IX(A). Ships which do not proceed to sea.

Class IX(A)(T). Tankers which do not proceed to sea.

Class XI. Sailing ships (other than fishing vessels) which proceed to sea."

3. Application

Regulation 3(a) is amended by repealing "捕魚船隻" and substituting "漁船".

4. Muster list and emergency instructions

Regulation 4 is amended---

(a) in subregulation (1), by repealing "行走國際航程" and substituting "從事國際航行";

(b) in subregulation (2), by repealing "召集" wherever it appears and substituting "應變";

(c) in subregulation (3)---

(i) by repealing "召集部" and substituting "應變部";

(ii) in paragraph (a)---

(A) by repealing subparagraph (i) and substituting---

"(i) the details of the alarm signal generated from the general emergency alarm system, and the action to be taken by passengers and crew when the alarm signal is sounded;"

(B) by adding---

"(ia) the details concerning announcements that may be made through the public address system;"

(iii) in paragraph (b)---

(A) in subparagraph (i), by repealing "泄水孔" and substituting "流水口";

(B) in subparagraph (iii), by repealing "下水" and substituting "將其降落水中";

(d) in subregulation (4)---

(i) in paragraph (a)---

(A) by repealing "召集" and substituting "應變";

(B) by repealing "艙" and substituting "處所";

(ii) in paragraph (b), by repealing "and";

(iii) in paragraph (c), by repealing the full stop and substituting a semicolon;

(iv) by adding---

"(d) (in the case of a ship of Class I, Class II or Class II(A)) there are procedures in place for locating and rescuing passengers trapped in their staterooms; and

(e) each member of the crew with assigned emergency duties is familiar with his duties before sailing."

5. Regulation substituted

Regulation 5 is repealed and the following substituted---

"5. General emergency alarm system

(1) A ship built before 1 July 1998 shall be provided with a general emergency alarm system complying with the requirements of Schedule 2.

(2) A ship built on or after 1 July 1998 shall be provided with a general emergency alarm system complying with the requirements of section 7.2.1 of the LSA Code.

(3) A general emergency alarm system shall be---

(a) used for summoning passengers and crew to muster stations and to initiate actions specified in the muster list;

(b) supplemented by a public address system or other suitable means of communication.

(4) When a general emergency alarm system provided under subregulation (2) is activated, the entertainment sound system (if any) on the ship concerned shall be turned off automatically.

(5) In a ship of Class I, Class II or Class II(A) built on or after 1 July 1998, the alarm signal generated from the general emergency alarm system shall be audible on all open decks."

6. Regulation added

The following is added---

"5A. Passenger safety briefing

(1) In a ship of Class I, Class II or Class II(A), the master shall ensure that whenever there are passengers embarking the ship for the first time in a voyage, a passenger safety briefing shall be given immediately before or immediately after sailing.

(2) The passenger safety briefing required under subregulation (1)---

(a) shall include instructions required under regulation 4(4)(b) and (c);

(b) shall be made by means of an announcement in one or more languages likely to be understood by the passengers;

(c) shall be made on the public address system, or by other suitable means of communication so that the briefing is likely to be heard at least by those passengers who have not heard it after their embarkation;

(d) may be included in the muster required under regulation 6(1) if the muster takes place immediately before or immediately after sailing;

(e) may be supplemented by information cards, posters or video programmes containing the instructions required under regulation 4(4)(b) and (c), but the briefing shall not be replaced by the use of such materials."

7. Practice of musters and drills

Regulation 6 is amended---

(a) by repealing subregulations (1), (2), (3) and (4) and substituting---

"(1) Where a ship is engaged on a voyage during which passengers are scheduled to be on board for more than 24 hours, the master shall ensure that a muster of passengers is held within 24 hours after their embarkation.

(2) The master shall ensure that during the muster held under subregulation (1), passengers are instructed in the use of lifejackets and the action to take in an emergency.

(3) The master of a ship shall ensure that---

(a) every crew member participates in at least one abandon ship drill and one fire drill every month;

(b) if more than 25% of the crew have not participated in one abandon ship drill and one fire drill on the ship in the preceding month, these drills are held within 24 hours of the ship leaving a port; and

(c) if the ship---

(i) enters service for the first time;

(ii) has just undergone a modification of a major character; or

(iii) is manned by a crew different from that that manned the ship in its last voyage,

one abandon ship drill and one fire drill are held before sailing.

