

**LEGISLATIVE COUNCIL BRIEF**

Merchant Shipping (Safety) Ordinance (Cap. 369)

**Legislative Amendments for Implementation of  
the International Convention for the Safety of Life at Sea**

**INTRODUCTION**

To implement the latest requirements of the International Convention for the Safety of Life at Sea (“SOLAS”) adopted by the International Maritime Organization (“IMO”), the Secretary for Transport and Housing (STH) has made the following regulations under the Merchant Shipping (Safety) Ordinance (Cap. 369) (“the Ordinance”) –

- (a) Merchant Shipping (Safety) (Life-saving Appliances) (Amendment) Regulation 2017, at **Annex A**, under sections 99, 107, 112 and 112B of the Ordinance;
- (b) Merchant Shipping (Safety) (Radiocommunications) Regulation, at **Annex B**, under sections 97 and 112B of the Ordinance;
- (c) Merchant Shipping (Safety) (Musters and Training) Regulations (Repeal) Regulation, at **Annex C**, under section 99 of the Ordinance;
- (d) Merchant Shipping (Safety) (GMDSS Radio Installations) Regulation (Repeal) Regulation, at **Annex D**, under sections 97 and 107 of the Ordinance; and
- (e) Merchant Shipping (Safety) (Radio Installations) Regulations (Repeal) Regulation, at **Annex E**, under sections 97 and 107 of the Ordinance.

**BACKGROUND**

2. SOLAS, a convention under IMO governing the standards for the construction, equipment and operation of ships to ensure maritime safety,

entered into force in 1980. Its requirements are implemented in Hong Kong through the Ordinance and its subsidiary legislation, and are updated from time to time. Different aspects of maritime safety are covered under different chapters of SOLAS<sup>1</sup>. This amendment exercise focuses on life-saving appliances and arrangements (Chapter III) and radiocommunications (Chapter IV) for ocean-going vessels (“OGV”)<sup>2</sup>.

## LEGISLATIVE PROPOSALS

### *Chapter III of SOLAS*

3. Chapter III of SOLAS stipulates requirements on life-saving appliances such as lifeboats, rescue boats, as well as requirements on emergency training and drill for OGVs. These requirements are being implemented in Hong Kong through the Merchant Shipping (Safety) (Life-saving Appliances) Regulation (Cap. 369AY) and the Merchant Shipping (Safety) (Musters and Training) Regulations (Cap. 369AI).

4. To improve the structure of our legislation, we propose to consolidate all requirements under Chapter III of SOLAS into one regulation by repealing the Merchant Shipping (Safety) (Musters and Training) Regulations and subsuming all the requirements therein to the Merchant Shipping (Safety) (Life-saving Appliances) Regulation. To better reflect the scope of the latter, we propose to rename the regulation as the Merchant Shipping (Safety) (Life-saving Appliances and Arrangements, Muster and Training) Regulation.

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<sup>1</sup> The Annex to SOLAS covers different aspects of maritime safety, as follows —

- Chapter I: Survey of ships and issue of certificates;
- Chapter II-1: Construction of ships covering subdivision and stability, machinery and electrical installations;
- Chapter II-2: Construction of ships covering fire protection, fire detection and fire extinction;
- Chapter III: Life-saving appliances and arrangements;
- Chapter IV: Radiocommunications;
- Chapter V: Safety of navigation;
- Chapter VI: Carriage of cargoes and oil fuels;
- Chapter VII: Carriage of dangerous goods;
- Chapter VIII: Nuclear ships;
- Chapter IX: Management for the safe operation of ships;
- Chapter X: Safety measures for high-speed craft;
- Chapter XI-1: Special measures to enhance maritime safety;
- Chapter XI-2: Special measures to enhance maritime security;
- Chapter XII: Additional safety measures for bulk carriers;
- Chapter XIII: Verification of compliance; and
- Chapter XIV: Safety measures for ships operating in polar waters.

<sup>2</sup> Local vessels are separately regulated under the Merchant Shipping (Local Vessels) Ordinance (Cap. 548)

The renamed regulation will also incorporate requirements of Chapter III of SOLAS implemented by IMO since 2001. As OGVs call at different ports around the world, they are necessarily in compliance with these internationally-enforced requirements. The major requirements to be incorporated are set out below —

- (a) ***Emergency Training and Drill***: An enclosed space entry and rescue drill is required to be conducted every two months on the ship for seafarers who have been assigned of the duty to enter enclosed space to assist others to escape in emergency.
  
- (b) ***Launching mechanism for lifeboat with on-load release mechanism***: Every lifeboat to be launched by a fall (except a free-fall lifeboat) is fitted with either an off-load or an on-load release mechanism. As opposed to lifeboat with off-load release mechanism where it would be released when it is waterborne, lifeboat with on-load release mechanism are fitted with hooks that would allow the lifeboat to be released from the ship above water level. To reduce the likelihood of the hooks being released by accident, IMO has required the ships to identify existing on-load release hooks in lifeboats that do not comply with the release procedures set out in the International Life-Saving Appliance (LSA) Code<sup>3</sup> and replace them with compliant hooks by 1 July 2019.
  
- (c) ***Recovery of persons from the water***: A recovery process involving people in distress at sea will in many cases be challenging and dangerous, as crew members responding to an emergency may have little or no prior notice, and limited information about the actual situation. To minimise the risk to persons involved in recovery operations, IMO requires all passenger ships and cargo ships of 500 gross tonnage or above to have ship-specific plans and procedures for the recovery of persons from the water. The plans and procedures must identify the equipment intended to be used for recovery purposes and measures to be taken.
  
- (d) ***Additional requirement for bulk carriers***: Different ships have different requirements in respect of the number of lifeboats and

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<sup>3</sup> The LSA Code sets out the detailed technical requirements regarding the life-saving appliances.

liferafts. Given that bulk carriers are more vulnerable to rapid sinking in accidents, they are required to carry on board a free-fall lifeboat which can be released to the ocean quicker than other types of lifeboat.

### ***Chapter IV of SOLAS***

5. Chapter IV of SOLAS sets out the requirements for the installation, maintenance and operation of radiocommunications equipment on all OGVs of 300 gross tonnage or above, with a view to improving the chances of rescue in accidents. The relevant requirements are implemented in Hong Kong through the Merchant Shipping (Safety) (GMDSS Radio Installations) Regulation (Cap. 369AR) (“the GMDSS Regulation”)<sup>4</sup>.

6. Since the GMDSS Regulation was last amended in 1998, IMO has introduced new requirements and enhanced standards for radiocommunications. In incorporating the latest requirements, we see a need to revamp the structure of the GMDSS Regulation such that we can suitably make direct reference to the relevant provisions of Chapter IV of SOLAS and keep the local legislation up-to-date (please see paragraph 11). We therefore propose to repeal the GMDSS Regulation and make a new regulation entitled the Merchant Shipping (Safety) (Radiocommunications) Regulation. OGVs of 300 gross tonnage or above are already in compliance with these requirements. The major requirements to be incorporated are as follows —

- (a) ***Position-updating***: A vessel’s position and the time of last update is very important information for rescue operation, and therefore must be included in distress alerts. The new regulation will require OGVs of 300 gross tonnage or above to update their position in their distress alert system automatically, or manually not exceeding every four hours.
  
