

Merchant Shipping (Safety) (Life-Saving Appliances) Regulation
(Made under sections 99, 107 and 112 of the Merchant
Shipping (Safety) Ordinance (Cap. 369))

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for Economic Services by notice published in the Gazette.

2. Interpretation

(1) For the purposes of Chapter III of the Convention and the LSA Code that are in force in Hong Kong by virtue of this Regulation, and for the purpose of this Regulation, unless the context otherwise requires---

"cargo ship" (貨船) means any ship which is not a passenger ship, pleasure craft or fishing vessel;

"1974 Chapter III" (《1974年第III章》) means the original text of Chapter III of the Convention contained in the Annex to Attachment I to the Final Act of the International Convention for the Safety of Life at Sea, 1974 done on 1 November 1974;

"1996 Chapter III" (《1996年第III章》) means the existing text of Chapter III of the Convention contained in the Annex to Resolution MSC. 47(66) adopted by the Maritime Safety Committee of the Organization on 4 June 1996;

"fishing vessel" (漁船) means a vessel used for catching (otherwise than for sport) fish, whales, seals, walrus or other living resources of the sea and includes a fishery research vessel;

"Hong Kong ship" (香港船舶) has the same meaning as in section 107(4) of the Ordinance;

"lifeboat" (救生艇) means a boat complying with the applicable requirements in---

(a) sections 4.4 to 4.9 of the LSA Code for ships built on or after 1 July 1986; or

(b) Regulations 5, 6 and 7 in 1974 Chapter III for ships built before 1 July 1986;
"liferaft" (救生筏) means a survival craft complying with the applicable requirements in---

(a) sections 4.1, 4.2 and 4.3 of the LSA Code for ships built on or after 1 July 1986;
or

(b) Regulations 15 and 16 in 1974 Chapter III for ships built before 1 July 1986;
"LSA Code" (《規則》) means the International Life-Saving Appliance (LSA) Code adopted by the Maritime Safety Committee of the Organization by Resolution MSC. 48(66);

"non-Hong Kong ship" (非香港船舶) means a ship other than a Hong Kong ship;

"Organization" (組織) means the International Maritime Organization;

"person" (人) means a person over the age of one year;

"pleasure craft" (遊樂航行器) means a vessel (other than a passenger ship and a ship engaged in a trade) primarily used for sport or recreation;

"radar transponder" (雷達應答器) means a radar transponder, for use in survival craft, the emission of which are intended to facilitate location of a survival craft and conforming to performance standards not inferior to those adopted by the Organization by Resolution A.802(19);

"rocket parachute flare" (火箭降落傘火焰信號) means a pyrotechnic signal complying with the requirements in the Schedule;

"satellite EPIRB" (衛星應急無線電示位標) means a satellite emergency position-indicating radio beacon complying with performance standards adopted by the Organization and as specified in Schedule 2 to the Merchant Shipping (Safety) (GMDSS Radio Installations) Regulation (Cap. 369 sub. leg.);

"tanker" (油船) means a cargo ship constructed or adapted and used for the carriage in bulk of liquid cargoes of an inflammable nature and also means a chemical tanker or a gas carrier constructed or adapted and used to carry cargoes emitting toxic vapours or gases, or cargoes having a flash point not exceeding 60(C (closed cup test));

"tons" (噸) means gross tons and a reference to tons---

(a) in relation to a ship having alternative gross tonnages under paragraph 13 of Schedule 5 to the Merchant Shipping (Registration) (Tonnage) Regulations (Cap. 415 sub. leg.) is a reference to the larger of those tonnages; and

(b) in relation to a ship having its tonnage determined both under Part II and regulation 16 of those regulations is a reference to its gross tonnage as determined under regulation 16 of those regulations;

"toxic vapours or gases" (有毒霧氣或氣體) means the vapours or gases associated with products for which emergency escape, respiratory and eye protection is required in Chapter 17 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk adopted by the Maritime Safety Committee of the Organization by Resolution MSC. 4(48) and in Chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk adopted by the Maritime Safety Committee of the Organization by Resolution MSC. 5(48);

"training manual" (訓練手冊) means a manual complying with the requirements of Regulation 35 in 1996 Chapter III;

"two-way VHF radiotelephone apparatus" (雙向甚高頻無線電話器具) means a radiotelephone apparatus complying with performance standards adopted by the Organization contained in Resolution A.809(19);

"voyage" (航行) includes an excursion;

"water proofed" (防水) means protected as far as is practicable from the ingress of

water.

