

## LEGISLATIVE COUNCIL BRIEF

### Merchant Shipping (Safety) Ordinance (Cap. 369)

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

#### INTRODUCTION

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

- (a) Merchant Shipping (Safety) (Construction and Survey) Regulation, at **Annex A**, under Sections 94, 95, 96, 107, 112 and 112B of the Ordinance;
- (b) Merchant Shipping (Safety) (Fire-fighting Appliances and Fire Protection) Regulation, at **Annex B**, under Sections 99, 101, 107 and 112B of the Ordinance;
- (c) Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) (Amendment) Regulation 2018, at **Annex C**, under Sections 96, 107 and 112B of the Ordinance;
- (d) Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) (No. 2) Regulation 2018, at **Annex D**, under Sections 96, 107 and 112B of the Ordinance;
- (e) Merchant Shipping (Safety) (Fire Protection) (Ships Built Before 25 May 1980) (Amendment) Regulation 2018, at **Annex E**, under Sections 99, 107, 112 and 112B of the Ordinance;
- (f) Merchant Shipping (Safety) (Fire Appliances) (Ships Built On or

After 25 May 1980 but Before 1 September 1984) (Amendment) Regulation 2018, at **Annex F**, under Sections 99, 107, 112 and 112B of the Ordinance;

- (g) Merchant Shipping (Safety) (Fire Protection) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2018, at **Annex G**, under Sections 99, 101, 107, 112 and 112B of the Ordinance;
- (h) Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2018, at **Annex H**, under Sections 94, 107 and 112B of the Ordinance; and
- (i) Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) (No. 2) Regulation 2018, at **Annex I**, under Sections 94, 107 and 112B of the Ordinance.

## **BACKGROUND**

2. SOLAS governs the standards for the construction, equipment and operation of ships to ensure maritime safety. It was adopted in 1974 and came into force internationally in 1980. Different aspects of maritime safety are covered under different chapters of SOLAS<sup>1</sup>.

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<sup>1</sup> SOLAS covers different aspects of maritime safety as follows:

Chapter I:	General Provisions;
Chapter II-1:	Construction– structure, subdivision and stability, machinery and electrical installations;
Chapter II-2:	Construction– 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.

3. Chapter II-1 of SOLAS sets out mandatory requirements on the structure, stability, machinery and electrical installations of ocean-going vessels (“OGVs”). Some specific requirements with regard to the construction and survey of oil tankers and bulk carriers are set out in Chapter XI-1 and Chapter XII of SOLAS. IMO adopted substantial amendments to Chapter II-1 of SOLAS in 2005 to further enhance the safety of ships.

4. Chapter II-2 of SOLAS stipulates the fire safety requirements for all ships and specific measures for passenger ships, cargo ships and tankers to prevent the occurrence of fire, control of fire and explosion, as well as reduce the risk to life and damages to the ship, its cargo and the environment caused by fire. As fire is one of the most common and dangerous emergencies on ships which could lead to disastrous results, IMO adopted substantial amendments to Chapter II-2 of SOLAS in 2000 to further protect life and property on ships.

5. In Hong Kong, the requirements of SOLAS are implemented through the Ordinance and its subsidiary legislation. The requirements apply to all Hong Kong-registered OGVs wherever they may be and all non-Hong Kong OGVs in Hong Kong waters.

## **LEGISLATIVE PROPOSAL**

### **(I) Construction and Survey**

6. We propose to make a new subsidiary legislation and amend four existing pieces of subsidiary legislation under the Ordinance to reflect the latest requirements of Chapters II-1, XI-1 and XII of SOLAS. Some of the major requirements include —

- (a) ***Safety for ships using low-flashpoint fuels*** — There is an increasing number of ships using fuels with flashpoint of less than 60°C (i.e. low-flashpoint fuels) such as liquefied natural gas (“LNG”). Having regard to the properties of low-flashpoint fuels, IMO has laid down mandatory provisions for the installation, control and monitoring of machinery, equipment and systems for ships using such fuels in the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (“IGF Code”). The IGF Code, which came into force on 1 January 2017, forms part of

the mandatory requirements under Chapter II-1 of SOLAS and regulates ships using low-flashpoint fuels constructed on or after 1 July 2017. Some examples of the mandatory requirements of the IGF Code include requiring the fuel tanks of ships using low-flashpoint fuels to be installed with a double shield to minimise the risk of leakage and accumulation of flammable and explosive gas fuels on board. Such ships are also required to have gas detectors and ventilation systems on board to detect incidental leakage and prevent gas accumulation.