- (b) ***Maintenance of Emergency Position Indicating Radio Beacon (EPIRB)***: EPIRB is a device to alert search and rescue services in case of an emergency out at sea. It is a tracking equipment that transmits a signal on a specified band through satellite to locate a lifeboat, life raft, ship or people in distress. Chapter IV of SOLAS mandates every OGV of 300 gross tonnage or above

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<sup>4</sup> GMDSS refers to the Global Maritime Distress and Safety System, which is a universal set of communication protocol, procedures and safety equipment to be used at the time of distress by ships.

to carry at least one EPIRB on board. As the EPIRB needs to be activated to emit signals, the new regulation will require the EPIRB to be tested annually to ensure their operational integrity. To ensure maximum reliability while minimising the risk of false distress alerts, the new regulation will require EPIRB to be maintained at an approved shore-based facility at intervals not exceeding five years.

- (c) ***Ship-to-shore distress alerts***: The new regulation will require that the transmission of ship-to-shore distress alerts be made through a specific satellite system called the Inmarsat. The system allows the distress alerts to be transmitted and received over a longer distance with a significantly higher reliability, as opposed to the old communication system where distress alerts can only reach other ships in the vicinity through radio.

7. GMDSS Regulation has replaced the Merchant Shipping (Safety) (Radio Installations) Regulations (Cap. 369AP) since 1999 in implementing SOLAS requirements in respect of radiocommunications. The opportunity is taken to repeal the obsolete Merchant Shipping (Safety) (Radio Installations) Regulations in this exercise.

## **THE REGULATIONS**

### **Merchant Shipping (Safety) (Life-saving Appliances and Arrangements, Muster and Training) Regulation**

8. The Merchant Shipping (Safety) (Life-saving Appliances and Arrangements, Muster and Training) Regulation incorporates the contents of the Merchant Shipping (Safety) (Musters and Training) Regulations and update the latest requirements of Chapter III of SOLAS.

### **Merchant Shipping (Safety) (Radiocommunications) Regulation**

9. The Merchant Shipping (Safety) (Radiocommunications) Regulation provides for the radio installations and equipment required on ships, and other requirements relating to radiocommunications.

## Consequential Amendments

10. Consequential amendments have to be made by way of the following regulations to update or remove the references made to the amended or repealed regulations –

- (a) Merchant Shipping (Seafarers) (Official Log Books) (Amendment) Regulation 2017, at **Annex F**, under sections 119 and 134 of the Merchant Shipping (Seafarers) Ordinance;
- (b) Merchant Shipping (Safety) (Cargo Ship Safety Equipment Survey) (Amendment) Regulation 2017, at **Annex G**, under sections 96, 110 and 112A of the Ordinance;
- (c) Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built on or After 1 September 1984) (Amendment) Regulation 2017, at **Annex H**, under section 96 of the Ordinance.
- (d) Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built on or After 1 September 1984) (Amendment) Regulation 2017, at **Annex I**, under section 107 of the Ordinance;
- (e) Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) Regulation 2017, at **Annex J**, under section 107 of the Ordinance; and
- (f) Merchant Shipping (Safety) (Radio Installations Survey) (Amendment) Regulation 2017, at **Annex K**, under sections 97 and 107 of the Ordinance;

## Application of DRA

11. In line with the established practice in incorporating requirements of other marine-related international conventions into our local legislation, we have adopted the “direct reference approach” (“DRA”) in the regulations. By making direct reference to provisions under international agreements in local legislation, DRA can keep our local legislation in tandem with IMO’s new requirements. As a guiding principle, DRA is adopted for the technical details of IMO requirements (e.g. the number of lifeboat to be carried on different types of ships, etc.).

## **LEGISLATIVE TIMETABLE**

12. The regulations will be published in the Gazette on 19 May 2017 and introduced into the Legislative Council on 24 May 2017.

## **IMPLICATIONS OF THE PROPOSAL**

13. The proposal is in conformity with the Basic Law, including provisions concerning human rights. It will not affect the current binding effect of the Ordinance. There is no financial, economic, environmental, sustainability, productivity, civil service, gender or family implications.

## **PUBLIC CONSULTATION**

14. The Shipping Consultative Committee, which comprises various stakeholders in the shipping industry, was consulted in April 2015. They are supportive of the proposals. We consulted the Legislative Council Panel on Economic Development on 27 July 2015. Members endorsed the proposals.

## **PUBLICITY**

15. A press release will be issued on 19 May 2017. A spokesperson will be available to handle enquiries.

## **ENQUIRIES**

16. Enquiries on this brief can be address to Ms Louisa YAN, Principal Assistant Secretary for Transport and Housing (Transport) (Tel: 3509 8162) or Mr MC Leung, Chief, Technical Policy of the Marine Department (Tel: 2852 4602).

**Transport and Housing Bureau**  
**May 2017**

**Merchant Shipping (Safety) (Life-Saving Appliances)  
(Amendment) Regulation 2017**

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## Merchant Shipping (Safety) (Life-Saving Appliances) (Amendment) Regulation 2017

(Made by the Secretary for Transport and Housing under sections 99, 107, 112 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

### 1. Commencement

This Regulation comes into operation on 1 September 2017.

### 2. Merchant Shipping (Safety) (Life-Saving Appliances) Regulation amended

The Merchant Shipping (Safety) (Life-Saving Appliances) Regulation (Cap. 369 sub. leg. AY) is amended as set out in sections 3 to 12.

### 3. Title amended

The title, after “APPLIANCES”—

**Add**

“AND ARRANGEMENTS, MUSTERS AND TRAINING”.

### 4. Section 2 amended (interpretation)

(1) Section 2(1), definition of *1996 Chapter III*—

**Repeal**

“existing”.

(2) Section 2(1), definition of *1996 Chapter III*, after “June 1996”—

**Add**

“, as from time to time revised or amended by any revision or amendment that applies to Hong Kong”.

(3) Section 2(1)—

**Repeal the definition of *Hong Kong ship***

**Substitute**

“*Hong Kong ship* (香港船舶) means a ship registered in Hong Kong;”.

(4) Section 2(1), definition of *LSA Code*, after “MSC. 48(66)”—

**Add**

“, as from time to time revised or amended by any revision or amendment that applies to Hong Kong”.