(2) In interpreting the Convention and the LSA Code, a reference to the "Administration" shall, unless the context otherwise requires, be construed as a reference to the Director.

(3) Unless the context otherwise requires, a term used in this Regulation, but which is not defined in subsection (1) (whether or not a particular meaning is assigned to it by the Convention or the LSA Code) has, for the purposes of this Regulation, the same meaning as in the Convention or the LSA Code, as the case may be.

3. Application

(1) Save as otherwise provided in this section, this Regulation applies to all Hong Kong ships wherever they may be and non-Hong Kong ships while they are within Hong Kong waters.

(2) This Regulation shall not apply to---

(a) warships and naval auxiliary;

(b) fishing vessels;

(c) pleasure crafts;

(d) vessels required to be licensed under Part IV of the Shipping and Port Control Ordinance (Cap. 313); and

(e) non-Hong Kong ships which are cargo ships of less than 500 tons, except to the extent that is necessary for giving effect to paragraphs 1 and 2 of Regulation 6 of 1996 Chapter III which are in force in Hong Kong by virtue of section 4 and apply to ships of 300 tons and upwards.

(3) This Regulation shall not apply to a non-Hong Kong ship flying the flag of a state which is not a party to the Convention by reason of its being within Hong Kong waters if it would not have been there but for stress of weather or any other circumstances which could not have been prevented or forestalled by the master or the owner.

4. Application of Chapter III of the Convention

(1) Every ship to which this Regulation applies shall be provided with, except where otherwise stated in this Regulation, the life-saving appliances and arrangements as described in Chapter III of the Convention.

(2) Every ship to which this Regulation applies shall comply with the life-saving appliances and arrangements requirements as described in Chapter III of the Convention or, where such requirements are modified or varied in this Regulation, with such requirements so modified or varied.

(3) Subsections (1) and (2) shall be complied with, in relation to a ship not propelled by mechanical means, only to the extent that the life-saving appliances and arrangements are required by section 6.

(4) Any life-saving appliances or arrangements which have been approved in accordance with the requirements of the Convention by a government of a place outside Hong Kong which is a party to the Convention shall be deemed to be approved by the Director for the purposes of this Regulation.

(5) For the purposes of this section---

(a) for ships constructed on or after 1 July 1998, a reference to Chapter III of the Convention shall be construed as a reference to 1996 Chapter III;

(b) for ships constructed before 1 July 1998, a reference to Chapter III of the Convention shall be construed as a reference to the appropriate text* of such Chapter which is in force on the date on which the ship was constructed.

* Before the adoption of the current text of 1996 Chapter III, the text of Chapter III of the Convention has been amended six times since its original text of 1974 Chapter III. The relevant amendments to the text adopted by the Organization are contained in the following documents---

(i) Annex to Resolution MSC. 1(XLV) adopted by the Maritime Safety Committee of the Organization on 20 November 1981;

(ii) Annex to Resolution MSC. 6(48) adopted by the Maritime Safety Committee of the Organization on 17 June 1983;

(iii) Annex to Resolution MSC. 13(57) adopted by the Maritime Safety Committee of the Organization on 11 April 1989;

(iv) Annex to Resolution MSC. 22(59) adopted by the Maritime Safety Committee of the Organization on 23 May 1991;

(v) Annex to Resolution MSC. 27(61) adopted by the Maritime Safety Committee of the Organization on 11 December 1992; and

(vi) Record of Decisions of the Plenary, third meeting of the Conference of Contracting Governments to the Convention held on 27 November 1995.