(4) In relation to a ship for which compliance with subregulation (3)(a), (b) or (c) is impracticable, the master shall ensure that such other arrangements as have been approved by the Secretary for Economic Services in respect of the ship for the purposes of that subregulation shall be followed.";

(b) in subregulation (5)---

(i) by repealing "(4)" and substituting "(3)";

(ii) by repealing paragraph (a) and substituting---

"(a) summoning of passengers and crew to muster stations with the general emergency alarm system;

(aa) making appropriate drill announcements on the public address system or by other suitable means of communication;

(ab) ensuring that passengers are made aware of the manner in which the order to abandon ship referred to in regulation 4(3)(a)(iii) is given;"

(iii) in paragraph (b), by repealing "召集部" and substituting "應變部";

(iv) in paragraph (e), by repealing everything after "範圍內," and substituting "在作出將救生艇降落水中所需的準備後，將最少一艘救生艇降下;"

(v) in paragraph (f), by repealing "and" at the end;

(vi) in paragraph (g)---

(A) by repealing "救生筏下水" and substituting "將救生筏降落水中";

(B) by repealing the full stop and substituting a semicolon;

(vii) by adding---

"(h) a mock search and rescue of passengers trapped in their staterooms;

(i) instructions in the use of radio life-saving appliances;

(j) a test of the emergency lighting for mustering and abandonment of the ship; and

(k) in the case of a ship fitted with marine evacuation systems, an exercise of the procedures for the deployment of such systems up to the point immediately preceding actual deployment of the systems.";

(c) in subregulation (5A)---

(i) by repealing "(4)" and substituting "(3)";

(ii) in paragraph (a), by repealing "召集部" and substituting "應變部";

(iii) in paragraph (e), by repealing "and fire dampers" and substituting ", fire dampers and main inlets and main outlets of ventilation systems in the drill area";

(d) in subregulation (6)---

(i) by repealing "(4)" wherever it appears and substituting "(3)";

(ii) in paragraph (b), by adding "and that passengers are strongly encouraged to attend these drills" after "emergency";

(e) in subregulation (7)---

(i) by repealing paragraph (a) and substituting---

"(a) The master of a ship shall ensure that at least once every 3 months, each lifeboat on the ship is launched with its assigned operating crew aboard and manoeuvred in the water during an abandon ship drill.";

(ii) in paragraph (b)---

(A) by repealing "行走短途國際航程" and substituting "從事短程國際航行";

(B) by repealing everything after "一舷" and substituting "降落水中並不切實可行，則無須在該舷將救生艇降落水中，但仍須每 3 個月最少將救生艇降下一次以及每 12 個月最少將救生艇降落水中一次。";

(iii) by adding---

"(c) In relation to a lifeboat arranged for free-fall launching, the master shall ensure that the lifeboat is lowered into water for the purposes of paragraph (a) where free-fall launching is impracticable.

(d) Where paragraph (c) applies, the master shall ensure that the lifeboat is free-fall launched with its assigned operating crew aboard and manoeuvred in the water at least once every 6 months.

(e) Where it is impracticable to comply with paragraph (d), the master shall ensure that the lifeboat is free-fall launched with its assigned operating crew aboard and manoeuvred in the water at least once every 12 months.

(f) Where paragraph (e) applies, the master shall ensure that simulated launching of the lifeboat takes place at least once every 6 months.";

(f) in subregulation (8)---

(i) by repealing "援" wherever it appears and substituting "助";

(ii) by repealing "下水" and substituting "降落水中";

(g) in subregulation (9)---

(i) by repealing "下水" where it twice appears and substituting "降落水中";

(ii) by repealing "援" and substituting "助";

- (iii) by repealing "the Schedule" and substituting "Schedule 1";
- (h) by repealing subregulation (10).