(5) Section 2(1), English text, definition of *voyage*—

**Repeal the semicolon**

**Substitute a full stop.**

(6) Section 2(1)—

(a) definition of *lifeboat*;

(b) definition of *liferaft*;

(c) definition of *radar transponder*;

(d) definition of *rocket parachute flare*;

(e) definition of *satellite EPIRB*;

(f) definition of *tanker*;

(g) definition of *tons*;

(h) definition of *toxic vapours or gases*;

(i) definition of *training manual*;

(j) definition of *two-way VHF radiotelephone apparatus*;

(k) definition of *water proofed*—

**Repeal the definitions.**

(7) Section 2(1)—

**Add in alphabetical order**

“*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; or
- (c) assembly of the ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;

*gross tonnage* (總噸), in relation to a ship, means the gross tonnage of the ship determined in accordance with the Merchant Shipping (Registration) (Tonnage) Regulations (Cap. 415 sub. leg. C);

*Type A ship* (甲類船舶) means a ship constructed before 1 July 1998;

*Type B ship* (乙類船舶) means a ship constructed on or after 1 July 1998;”.

(8) Section 2—

**Repeal subsections (2) and (3).**

**5. Section 3 amended (application)**

(1) Section 3(1)—

**Repeal**

“Save as otherwise provided in this section,”

**Substitute**

“Subject to subsections (2) and (3) and sections 4 and 4B,”.

(2) Section 3(2)—

**Repeal paragraph (e)****Substitute**

“(e) cargo ships of less than 500 gross tonnage, except to the extent specified in section 4(6).”.

**6. Section 4 substituted**

Section 4—

**Repeal the section****Substitute****“4. Application of Chapter III of Convention: life-saving appliances and arrangements**

- (1) This section does not apply to a ship that has no mechanical propulsion system.
- (2) The owner and the master of a Type B ship must ensure that—
  - (a) the life-saving appliances and arrangements required by 1996 Chapter III are provided on the ship in compliance with that Chapter;
  - (b) the requirements relating to life-saving appliances and arrangements specified in 1996 Chapter III are complied with in respect of the ship; and
  - (c) the requirements relating to the following matters specified in 1996 Chapter III are complied with in respect of the ship—
    - (i) the provision of plans and procedures for recovery of persons from the water under Regulation 17-1 of that Chapter; and
    - (ii) for a passenger ship—the provision of a passenger muster station of a size specified in Regulation 25 of that Chapter.

- (3) The master of a Type B ship that is a passenger ship must ensure that the following actions specified in 1996 Chapter III are taken in respect of the ship—
- (a) the collection of passenger information for search and rescue purpose under Regulation 27 of that Chapter; and
  - (b) the provision of decision support systems for emergency management under Regulation 29 of that Chapter.
- (4) The owner and the master of a Type A ship must ensure that—
- (a) the life-saving appliances and arrangements required by the applicable Chapter III are provided on the ship in compliance with that Chapter;
  - (b) the requirements relating to life-saving appliances and arrangements specified in the applicable Chapter III are complied with in respect of the ship; and
  - (c) the additional requirements specified in section 4A are complied with in respect of the ship.
- (5) If a ship is equipped with on-load release mechanisms for launching lifeboats, the owner and the master of the ship must ensure that the mechanisms or, if the mechanisms are replaced, the replacement mechanisms comply with Regulation 1.5 of 1996 Chapter III on or before 1 July 2019.
- (6) The owner and the master of—
- (a) a passenger ship; or
  - (b) a cargo ship of 300 gross tonnage or above,

- must ensure that the radio life-saving appliances that comply with Regulation 6.2 of 1996 Chapter III are provided on the ship.
- (7) The life-saving appliances and arrangements provided in compliance with 1996 Chapter III must be of a type approved by the Administration in accordance with Regulation 4 of that Chapter after taking into account the relevant performance standard, recommendations and code of practice adopted by the Organization.
- (8) The life-saving appliances and arrangements mentioned in this section are life-saving appliances referred to in section 44 of the Ordinance.
- (9) A master who contravenes subsection (3)(a) or (b) commits an offence and is liable to a fine at level 3 and to imprisonment for 6 months.
- (10) In this section—
- (a) a reference to life-saving appliances and arrangements includes a reference to boats, lifeboats, rescue boats, liferafts, line-throwing appliances, lifejackets, lifebuoys, immersion suits, thermal protection aids, buoyant apparatus, communications equipment, davit and launching arrangements, and similar equipment and arrangements;
  - (b) a reference to the requirements relating to life-saving appliances and arrangements includes a reference to the availability, marking, inspection, testing, examination, stowage, arrangement, recovery, launching, maintenance and operation of, and lighting for, the appliances and arrangements; and

- (c) a reference to the requirements of 1996 Chapter III includes a reference to the applicable requirements of the LSA Code as specified in the Chapter.

(11) In this section—

*Administration* (主管機關) means—

- (a) the Director; or  
 (b) the government of a place outside Hong Kong that is a party to the Convention;

*applicable Chapter III* (《適用版第 III 章》), in relation to a Type A ship, means Chapter III of the Convention that is in force on the date on which the ship is constructed.”.

#### 7. Sections 4A and 4B added

After section 4—

**Add**

##### “4A. Additional requirements for Type A ships

- (1) Without limiting section 4(4), the owner and the master of a Type A ship must also ensure that the following requirements relating to life-saving appliances and arrangements are complied with in respect of the ship—
- (a) the requirements of sections I and V of 1996 Chapter III that apply to all ships;
- (b) for a passenger ship—the additional requirements of section II of 1996 Chapter III that apply to all passenger ships; and
- (c) for a cargo ship—the additional requirements of section III of 1996 Chapter III that apply to all cargo ships.
- (2) If—

- (a) an item of life-saving appliances or a type of life-saving arrangements on a Type A ship is replaced; or
- (b) a Type A ship undergoes repairs, alterations or modifications of a major character that involve addition to the existing items of life-saving appliances or existing types of life-saving arrangements on the ship,

the owner and the master of the ship must ensure that the replacement or additional appliances or arrangements (as the case may be) comply with the applicable requirements of 1996 Chapter III.

- (3) Subsection (2) does not apply to a Type A ship if, on the information provided by the owner of the ship, the Director is satisfied and decides in writing that compliance with that subsection in respect of the ship would—
- (a) require modification of the ship’s construction or layout; or
- (b) cause incompatibility with the ship’s existing appliances or arrangements.
- (4) If, by the operation of subsection (3), subsection (2) does not apply to a Type A ship in relation to an item of life-saving appliances or a type of life-saving arrangements being replaced or added, the owner and the master of the ship must ensure that the replacement or additional appliances or arrangements comply with the requirements set out in section 4(4)(b).