5. Compliance of LSA Code

For every ship to which this Regulation applies which is constructed on or after 1 July 1998, the life-saving appliances and arrangements provided on board shall comply with the standards as described in the LSA Code unless otherwise provided in this Regulation.

6. Requirements of life-saving appliances and arrangements applicable to ships not propelled by mechanical means

(1) Ships not propelled by mechanical means which proceed to sea shall carry---

(a) one or more liferafts on each side of the ship of sufficient aggregate capacity to accommodate the total number of persons on board provided that---

(i) if the liferafts cannot be readily transferred for launching on either side of the ship, the total capacity available on each side shall be sufficient to accommodate 150% of the total number of persons on board;

(ii) if the rescue boat required by paragraph (b) is also a lifeboat complying with the requirements of the Convention, it may be included in the aggregate capacity referred to in this paragraph provided that the total capacity available on either side of the ship is at least 150% of the total number of persons on board; and

(iii) the number and arrangement of survival craft shall be such that in the event of any one survival craft being lost or rendered unserviceable, there shall be sufficient survival craft available for use on each side of the ship to accommodate the total number of persons on board;

(b) at least one rescue boat, provided that in ships of less than 500 tons an inflated boat fitted with an engine may be carried in lieu of a rescue boat; a lifeboat may be accepted as a rescue boat provided that it also complies with the requirements for a rescue boat. The lifeboat, rescue boat or inflated boat shall be served by its own launching appliance.

(2) Every such ship shall carry a satellite EPIRB.

(3) (a) Every such ship shall carry at least the number of lifebuoys determined in accordance with the following table---

Length of ship in metres	Number of lifebuoys
Under 50	6
50 or over	8

(b) At least one lifebuoy on each side of the ship shall be fitted with a buoyant lifeline. Not less than 50% of the total number of lifebuoys shall be provided with self-igniting lights and not less than 2 of the lifebuoys provided with such lights shall also be provided with self-activating smoke signals and be capable of quick release from the navigating bridge or steering position. On ships of less than 12 metres in length the buoyant lifelines shall be at least 18 metres in length.

(4) Every such ship shall carry---

(a) a lifejacket suitable for a person weighing 32 kilograms or more for each person on board;

(b) a lifejacket suitable for a person weighing less than 32 kilograms for each such person on board provided that there shall never be less than 2 such lifejackets on any ship which ever carries children; and

(c) a sufficient number of lifejackets for persons on watch and for use at remotely located survival craft stations, and such lifejackets should be stowed on the bridge, in the engine control room and at any other manned watch station.

(5) Each lifejacket required to be carried in subsection (4) should be fitted

with a lifejacket light.

(6) Every such ship shall carry an immersion suit or an anti-exposure suit, of an appropriate size for every person assigned to crew the rescue boat or inflated boat.

(7) (a) Every such ship shall carry an immersion suit for every person on board unless---

(i) the liferafts are served by launching appliances;

(ii) the liferafts are served by equivalent approved appliances capable of being used on both sides of the ship and which do not require entry into the water to board the liferaft; or

(iii) the ship is constantly engaged on voyages between the parallels of latitude of 20(north and south.

(b) The immersion suits required by this subsection may be used to comply with the requirements of subsection (6).

(8) Every such ship shall carry not less than 12 rocket parachute flares.

(9) Every such ship of 12 metres or over in length shall carry a line-throwing appliance.

(10) Every such ship shall be provided with---

(a) a general emergency alarm system; and

(b) lighting as specified in Regulations 42 and 43 of Chapter II-1(of the Convention.

(11) Every such ship shall be provided with---

(a) posters or signs showing operating instructions on or in the vicinity of survival craft and their launching controls;

(b) a training manual---

(i) in each crew cabin; or

(ii) in each crew messroom and each recreation room;

(c) instructions for on-board maintenance of life-saving appliances or a shipboard planned maintenance programme which includes the maintenance of life-saving appliances; and

(d) a copy of the table "Life-Saving Signals and Rescue Methods, SOLAS-1".

