

## **LEGISLATIVE COUNCIL BRIEF**

### **Merchant Shipping (Safety) Ordinance (Chapter 369)**

### **MERCHANT SHIPPING (SAFETY) (HIGH SPEED CRAFT) (AMENDMENT) REGULATION 1999**

#### **INTRODUCTION**

Under Section 107 of the Merchant Shipping (Safety) Ordinance, Cap.369 (Safety Ordinance), the Secretary for Economic Services is empowered to make regulations for securing the safety of Hong Kong ships and persons on board these ships, and giving effect to any international agreement which is applicable to Hong Kong. In the exercise of this power, the Secretary for Economic Services has made the captioned Regulation, as set out in the Annex.

#### **BACKGROUND**

2. The International Convention for the Safety of Life at Sea 1974 (SOLAS 1974) is implemented in Hong Kong through the Safety Ordinance and its subsidiary legislation. The Merchant Shipping (Safety) (High Speed Craft) Regulation, Cap.369 sub. leg. (HSC Regulation), which has come into operation on 1 March 1999, implements the provisions of Chapter X of SOLAS 1974 concerning the High Speed Craft Code.

3. The HSC Regulation is very specific on its application with respect to the year in which the high speed craft (HSC) is built. It does not provide for those HSC built before the commencement of the Regulation unless these crafts have undergone major repairs or modifications. Under the HSC Regulation, a HSC shall be issued with a High Speed Craft Safety Certificate and a Permit to Operate High Speed Craft.

4. The existing Hong Kong registered HSC were built to the requirements of the Code of Safety for Dynamically Supported Craft, which was implemented in Hong Kong by administrative measures. These existing HSC are issued with International Safety Certificates according to the various subsidiary legislation made under the Safety Ordinance, with exemptions granted in respect of the requirements concerning the conventional deep sea ships.

5. Due to the restriction of the HSC Regulation on its application, the two groups of HSC (existing/new) are regulated under two sets of regulations and are issued with certificates under two different certification systems. The owners have raised concerns on the two regulating systems, which may confuse the travelling public that the existing and new HSC may have different safety standards. The owners have further requested that the Director should conduct surveys and issue certificates to all Hong Kong HSC according to the new HSC Regulation irrespective of the year of their construction.

6. In response to owners' suggestion, and having considered that the existing HSC can comply with the requirements of the new HSC Regulation without undergoing major modifications, the Director has proposed to amend the HSC Regulation so that, subject to his approval, surveyors may conduct surveys and issue certificates to the existing HSC under the HSC Regulation if the owners so request.

## **THE AMENDMENT REGULATION**

7. The amendment Regulation applies the HSC Regulation to HSC constructed before the commencement of the HSC Regulation, if the owner of the HSC so requests and if the Director so approves.

## **BILL OF RIGHT IMPLICATIONS**

8. There are no Bill of Rights implications.

## **BINDING EFFECT**

9. The amendment Regulation does not affect the current binding effect of the Safety Ordinance or the HSC Regulation.

## **FINANCIAL AND STAFFING IMPLICATIONS**

10. There are no financial or staffing implications for Government.

## **ECONOMIC IMPLICATIONS**

11. There are no significant economic implications.

## **ENVIRONMENTAL IMPLICATIONS**

12. There are no environmental implications.

## **PUBLIC CONSULTATION**

13. The High Speed Craft Consultative Committee has been consulted and has no objection to the amendment regulation.

## **PUBLICITY**

14. A press release will be issued today. A spokesman will be available to handle media enquiries. The Regulation will be published in the Gazette on 9 July 1999.

## **ENQUIRY**

15. For enquiries on this brief, please contact Mr. K Hui, Chief, Shipping Policy (Naval Architecture) at Tel. No. 2852 4602 or Mr. Summy Chu, Assistant Secretary for Economic Services at Tel. No. 2537 2844.

Economic Services Bureau

Date: 6 July 1999

**MERCHANT SHIPPING (SAFETY) (HIGH SPEED CRAFT)(AMENDMENT)  
REGULATION 1999**

(Made under section 107 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 in the Gazette.

**2. Application**

Section 3(1) of the Merchant Shipping (Safety) (High Speed Craft) Regulation (Cap. 369 sub. leg.) is amended -

- (a) in paragraph (a), by repealing "and";
- (b) in paragraph (b), by repealing the full stop and substituting"; and";
- (c) by adding -
  - "(c) at the request made by or on behalf of its owner and subject to the approval of the Director, high speed craft constructed before the commencement of this Regulation."

Secretary for Economic Services

29 June 1999

Explanatory Note

This Regulation extends the application of the Merchant Shipping (Safety) (High Speed Craft) Regulation (Cap. 369 sub. leg.) to high speed craft constructed before the commencement of that Regulation where the owner of the craft requests such application and the Director of Marine approves such application.