**4B. Application of 1996 Chapter III: muster list, emergency instructions, emergency training and drills**

- (1) This section does not apply to a ship that has no mechanical propulsion system.
- (2) The owner and the master of a ship must ensure that the following items are provided on the ship—
  - (a) an on-board communications system, emergency alarm system and public address system that comply with Regulations 6.4 and 6.5 of 1996 Chapter III; and
  - (b) operating instructions that comply with Regulation 9 of 1996 Chapter III.
- (3) The owner and the master of a ship must ensure that the ship carries sufficient trained persons for manning survival crafts and supervising their use in compliance with Regulation 10 of 1996 Chapter III.
- (4) The master of a ship must ensure that—
  - (a) before the ship proceeds to sea, a muster list and emergency instructions containing the details specified in Regulation 37 of 1996 Chapter III are exhibited on the ship in compliance with Regulation 8 of that Chapter;
  - (b) the muster list specifies the duties assigned to the different members and officers of the crew of the ship in compliance with Regulations 37.3, 37.4, 37.5 and 37.6 of 1996 Chapter III; and
  - (c) before or immediately after the departure of the ship, musters and briefing of passengers on safety installations and practice mentioned in Regulation 19 of 1996 Chapter III are conducted in compliance with that Regulation.

- (5) The master of a ship must also ensure that—
  - (a) the drills (other than enclosed space entry and rescue drills) and on-board training on the use of life-saving appliances mentioned in Regulations 19 and 30 of 1996 Chapter III are conducted on the ship in the manner and at the frequency set out in those Regulations;
  - (b) the enclosed space entry and rescue drills mentioned in Regulation 19.3.6 of 1996 Chapter III are conducted on the ship in the manner and at the frequency set out in that Regulation;
  - (c) a record of—
    - (i) the drills and training conducted under paragraph (a) is made in compliance with section 45 of the Ordinance; and
    - (ii) the enclosed space entry and rescue drills conducted under paragraph (b) is made in an official log-book in compliance with Regulation 19.5 of 1996 Chapter III; and
  - (d) a training manual in the form and containing the information, and (if the ship is fitted with a marine evacuation system) on-board training aids for the use of the system, specified in Regulation 35 of 1996 Chapter III, are provided on the ship.
- (6) A person must carry out the duties assigned to that person in the muster list referred to in subsection (4)(b).
- (7) A master who contravenes subsection (5)(b) or (c)(ii) commits an offence and is liable to a fine at level 3 and to imprisonment for 6 months.
- (8) A person who contravenes subsection (6) commits an offence and is liable to a fine at level 2.”.

8. **Section 5 repealed (compliance of LSA Code)**  
Section 5—  
**Repeal the section.**
9. **Section 6 amended (requirements of life-saving appliances and arrangements applicable to ships not propelled by mechanical means)**
- (1) Section 6, heading—  
**Repeal**  
“not propelled by mechanical means”  
**Substitute**  
“without mechanical propulsion system”.
- (2) Before section 6(1)—  
**Add**  
“(1A) This section applies to a ship that has no mechanical propulsion system.”.
- (3) Section 6(1)—  
**Repeal**  
“Ships not propelled by mechanical means which proceed to sea shall”  
**Substitute**  
“A ship that proceeds to sea must”.
- (4) Section 6(1)(b)—  
**Repeal**  
“tons”  
**Substitute**  
“gross tonnage”.

- (5) Section 6(4)—  
**Repeal paragraphs (a) and (b)**  
**Substitute**  
“(a) for each adult on board, a lifejacket in adult size that complies with section 2.2 of the LSA Code;  
(b) for each child on board, a lifejacket in child size that complies with section 2.2 of the LSA Code; and”.
- (6) Section 6(9)—  
**Repeal**  
“Every such ship”  
**Substitute**  
“A ship”.
- (7) Section 6(10)(b)—  
**Repeal**  
everything after “in Regulations”  
**Substitute**  
“11 and 16 of 1996 Chapter III.”.
- (8) After section 6(11)—  
**Add**  
“(12) The owner and the master of a ship must ensure that the life-saving appliances and arrangements provided on the ship under this section comply with the applicable standard specified in the LSA Code.  
(13) The life-saving appliances and arrangements mentioned in this section are life-saving appliances referred to in section 44 of the Ordinance.  
(14) In this section—

*lifeboat* (救生艇) means a boat that complies with the applicable requirements in—

- (a) for a ship built on or after 1 July 1986—sections 4.4 to 4.9 of the LSA Code; or
- (b) for a ship built before 1 July 1986—Regulations 5, 6 and 7 of 1974 Chapter III;

*liferaft* (救生筏) means a survival craft that complies with the applicable requirements in—

- (a) for a ship built on or after 1 July 1986—sections 4.1, 4.2 and 4.3 of the LSA Code; or
- (b) for a ship built before 1 July 1986—Regulations 15 and 16 of 1974 Chapter III;

*rocket parachute flare* (火箭降落傘火焰信號) means a pyrotechnic signal that complies with section 3.1 of the LSA Code;

*satellite EPIRB* (衛星應急無線電示位標) means a satellite emergency position-indicating radio beacon that complies with the performance standards adopted by the Organization;

*training manual* (訓練手冊) means a manual that complies with Regulation 35 of 1996 Chapter III.”.

- (9) Section 6(2), (3)(a), (4), (6), (7)(a), (8), (10) and (11)—

**Repeal**

“Every such ship shall”

**Substitute**

“A ship must”.

10. **Section 8 repealed (stowage and packing of pyrotechnic distress signals)**

Section 8—

**Repeal the section.**

11. **Section 9 substituted**

Section 9—

**Repeal the section**

**Substitute**

- “9. **Reference to life-saving appliances regulation**

This Regulation (except section 4(3)(a) and (b) and (9) and section 4B(5)(b) and (c)(i) and (ii), (6), (7) and (8)) is a life-saving appliances regulation referred to in section 44 of the Ordinance.”.

12. **Schedule repealed (requirements for rocket parachute flare)**

The Schedule—

**Repeal the Schedule.**

  
Secretary for Transport and Housing

16 May 2017

### Explanatory Note

The main object of this Regulation is to implement the updated technical requirements for life-saving appliances and arrangements, musters and training provided in Chapter III of the International Convention for the Safety of Life at Sea, signed in London on 1 November 1974 (*Convention*) (and the International Life-Saving Appliance Code (*LSA Code*) to which that Chapter refers), as amended from time to time and applicable to Hong Kong.