7. Equivalents and exemptions

(1) Where this Regulation requires that a particular fitting, material, appliance or apparatus, or type thereof, shall be fitted or carried in a ship, or that any particular provision shall be made, the Director may permit any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made in that ship if the Director is satisfied by trial thereof or otherwise that such other fitting, material, appliance or apparatus, or type thereof or provision is at least as effective as that required by this Regulation.

(2) The Director may exempt any ship or description of ships from all or any of the provisions of this Regulation (as may be specified in the exemption) if the Director is satisfied that compliance with such provision is either impracticable or unreasonable in the case of that ship or description of ships on such terms (if any) as he may specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

(Regulations 42 and 43 of Chapter II-1 appeared in the original text of the Convention as Regulations 25 and 26 of Chapter II-1. The two Regulations were subsequently amended and re-numbered as Regulations 42 and 43 in 1981 by virtue of (i) below. The relevant amendments to these Regulations adopted by the Organization are contained in the following documents---

(i) Annex to Resolution MSC. 1(XLV) adopted by the Maritime Safety Committee of the Organization on 20 November 1981;

(ii) Annex to Resolution MSC. 11(55) adopted by the Maritime Safety Committee of the Organization on 21 April 1988;

(iii) Annex to Resolution MSC. 13(57) adopted by the Maritime Safety Committee of the Organization on 11 April 1989; and

(iv) Annex to Resolution MSC. 27(61) adopted by the Maritime Safety Committee of the Organization on 11 December 1992.

(3) The Director may exempt any ship not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage from any of the requirements of this Regulation, provided that the ship complies with the safety requirements which in the opinion of the Director are adequate for the voyage which is to be undertaken by the ship.

8. Stowage and packing of pyrotechnic distress signals

(1) Pyrotechnic distress signals provided for use on board ships shall be stowed on or near the navigating bridge. In the case of a line-throwing appliance which includes a pistol, the pistol, line and rockets together with the means of ignition shall be stowed in a container which provides protection from the weather.

(2) All pyrotechnic distress signals provided for use on board ships or for use in a lifeboat shall be packed in a watertight container.

9. Penalties

(1) If a ship to which this Regulation applies (other than a ship not propelled by mechanical means) fails to comply with section 4, 5 or 8, then unless exemptions have been granted under section 7, both the owner and the master of the ship commit

an offence and each is liable to a fine of \$20,000 and to imprisonment for 2 years.

(2) If a ship not propelled by mechanical means fails to comply with section 5, 6 or 8, then unless exemptions have been granted under section 7, both the owner and the master of the ship commit an offence and each is liable to a fine of \$20,000 and to imprisonment for 2 years.

(3) It shall be a defence to a charge under this Regulation to prove that the person charged has taken all reasonable steps to avoid commission of the offence.

10. Repeal

The following are repealed---

(a) the Merchant Shipping (Safety) (Life-Saving Appliances) (Ships Built Before 1 July 1986) Regulations (Cap. 369 sub. leg.); and

(b) the Merchant Shipping (Safety) (Life-Saving Appliances) (Ships Built On or After 1 July 1986) Regulations (Cap. 369 sub. leg.).

Consequential and Related Amendments

Merchant Shipping (Safety) (Fire Protection) (Ships Built On or After 1 September 1984) Regulations

11. Means of escape

Regulation 110 of the Merchant Shipping (Safety) (Fire Protection) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg.) is amended---

(a) in subregulation (2) (ca), by repealing "in accordance with regulation 15(5) of the Merchant Shipping (Safety) (Life-Saving Appliances) (Ships Built On or After 1 July 1986) Regulations (Cap. 369 sub. leg.)" and substituting "provided at the muster and embarkation stations and alleyways, stairways and exits giving access to the muster and embarkation stations";

(b) in subregulation (5A), by repealing "regulation 15(5) of the Merchant Shipping (Safety) (Life-Saving Appliances) (Ships Built On or After 1 July 1986) Regulations (Cap. 369 sub. leg.)" and substituting "the emergency lighting required to be provided at the muster and embarkation stations and alleyways, stairways and exits giving access to the muster and embarkation stations";

(c) in subregulation (5B), by repealing "regulation 15(4) and (5) of the Merchant Shipping (Safety) (Life-Saving Appliances) (Ships Built On or After 1 July 1986) Regulations (Cap. 369 sub. leg.)" and substituting "the emergency lighting required to be provided at the muster and embarkation stations and alleyways, stairways and exits giving access to the muster and embarkation stations".