8. On-board training and instructions

Regulation 7 is amended---

(a) in subregulation (1), by repealing "行走國際航程" and substituting "從事國際航行";

(b) by adding---

"(3A) The master shall ensure that the instructions referred to in subregulation (3)(a) and instructions in survival at sea shall be given at the same interval as the drills required under regulation 6(3).";

(c) in subregulation (4), by repealing "下水" and substituting "降落水中";

(d) by adding---

"(5) The master shall ensure that the exercise referred to in regulation 6(5)(k) is augmented by regular instructions using the on-board training aids required under regulation 35.4 of Chapter III of the Convention.

(6) The master shall ensure that every system party member of a marine evacuation system is, as far as practicable, trained by participation in a full deployment of a similar system into water, either on board a ship or ashore, at least once every 3 years."

9. Records

Regulation 8(1)(a)(iii) is amended---

(a) by repealing "援" and substituting "助";

(b) by repealing "下水" and "放下水" and substituting "降落水中" in both places.

10. Penalties

Regulation 9 is amended---

(a) in subregulation (2), by repealing "召集" and substituting "應變";

(b) by adding---

"(2A) If regulation 5(1), (2), (3), (4) or (5) is contravened in relation to a ship, both the owner and the master of the ship shall be guilty of an offence and each is liable to a fine at level 3 and imprisonment for 2 years."

11. Amendment of Schedules

Regulation 10 is amended by repealing "the Schedule" and substituting "Schedules 1 and 2".

12. Guidelines for training crews for the purpose of launching lifeboats and rescue boats from ships making headway through the water

(1) The Schedule is amended by renumbering it as Schedule 1.

(2) Schedule 1 is amended---

- (a) by repealing paragraph 1 and substituting---
"1. In this Schedule, "training manual" (訓練手冊) is a manual complying with the requirements of Regulation 35 of Chapter III of the Convention.";
- (b) in paragraph 2---
 - (i) by repealing subparagraphs (a) and (b) and substituting---
"(a) cargo ships of 20 000 GRT or more constructed on or after 1 July 1986 which are required under Regulation 31.1.1.1 of Chapter III of the Convention to carry such lifeboats;
 - (b) ships constructed on or after 1 July 1986 which are required under Regulation 31.2 of Chapter III of the Convention to carry such rescue boats; and";
 - (ii) by repealing "下水" where it twice appears and substituting "降落水中";
 - (iii) by repealing "援" wherever it appears and substituting "助";
- (c) in paragraph 3, by repealing "援" and substituting "助";
- (d) in paragraph 4(2), by repealing "下水" and substituting "降落水中";
- (e) in paragraph 5, by repealing "下水" and substituting "降落水中";
- (f) in paragraph 6---
 - (i) in subparagraph (1), by repealing "下水" and substituting "降落水中";
 - (ii) in subparagraph (2)---
- (A) in sub-subparagraph (b), by repealing "下水" and substituting "降落水中";
- (B) in sub-subparagraph (f), by repealing "保暖救生衣" and substituting "浸水服";
- (C) in sub-subparagraph (h), by repealing "下水" and substituting "降落水中";
- (D) in sub-subparagraph (i), by repealing "提供較佳的下水" and substituting "便在降落水中的過程中有較佳";
- (E) in sub-subparagraph (m)---
 - (I) by repealing "下水" and substituting "降落水中";
 - (II) by repealing "綜合所學習得的課程" and substituting "總結學習所得".

13. Schedule added

The following is added---

"SCHEDULE 2 [regs. 5(1) & 10]

General Emergency Alarm System for Ships

Built Before 1 July 1998

1. The general emergency alarm system shall be able to generate an alarm signal consisting of 7 or more short blasts followed by one long blast on the ship's whistle or siren.
2. In the case of ships of Class I, Class II and Class II(A), and ships of Class VII, Class VII(A), Class VII(T), Class VIII, Class VIII(T) and Class IX, which are 45.7 m or more in length, the alarm signal referred to in section 1 shall additionally

be generated on an electrically operated bell or klaxon or other equivalent electrically operated warnings systems."

Ms. Sandra LEE

Secretary for Economic Services

29 May 2001

Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Musters and Training) Regulations ("the Regulations") (Cap. 369 sub. leg.)---

(a) to give effect by way of local legislation to the amendments adopted on 4 June 1996 to the International Convention for the Safety of Life at Sea, 1974 concerning musters, abandon ship drills, fire drills and on-board training; and

(b) to amend the references to certain technical expressions used in the Chinese text of the Regulations.