2. Chapter III of the Convention is currently implemented in Hong Kong by 2 Regulations, namely—
  - (a) the Merchant Shipping (Safety) (Life-Saving Appliances) Regulation (Cap. 369 sub. leg. AY) (*Life-saving Regulation*); and
  - (b) the Merchant Shipping (Safety) (Musters and Training) Regulations (Cap. 369 sub. leg. AI) (*Musters Regulations*).
3. The Life-saving Regulation contains requirements on the provision of life-saving appliances and arrangements on board a ship. The Musters Regulations contain requirements on musters, emergency instructions and training, and drills to be carried out on a ship.
4. This Regulation amends the Life-saving Regulation by incorporating into it the contents of the Musters Regulations, and by updating the latest requirements of Chapter III of the Convention.
5. Section 4 of the Life-saving Regulation is amended to clarify that—
  - (a) the life-saving appliances and arrangements on ships constructed on or after 1 July 1998 are to comply with the latest requirements of Chapter III of the Convention adopted by the International Maritime Organization in 1996 (*1996 Chapter III*); and

- (b) the life-saving appliances and arrangements on ships constructed before 1 July 1998 are to comply with the requirements of applicable Chapter III of the Convention which is in force on the date on which the ship is constructed. In addition, these ships have to comply with the 1996 Chapter III requirements that are applicable to all ships (see new section 4A).
6. A new section 4B is added to the Life-saving Regulation to incorporate the relevant requirements of the Musters Regulations relating to the provision of muster lists, emergency instructions and training, and drills.
7. Section 5 of the Life-saving Regulation is repealed. Regulation 34 of Chapter III of the Convention requires all life-saving appliances and arrangements to comply with the applicable requirements of the LSA Code. Sections 4, 4A and 4B of the Life-saving Regulation implement that Chapter, including that Regulation 34.
8. The Life-saving Regulation (save for some provisions) is a life-saving appliances regulation referred to in section 44 of the Merchant Shipping (Safety) Ordinance (Cap. 369) (*Ordinance*). Under section 44(e) of the Ordinance, if, in the case of a ship, any provision of the life-saving appliances regulation is contravened or not complied with, then the owner of the ship (if at fault) commits an offence and is liable to a fine of \$50,000 and to imprisonment for 2 years, and the master of the ship (if at fault) commits an offence and is liable to a fine of \$10,000 and to imprisonment for 6 months.



## Merchant Shipping (Safety) (Radiocommunications) Regulation

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## Merchant Shipping (Safety) (Radiocommunications) Regulation

(Made by the Secretary for Transport and Housing under sections 97 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

### Part 1

#### Preliminary

##### 1. Commencement

This Regulation comes into operation on 1 September 2017.

##### 2. Interpretation

In this Regulation—

**Administration** (主管機關) means—

- (a) the Director; or
- (b) the government of a place outside Hong Kong that is a Convention country;

**cargo ship** (貨船) means any ship that is not a passenger ship;

**Chapter IV** (《第IV章》) means Chapter IV of the Annex to the SOLAS Convention, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

**Convention country** (公約國) means a country which is a party to the SOLAS Convention;

**digital selective calling** (數字選擇呼叫) means a technique—

- (a) using digital codes that enables a radio station to establish contact with, and transfer information to, another radio station; and

- (b) that complies with the relevant recommendations of the International Radio Consultative Committee and the ITU Radiocommunication Sector;

**fishing vessel** (漁船) means a vessel used for catching fish, whales, seals, walrus or other living resources of the sea;

**Hong Kong ship** (香港船舶) means a ship registered in Hong Kong;

**IMO** means the International Maritime Organization;

**international voyage** (國際航程) means a voyage between—

- (a) Hong Kong and a port outside the People's Republic of China; or
- (b) a port in a Convention country and a port outside that Convention country (whether in a Convention country or not);

**Medium Frequency** (中頻) means the frequency spectrum exceeding 300 kHz and not exceeding 3 000 kHz;

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

**pleasure vessel** (遊樂船隻) means a vessel (other than a passenger ship) primarily used for sport or recreation;

**Radio Regulations** (《無線電規則》) means the Radio Regulations annexed to, or regarded as being annexed to, the Constitution and Convention of the International Telecommunication Union as in force from time to time;

**sea area A1** (A1 海區) means a sea area within the radiotelephone coverage of at least one Very High Frequency coast station in which continuous digital selective calling alerting is available;

**sea area A2** (A2 海區) means a sea area within the radiotelephone coverage of at least one Medium Frequency coast station in

which continuous digital selective calling alerting is available, other than any sea area A1;

*sea area A3* (A3 海區) means a sea area within the coverage of an Inmarsat geostationary satellite in which continuous alerting is available, other than any sea area A1 or sea area A2;

*sea area A4* (A4 海區) means a sea area other than any sea area A1, sea area A2 or sea area A3;

*SOLAS Convention* (《安全公約》) means the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, or any convention that replaces that Convention or any successor convention, as amended from time to time and as applicable to Hong Kong;

*STCW Convention* (《培訓公約》) means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended from time to time and as applicable to Hong Kong;

*Very High Frequency* (甚高頻) means the frequency spectrum exceeding 30 MHz and not exceeding 300 MHz.

### 3. Application

(1) Subject to subsection (2), this Regulation applies to—

- (a) a Hong Kong ship engaged in an international voyage, wherever it may be; and
- (b) a non-Hong Kong ship engaged in an international voyage within the waters of Hong Kong.

(2) This Regulation does not apply to—

- (a) a ship of war or troopship;
- (b) a ship not propelled by mechanical means;
- (c) a wooden ship of primitive build;
- (d) a cargo ship of less than 300 gross tonnage;

(e) a fishing vessel;

(f) a pleasure vessel not engaged in trade;

(g) a high speed craft to which the Merchant Shipping (Safety) (High Speed Craft) Regulation (Cap. 369 sub. leg. AW) applies; or

(h) a non-Hong Kong ship flying the flag of a State that is not a Convention country, if the ship is within the waters of Hong Kong due to—

(i) stress of weather; or

(ii) any other circumstances that could not have been prevented or forestalled by the owner or the master of the ship.

## Part 2

### Radio Installations and Equipment Requirements

#### 4. Radio installations

Radio installations referred to in regulation 6 of Chapter IV must be provided on a ship in accordance with the regulation.

#### 5. Radio equipment—general

Radio equipment referred to in regulation 7 of Chapter IV must be provided on a ship in accordance with the regulation.

#### 6. Radio equipment—sea area A1

- (1) This section applies to a ship engaged in a voyage that is exclusively in one or more sea area A1.
- (2) Without affecting section 5, any radio equipment referred to in regulation 8 of Chapter IV must be provided on a ship in accordance with the regulation.

#### 7. Radio equipment—sea area A2

- (1) This section applies to a ship engaged in a voyage that is wholly or partly in one or more sea area A2 but not in any sea area A3 or sea area A4.
- (2) Without affecting section 5, any radio equipment referred to in regulation 9 of Chapter IV must be provided on a ship in accordance with the regulation.

#### 8. Radio equipment—sea area A3

- (1) This section applies to a ship engaged in a voyage that is wholly or partly in one or more sea area A3 but not in any sea area A4.

- (2) Without affecting section 5, any radio equipment referred to in regulation 10 of Chapter IV must be provided on a ship in accordance with the regulation.

#### 9. Radio equipment—sea area A4

- (1) This section applies to a ship engaged in a voyage that is wholly or partly in one or more sea area A4.
- (2) Without affecting section 5, any radio equipment referred to in regulation 11 of Chapter IV must be provided on a ship in accordance with the regulation.