Merchant Shipping (Safety) (Passenger Ship Construction)
(Ships Built Before 1 September 1984) Regulations

12. Means of closing openings in watertight bulkheads, etc.

Regulation 15(2) of the Merchant Shipping (Safety) (Passenger Ship Construction)

(Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg.) is amended, in the proviso, by repealing "a ship of Class I, or in any ship of Class II or Class II(A) which is not required to be subdivided in accordance with Part III of Schedule 1" and substituting "any ship of Class I, Class II or Class II(A)".

13. Means of operating sliding watertight doors

Regulation 16(1) is amended by repealing "which is not required to be subdivided in accordance with Part III of Schedule 1,".

14. Means of escape

Regulation 128(5A) is amended by repealing "by regulation 50(2) of the Merchant Shipping (Safety) (Life-Saving Appliances) (Ships Built Before 1 July 1986) Regulations (Cap. 369 sub. leg.)" and substituting "the emergency electric lamp (operated from the ship's main generating plant and so arranged that power may be supplied from the emergency source of power referred to in regulation 43 or in regulation 48 of the Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg.) as appropriate) required to light continuously the exit from every main compartment occupied by passengers or crew".

15. General

Regulation 131(3) is amended by repealing "lighting required by regulation 50(2) of the Merchant Shipping (Safety) (Life-Saving Appliances) (Ships Built Before 1 July 1986) Regulations (Cap. 369 sub. leg.)" and substituting "electric lamp required to light continuously the exit from every main compartment occupied by passengers or crew".

16. Calculation of maximum length of watertight compartments

Schedule 1 is amended by repealing Part III.
Merchant Shipping (Safety) (Passenger Ship Construction and Survey)
(Ships Built On or After 1 September 1984) Regulations

17. Emergency electric power services supplies:
ships of Classes I, II and IIA

Regulation 48(1) (a) of the Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg.) is amended---

- (a) in subparagraph (i), by repealing everything after "over sides" and substituting a semicolon;
- (b) in subparagraph (vii), by repealing "and";
- (c) in subparagraph (viii), by adding "and" at the end;
- (d) by adding---

"(ix) at each survival craft, its launching appliance and the area of water into which the survival craft is to be launched;"

18. Means of escape

Regulation 76 is amended---

(a) in subregulation (2) (ca), by repealing "in accordance with regulation 15(5) of the Merchant Shipping (Safety) (Life-Saving Appliances) (Ships Built On or After 1 July 1986) Regulations (Cap. 369 sub. leg.)" and substituting "provided at the muster and embarkation stations and alleyways, stairways and exits giving access to the muster and embarkation stations,";

(b) in subregulation (5) (b), by repealing "regulation 15(5) of the Merchant Shipping (Safety) (Life-Saving Appliances) (Ships Built On or After 1 July 1986) Regulations (Cap. 369 sub. leg.)" and substituting "the emergency lighting required to be provided at the muster and embarkation stations and alleyways, stairways and exits giving access to the muster and embarkation stations".

Merchant Shipping (Safety) (Arrangements for Embarkation and Disembarkation of Pilots) Regulation

19. Classification of ships

Section 3 of the Merchant Shipping (Safety) (Arrangements for Embarkation and Disembarkation of Pilots) Regulation (Cap. 369 sub. leg.) is repealed.

