

LEGISLATIVE COUNCIL BRIEF

Merchant Shipping (Safety) Ordinance (Cap. 369)

MERCHANT SHIPPING (SAFETY) (SUBDIVISION AND DAMAGE STABILITY OF CARGO SHIPS OVER 100 METRES IN LENGTH) (AMENDMENT) REGULATION 1999

INTRODUCTION

Under section 107 of the Merchant Shipping (Safety) Ordinance (Cap. 369), the Secretary for Economic Services ('the Secretary') may make regulations for the safety of Hong Kong ships and persons on board these ships, and for giving effect to any provisions of an international agreement applicable to Hong Kong. In accordance with this section, the Secretary has made the relevant regulation as set out in the Annex.

BACKGROUND AND ARGUMENT

2 Under the auspices of the International Maritime Organization (IMO), the International Convention for the Safety of Life at Sea 1974 ('the Convention') sets out international standards to promote safety of life and ships at sea. Chapter II-1 of the Convention deals with subdivision and stability, machinery and electrical installations in ship construction. In Hong Kong, this Chapter and its amendments are implemented through the Merchant Shipping (Safety) Ordinance, Cap. 369, and its subsidiary legislation.

3 The present amendment gives effect to a recent change to Chapter II-1 of the Convention. This change enhances safety requirements in ship construction by extending the relevant regulations,

currently applicable to cargo ships over 100 metres in length, to cargo ships 80 metres in length or above and constructed on or after 1 July 1998.

THE REGULATION

4 The main provisions are -

- (a) section 2 amends the title of the subsidiary legislation which hitherto is restricted to cargo ships over 100 metres in length.
- (b) section 3 extends the application of the subsidiary legislation to cover cargo ships in the subdivision length of 80 to 100 metres constructed on or after 1 July 1998.
- (c) section 4 prescribes the method for determining the subdivision index for ships 80 to 100 metres in length.

PUBLIC CONSULTATION

5 We have consulted the shipping industry and received no objection from them.

HUMAN RIGHTS IMPLICATIONS

6 The Department of Justice advises that the proposed amendment regulation has no human rights implications.

FINANCIAL AND STAFFING IMPLICATIONS

7 There are no financial and staffing implications for Government.

ECONOMIC IMPLICATIONS

8 There are no significant economic implications.

ENVIRONMENTAL IMPLICATIONS

9 There are no environmental implications.

PUBLICITY

10 A press release will be issued today. A spokesman will be available to handle press enquiries. The Regulation will be published in the Gazette on 23 April 1999. The Marine Department issued a shipping notice in 1998 notifying the marine community of the change to Chapter II-1 of the Convention.

ENQUIRY

11 For enquiry on this brief, please contact Mr. C.B. Ng, Senior Surveyor of Ships at 2852 4604 or Mr. Summy Chu, Assistant Secretary for Economic Services at 2537 2844.

Economic Services Bureau
21 April 1999

**MERCHANT SHIPPING (SAFETY) (SUBDIVISION AND DAMAGE
STABILITY OF CARGO SHIPS OVER 100 METRES IN
LENGTH) (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. Title amended

The title to the Merchant Shipping (Safety) (Subdivision and Damage Stability of Cargo Ships over 100 Metres in Length) Regulation (Cap. 369 sub. leg.) is amended by repealing **“OVER 100 METRES IN LENGTH”**.

3. Application

Section 2(1) is repealed and the following substituted-

“(1) Subject to subsection (2), this Regulation shall apply to any seagoing cargo ship registered in Hong Kong which is-

- (a) over 100 metres in subdivision length and constructed on or after 1 February 1992; and
- (b) 80 metres in subdivision length and upwards but not exceeding 100 metres in subdivision length and constructed on or after 1 July 1998.”.

4. Schedule amended

The Schedule is amended, in Part I, by repealing paragraph 2 and substituting-

“2. The degree of subdivision to be provided shall be determined by the required subdivision index “R”, as follows-

- (a) for ships over 100 metres in L_s : $R = (0.002 + 0.0009L_s)^{1/3}$, where “ L_s ” is in metres; and
- (b) for ships of 80 metres in L_s and upwards but not exceeding 100 metres in L_s :

$$R = 1 - \left[\frac{1}{1 + \frac{L_s}{100} \cdot \frac{R_o}{1 - R_o}} \right],$$

where “ R_o ” is the value R as calculated in accordance with the formula in subparagraph (a).”.

Secretary for Economic Services

April 1999

Explanatory Note

The purpose of this Regulation is to amend the Merchant Shipping (Safety) (Subdivision and Damage Stability of Cargo Ships over 100

Metres in Length) Regulation (Cap. 369 sub. leg.) in order to give effect to the amendments to the International Convention for the Safety of Life at Sea, 1974 made on 4 June 1996.