#### 10. Two-way communication equipment

- (1) This section applies to a ship on which a piece of two-way communication equipment which is capable of including the ship's position in a distress alert is provided.
- (2) If a navigation receiver is installed on a ship, the receiver must automatically provide the ship's position to the two-way communication equipment on the ship, so that the ship's position can be included in a distress alert.
- (3) If no navigation receiver is installed on a ship, the ship's position and the time at which the ship is at that position must be manually updated at intervals not exceeding 4 hours while the ship is engaged in a voyage, so that the ship's position and the time can be transmitted by the two-way communication equipment at any time.

#### 11. Approval for and performance standards of radio equipment

- (1) This section applies to the radio equipment referred to in sections 5, 6, 7, 8 and 9.
- (2) Any radio equipment must be of a type approved by the Administration after taking into account the applicable standards.

(3) In this section—

*applicable standards* (適用標準), in relation to any radio equipment, means the performance standards applicable to the equipment referred to in regulation 14 of Chapter IV as adopted and amended from time to time by IMO.

## 12. Maintenance requirements

- (1) This section applies to the radio equipment referred to in sections 5, 6, 7, 8 and 9.
- (2) Any radio equipment must be maintained in accordance with regulation 15 of Chapter IV.

## Part 3

### Other Requirements

#### 13. Source of energy

Electrical energy and a reserve source of energy referred to in regulation 13 of Chapter IV must be made available on a ship in accordance with the regulation.

#### 14. Radio watch

A ship must maintain a radio watch in accordance with regulation 12 of Chapter IV.

#### 15. Radio personnel

- (1) A ship must carry sufficient qualified crew members for the purposes of distress and safety radiocommunications during a voyage.
- (2) On a cargo ship, at least one qualified crew member must be designated to be responsible primarily for radiocommunications duties during any distress incident.
- (3) On a passenger ship, at least one qualified crew member must be designated to be responsible solely for radiocommunications duties during any distress incident.
- (4) On a Hong Kong ship, a crew member is a qualified crew member for the purposes of subsections (1), (2) and (3) if he or she holds one of the following—
  - (a) a general certificate (local);
  - (b) a general certificate (non-local) and a specified document;
  - (c) a second-class certificate (local);

- (d) a second-class certificate (non-local) and a specified document;
  - (e) a first-class certificate (local);
  - (f) a first-class certificate (non-local) and a specified document.
- (5) On a non-Hong Kong ship, a crew member is a qualified crew member for the purposes of subsections (1), (2) and (3) if he or she holds one of the following—
- (a) a general certificate (non-local);
  - (b) a second-class certificate (non-local);
  - (c) a first-class certificate (non-local).
- (6) If the radio equipment provided on a ship requires maintenance while the ship is engaged in a voyage so as to comply with section 12, the ship must carry at least one crew member who holds one of the following—
- (a) in relation to a Hong Kong ship—
    - (i) a second-class certificate (local);
    - (ii) a second-class certificate (non-local) and a specified document;
    - (iii) a first-class certificate (local);
    - (iv) a first-class certificate (non-local) and a specified document;
  - (b) in relation to a non-Hong Kong ship—
    - (i) a second-class certificate (non-local);
    - (ii) a first-class certificate (non-local).
- (7) In this section—

**first-class certificate (local)** (一級證明書(本地)) means a First-class radio electronic certificate that is—

- (a) issued by the Communications Authority in exercise of its power under section 32K(2) of the Telecommunications Ordinance (Cap. 106); and
  - (b) equivalent to a first-class certificate (non-local);
- first-class certificate (non-local)** (一級證明書(非本地)) means a First-class radio electronic certificate that is—
- (a) issued by, or under the authority of, the government of a state party to the STCW Convention; and
  - (b) specified in No. 47.20 of Article 47 of the Radio Regulations;
- general certificate (local)** (通用證明書(本地)) means a General operator's certificate that is—
- (a) issued by the Communications Authority in exercise of its power under section 32K(2) of the Telecommunications Ordinance (Cap. 106); and
  - (b) equivalent to a general certificate (non-local);
- general certificate (non-local)** (通用證明書(非本地)) means a General operator's certificate that is—
- (a) issued by, or under the authority of, the government of a state party to the STCW Convention; and
  - (b) specified in No. 47.22 of Article 47 of the Radio Regulations;
- second-class certificate (local)** (二級證明書(本地)) means a Second-class radio electronic certificate that is—
- (a) issued by the Communications Authority in exercise of its power section 32K(2) of the Telecommunications Ordinance (Cap. 106); and
  - (b) equivalent to a second-class certificate (non-local);
- second-class certificate (non-local)** (二級證明書(非本地)) means a Second-class radio electronic certificate that is—

- (a) issued by, or under the authority of, the government of a state party to the STCW Convention; and
- (b) specified in No. 47.21 of Article 47 of the Radio Regulations;

*specified document* (指明文件) means—

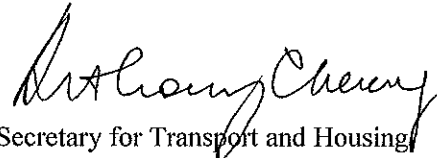
- (a) a Licence (Deck Officer) Class 1, Licence (Deck Officer) Class 2 or Licence (Deck Officer) Class 3 issued under Part V of the Merchant Shipping (Seafarers) (Certification of Officers) Regulation (Cap. 478 sub. leg. J); or
- (b) a Certificate of Equivalent Competency issued, by the Communications Authority in exercise of its power under section 32K(2) of the Telecommunications Ordinance (Cap. 106), to a person who holds a general certificate (non-local), second-class certificate (non-local) or first-class certificate (non-local).

#### 16. Radio records

- (1) All of the following information must be recorded in the radio log-book of a ship—
  - (a) a summary of all the radiocommunications relating to any distress, urgency and safety traffic of the ship together with the time of the communications;
  - (b) the names of all the persons handling the communications;
  - (c) all the important service incidents relating to the ship and the time of their occurrences;
  - (d) the daily position of the ship.
- (2) In this section—

*radio log-book* (無線電日誌) means—

- (a) in relation to a Hong Kong ship, the radio log-book referred to in section 97(3)(a) of the Ordinance;
- (b) in relation to a non-Hong Kong ship, the log referred to in item 3 of section I of Appendix 16 to the Radio Regulations.

  
 Secretary for Transport and Housing

16 May 2017

### **Explanatory Note**

The object of this Regulation is to implement the updated technical requirements in relation to radiocommunications provided in Chapter IV of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as amended from time to time and as applicable to Hong Kong.