20. Provision of embarkation and disembarkation facilities

Section 4(1) is amended by repealing everything before "shall" and substituting---

"(1) Passenger ships, cargo ships, tugs and tenders, sailing ships which proceed to sea and other ships which do not proceed to sea, when engaged on a voyage during the course of which a pilot is likely to be employed".

SCHEDULE [s. 2]

Requirements for Rocket Parachute Flare

1. Construction

A rocket parachute flare shall---

(a) be constructed with proper workmanship and materials;

(b) be contained in a water-resistant casing;

(c) have integral means of ignition which can be readily operated with wet, cold or gloved hands in adverse conditions and require the minimum of preparation;

(d) be so designed that it shall not cause discomfort to the person holding the casing when used in accordance with the manufacturer's operating instructions;

(e) be so constructed that any sealing shall not depend on adhesive tapes, or plastic envelopes;

- (f) be so constructed that the end from which the rocket is ejected can be positively identified by day or night;
- (g) be so constructed that all components, compositions and ingredients of the signal and the means of igniting it shall be of such character and quality to enable the signal to maintain its serviceability under good average storage conditions in the marine environment for a period of at least 3 years;
- (h) be so constructed that if it is intended to be stowed in a liferaft it can function effectively after being subjected to a drop test appropriate to the height at which the liferaft is to be stowed, when the signal is packed in the equipment container.

2. Performance

(1) A rocket parachute flare shall not be damaged in stowage throughout the air temperature range of -30(C to +65(C.

(2) A rocket shall, when fired vertically, reach an altitude of not less than 300 metres. At or near the top of its trajectory, the rocket shall eject a parachute flare, which shall---

- (a) burn with a bright red colour;
- (b) burn uniformly with an average luminous intensity of not less than 30 000 candela;
- (c) have a burning period of not less than 40 seconds;
- (d) have a rate of descent of not more than 5 metres per second;
- (e) not damage its parachute or attachments while burning.

(3) The rocket shall in addition be capable of functioning when the rocket is fired at an angle of 45(to the horizontal.

3. Marking

(1) A rocket parachute flare shall have brief instructions or diagrams clearly illustrating the use of the rocket parachute flare printed on its casing.

(2) The date of manufacture and the date of expiry shall be marked indelibly on the casing.

Ms. Sandra LEE

Secretary for Economic Services

29 June 2001

Explanatory Note

This Regulation replaces the Merchant Shipping (Safety) (Life-Saving Appliances) (Ships Built Before 1 July 1986) Regulations (Cap. 369 sub. leg.) and the Merchant Shipping (Safety) (Life-Saving Appliances) (Ships Built On or After 1 July 1986) Regulations (Cap. 369 sub. leg.) (hereinafter referred to as the "Old Safety Regulations").

2. Section 1 enables the Secretary for Economic Services to bring this Regulation into operation on a day appointed by him.

3. Section 2 contains the definitions necessary for the interpretation of the Regulation, and Chapter III of the International Convention for the Safety of Life at Sea, 1974 ("Convention") and the International Life-Saving Appliance (LSA) Code ("LSA Code") which are in force in Hong Kong by virtue of the Regulation.
4. Section 3 states that subject to the specified exceptions, the Regulation applies to all Hong Kong ships (wherever they may be) and non-Hong Kong ships (while they are within Hong Kong waters).
5. Section 4 provides for application of Chapter III of the Convention.
6. Section 5 provides for compliance of the LSA Code by certain ships.
7. Section 6 contains specific requirements for ships not propelled by mechanical means.
8. Section 7 contains provisions relating to equivalents of a fitting, material, appliance, apparatus or provisions in a ship. This section also empowers the Director of Marine to exempt a ship from this Regulation in exceptional or special circumstances.
9. Section 8 provides for the stowage and packing of pyrotechnic distress signals.
10. Section 9 provides that a failure to comply with section 4, 5, 6 or 8 shall constitute an offence.
11. Section 10 repeals the Old Safety Regulations.
12. Sections 11 to 20 deal with the consequential and related amendments in other enactments.
13. The Schedule provides for the requirements for rocket parachute flare.