2. The Regulation also consolidates the relevant provisions in the Merchant Shipping (Safety) (Radio Installations) Regulations (Cap. 369 sub. leg. AP) and the Merchant Shipping (Safety) (GMDSS Radio Installations) Regulation (Cap. 369 sub. leg. AR) on their repeal.
3. Part 1 contains preliminary provisions that provide for the commencement and application of the Regulation and define various terms used in the Regulation.
4. Part 2 provides for the requirements for the radio installations and radio equipment provided on a ship.
5. Part 3 provides for the other requirements relating to radiocommunications, including the source of energy, radio watch, radio records and qualification that a person must obtain before the person is qualified to carry out distress and safety radiocommunications duties.



## Merchant Shipping (Safety) (Musters and Training) Regulations (Repeal) Regulation

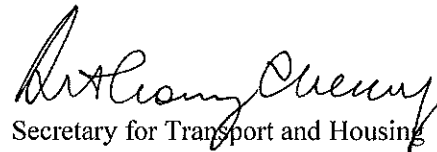
(Made by the Secretary for Transport and Housing under section 99 of the Merchant Shipping (Safety) Ordinance (Cap. 369))

### 1. Commencement

This Regulation comes into operation on 1 September 2017.

### 2. Repeal

The Merchant Shipping (Safety) (Musters and Training) Regulations (Cap. 369 sub. leg. AI) are repealed.

  
Secretary for Transport and Housing

16 May 2017

## Explanatory Note

Chapter III of the International Convention for the Safety of Life at Sea, signed in London on 1 November 1974 (*Convention*) as amended from time to time and applicable to Hong Kong contains updated technical requirements for life-saving appliances and arrangements, musters and training.

2. Chapter III of the Convention is currently implemented in Hong Kong by 2 Regulations, namely—

(a) the Merchant Shipping (Safety) (Life-Saving Appliances) Regulation (Cap. 369 sub. leg. AY) (*Life-saving Regulation*); and

(b) the Merchant Shipping (Safety) (Musters and Training) Regulations (Cap. 369 sub. leg. AI) (*Musters Regulations*).

3. The Life-saving Regulation contains requirements on the provision of life-saving appliances and arrangements on board a ship. The Musters Regulations contain requirements on musters, emergency instructions and training, and drills to be carried out on a ship. The latest requirements of Chapter III of the Convention will be implemented by amending the Life-saving Regulation and by incorporating into it the contents of the Musters Regulations. This Regulation repeals the Musters Regulations in view of the proposed amendments.

Merchant Shipping (Safety) (GMDSS Radio Installations) Regulation (Repeal)  
Regulation

Section 1

1

**Merchant Shipping (Safety) (GMDSS Radio Installations) Regulation (Repeal) Regulation**

(Made by the Secretary for Transport and Housing under sections 97 and 107 of the Merchant Shipping (Safety) Ordinance (Cap. 369))

**1. Commencement**

This Regulation comes into operation on 1 September 2017.

**2. Repeal**

The Merchant Shipping (Safety) (GMDSS Radio Installations) Regulation (Cap. 369 sub. leg. AR) is repealed.

  
Secretary for Transport and Housing

16 May 2017

Merchant Shipping (Safety) (GMDSS Radio Installations) Regulation (Repeal)  
Regulation

Explanatory Note  
Paragraph 1

2

**Explanatory Note**

This Regulation repeals the Merchant Shipping (Safety) (GMDSS Radio Installations) Regulation (Cap. 369 sub. leg. AR) in view of the making of the new Merchant Shipping (Safety) (Radiocommunications) Regulation.

**Merchant Shipping (Safety) (Radio Installations) Regulations (Repeal) Regulation**

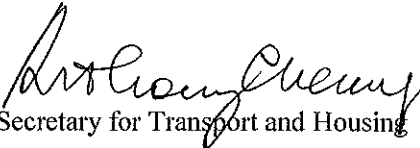
(Made by the Secretary for Transport and Housing under sections 97 and 107 of the Merchant Shipping (Safety) Ordinance (Cap. 369))

**1. Commencement**

This Regulation comes into operation on 1 September 2017.

**2. Repeal**

The Merchant Shipping (Safety) (Radio Installations) Regulations (Cap. 369 sub. leg. AP) are repealed.

  
Secretary for Transport and Housing

16 May 2017

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**Explanatory Note**

This Regulation repeals the Merchant Shipping (Safety) (Radio Installations) Regulations (Cap. 369 sub. leg. AP) in view of the making of the new Merchant Shipping (Safety) (Radiocommunications) Regulation.

## Merchant Shipping (Seafarers) (Official Log Books) (Amendment) Regulation 2017

(Made by the Secretary for Transport and Housing under sections 119 and 134 of the Merchant Shipping (Seafarers) Ordinance (Cap. 478))

### 1. Commencement

This Regulation comes into operation on 1 September 2017.

### 2. Merchant Shipping (Seafarers) (Official Log Books) Regulation amended

The Merchant Shipping (Seafarers) (Official Log Books) Regulation (Cap. 478 sub. leg. P) is amended as set out in sections 3 and 4.

### 3. Section 2 amended (interpretation)

Section 2(1), definition of *Musters Regulations*—

#### Repeal

everything after “means”

#### Substitute


“the Merchant Shipping (Safety) (Life-Saving Appliances and Arrangements, Musters and Training) Regulation (Cap. 369 sub. leg. AY);”.

### 4. Schedule amended (entries required to be made in official log books kept in ships)

The Schedule, paragraph 8—

#### Repeal

“regulation 8 of”.

  
Secretary for Transport and Housing

16 May 2017

### **Explanatory Note**

This Regulation amends the definition of *Musters Regulations* in section 2(1) of the Merchant Shipping (Seafarers) (Official Log Books) Regulation (Cap. 478 sub. leg. P) to replace the reference to the Merchant Shipping (Safety) (Musters and Training) Regulations (Cap. 369 sub. leg. AI) with a reference to the Merchant Shipping (Safety) (Life-Saving Appliances and Arrangements, Musters and Training) Regulation (Cap. 369 sub. leg. AY), and makes other textual amendment.

## Merchant Shipping (Safety) (Cargo Ship Safety Equipment Survey) (Amendment) Regulation 2017

(Made by the Secretary for Transport and Housing under sections 96, 110  
and 112A of the Merchant Shipping (Safety) Ordinance (Cap. 369))

### 1. Commencement

This Regulation comes into operation on 1 September 2017.

### 2. Merchant Shipping (Safety) (Cargo Ship Safety Equipment Survey) Regulations amended

The Merchant Shipping (Safety) (Cargo Ship Safety Equipment  
Survey) Regulations (Cap. 369 sub. leg. T) are amended as set out  
in sections 3 and 4.

### 3. Regulation 2 amended (interpretation)

Regulation 2, definition of *Safety Regulations*, paragraph (e), after  
“Appliances”—

#### Add

“and Arrangements, Musters and Training”.

### 4. Schedule 1 amended (periodical and annual surveys)

Schedule 1, under heading “SURVEY”, paragraph 2(b)—

#### Repeal

“(Musters and Training) Regulations (Cap. 369 sub. leg.)”

#### Substitute

“(Life-Saving Appliances and Arrangements, Musters and  
Training) Regulation (Cap. 369 sub. leg. AY)”.

  
Secretary for Transport and Housing

16 May 2017

**Explanatory Note**

This Regulation amends the Merchant Shipping (Safety) (Cargo Ship Safety Equipment Survey) Regulations (Cap. 369 sub. leg. T) to replace—

- (a) the reference to the Merchant Shipping (Safety) (Life-Saving Appliances) Regulation (Cap. 369 sub. leg. AY);  
and
- (b) the reference to the Merchant Shipping (Safety) (Musters and Training) Regulations (Cap. 369 sub. leg. AI),

with a reference to the Merchant Shipping (Safety) (Life-Saving Appliances and Arrangements, Musters and Training) Regulation (Cap. 369 sub. leg. AY).

Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2017

Section 1

1

**Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2017**

(Made by the Secretary for Transport and Housing under section 96 of the Merchant Shipping (Safety) Ordinance (Cap. 369))

**1. Commencement**

This Regulation comes into operation on 1 September 2017.

**2. Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations amended**

The Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. S) are amended as set out in section 3.

**3. Regulation 47 amended (emergency supplies)**

Regulation 47(1)(d)—

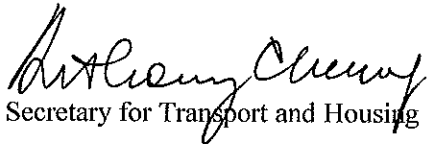
**Repeal subparagraph (iii)**

**Substitute**

“(iii) for post 1995 ships, the radio installations required by the Merchant Shipping (Safety) (Radiocommunications) Regulation;”.

Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2017

2

  
Secretary for Transport and Housing

16 May 2017



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**Explanatory Note**

This Regulation amends the Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. S) consequentially on—

- (a) the making of the new Merchant Shipping (Safety) (Radiocommunications) Regulation; and
- (b) the repeal of the Merchant Shipping (Safety) (GMDSS Radio Installations) Regulation (Cap. 369 sub. leg. AR).

**Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2017**

(Made by the Secretary for Transport and Housing under section 107 of the Merchant Shipping (Safety) Ordinance (Cap. 369))

**1. Commencement**

This Regulation comes into operation on 1 September 2017.

**2. Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations amended**

The Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. AM) are amended as set out in sections 3 and 4.

**3. Regulation 1 amended (interpretation and application)**

Regulation 1(2)—

**Repeal the definition of *radiotelegraph room*.**

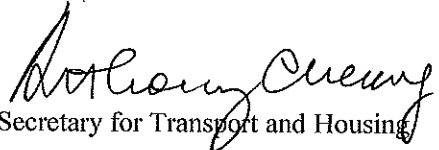
**4. Regulation 48 amended (emergency electric power services supplies: ships of Classes I, II and IIA)**

Regulation 48(1)—

**Repeal paragraph (e)**

**Substitute**

“(e) the radio installations required by the Merchant Shipping (Safety) (Radiocommunications) Regulation.”.

  
Secretary for Transport and Housing

16 May 2017

### **Explanatory Note**

This Regulation amends the Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. AM) consequentially on—

- (a) the making of the new Merchant Shipping (Safety) (Radiocommunications) Regulation; and
- (b) the repeals of the Merchant Shipping (Safety) (Radio Installations) Regulations (Cap. 369 sub. leg. AP) and the Merchant Shipping (Safety) (GMDSS Radio Installations) Regulation (Cap. 369 sub. leg. AR).

**Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) Regulation 2017**

(Made by the Secretary for Transport and Housing under section 107 of the Merchant Shipping (Safety) Ordinance (Cap. 369))

**1. Commencement**

This Regulation comes into operation on 1 September 2017.

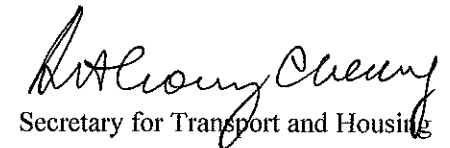
**2. Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations amended**

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 section 3.

**3. Regulation 1 amended (interpretation and application)**

Regulation 1(2)—

**Repeal the definition of *radiotelegraph room*.**

  
Secretary for Transport and Housing

16 May 2017

### **Explanatory Note**

This Regulation amends the Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. AL) consequentially on the repeal of the Merchant Shipping (Safety) (Radio Installations) Regulations (Cap. 369 sub. leg. AP).

Merchant Shipping (Safety) (Radio Installations Survey) (Amendment) Regulation  
2017

Section 1

1

**Merchant Shipping (Safety) (Radio Installations  
Survey) (Amendment) Regulation 2017**

(Made by the Secretary for Transport and Housing under sections 97 and  
107 of the Merchant Shipping (Safety) Ordinance (Cap. 369))

**1. Commencement**

This Regulation comes into operation on 1 September 2017.

**2. Merchant Shipping (Safety) (Radio Installations Survey)  
Regulations amended**

The Merchant Shipping (Safety) (Radio Installations Survey)  
Regulations (Cap. 369 sub. leg. AQ) are amended as set out in  
sections 3, 4 and 5.

**3. Regulation 2 amended (interpretation)**

(1) Regulation 2, definition of *radio installation*—

**Repeal**

“Radio Installations Regulations”

**Substitute**

“Merchant Shipping (Safety) (Radiocommunications)  
Regulation”.

(2) Regulation 2—

**Repeal the definition of *Radio Installations Regulations*.**

**4. Regulation 4 amended (surveys)**

Regulation 4(3)(a), (b) and (c)—

**Repeal**

Merchant Shipping (Safety) (Radio Installations Survey) (Amendment) Regulation  
2017

Section 5

2

“Radio Installations Regulations”

**Substitute**

“Merchant Shipping (Safety) (Radiocommunications)  
Regulation”.

**5. Regulation 6 amended (responsibilities of owner and master)**

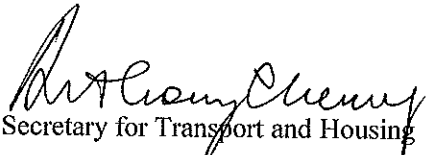
Regulation 6(1)(a)—

**Repeal**

“Radio Installations Regulations”

**Substitute**

“requirements of the Merchant Shipping (Safety)  
(Radiocommunications) Regulation that are”.

  
Secretary for Transport and Housing

16 May 2017

### **Explanatory Note**

This Regulation amends the Merchant Shipping (Safety) (Radio Installations Survey) Regulations (Cap. 369 sub. leg. AQ) consequentially on—

- (a) the making of the new Merchant Shipping (Safety) (Radiocommunications) Regulation; and
- (b) the repeals of the Merchant Shipping (Safety) (Radio Installations) Regulations (Cap. 369 sub. leg. AP) and the Merchant Shipping (Safety) (GMDSS Radio Installations) Regulation (Cap. 369 sub. leg. AR).