- (b) ***Specific requirements for oil tankers and bulk carriers*** — As oil tankers and bulk carriers constitute around 60% of the gross tonnage of the world's merchant fleet, IMO has imposed specific construction requirements to enhance the safety of these ships as well as that of their crew members. For instance, oil tankers constructed on or after 1 January 2007 will be required to provide safe access for crew members to reach the bow<sup>2</sup> even in severe weather conditions. Due to the special design<sup>3</sup> of oil tankers, they can afford to have less freeboard<sup>4</sup> than normal cargo ships without compromising safety and stability. With this low-freeboard design, the deck level of oil tankers is more susceptible to being washed over by sea waves, especially in extreme weather. Possible means of safe access may take the form of a walkway of a certain width on deck meeting various construction standards, including the use of fire-resistant and non-slipping materials, to allow crew members to reach the bow safely for carrying out their duties<sup>5</sup>. Moreover, all bulk carriers regardless of their year of construction are required to be installed with water level detectors and alarms in each cargo hold to detect any sea waves or rainwater infiltrating into the cargo area or leakage from piping systems.
- (c) ***Maintaining construction drawings on board and ashore*** — We propose to require OGVs constructed on or after 1 January 2007 to

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<sup>2</sup> The bow of a ship is the most forward part of a ship.

<sup>3</sup> Oil tankers usually have greater subdivision and smaller openings on deck than normal cargo ships due to the type of cargo they carry.

<sup>4</sup> Freeboard refers to the vertical distance between the deck and the sea level.

<sup>5</sup> A wide range of duties have to be carried out by the crew at a ship's bow including anchoring and towing when in emergency.

keep on board and ashore a set of drawings that detail their construction and design, as well as any subsequent structural alterations. Such drawings should show the different parts of a ship, the capacity plan and the diagrams of ships' cargo piping system to allow surveyors to check for any unauthorised alterations of a ship. Keeping such drawings ashore with the management company will also improve provision of support and emergency response services in case of accidents.

## (II) Fire Safety Requirements

7. We propose to make a new subsidiary legislation and amend seven existing pieces of subsidiary legislation under the Ordinance to reflect the latest requirements of Chapters II-2 of SOLAS. Some of the major requirements include —

- (a) ***Provision of emergency escape breathing device for crew use in the event of fire*** — An emergency escape breathing device (“EEBD”) is a lifesaving device that supplies air or oxygen used for escaping an area with hazardous conditions such as fire, smoke and poisonous gases. We propose to mandate the provision of EEBDs on all existing and new OGVs. EEBDs should be located at easily visible and accessible areas of machinery spaces (e.g. engine control room) and near escape routes for use in the event of fire. The quantity of EEBDs that should be provided will be dependent on the layout of the ship.
  
- (b) ***Specific requirements for deep-fat cooking equipment***<sup>6</sup> — Hot cooking oils are highly flammable and deep frying on board of ships can be risky. We propose to require OGVs that are installed with deep-fat cooking equipment on or after 1 July 2002 be equipped with fire extinguishing systems. The systems should have a primary and backup thermostat with an alarm and should be able to cut off electricity automatically upon activation of the extinguishing system.

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<sup>6</sup> Deep-fat cooking equipment refers to a fixed cooking appliance that is capable of, and intended to, being filled up with cooking oil.

- (c) ***Requirement for Safe return to port*** — To facilitate safe evacuation of passengers in case of fire, IMO has introduced the concept of ship-specific casualty threshold for passenger ships with a length of 120 metres or more on international voyages. The casualty threshold is, according to the design basis, the amount of damage a ship is able to withstand and remains able to return to port safely after the occurrence of a fire without requiring passengers to abandon the ship. Passenger ships subject to this requirement should be constructed in such a way that they are capable of proceeding to a safe port under its own power after a fire casualty not exceeding the casualty threshold occurred. During the “safe return to port” period, all persons on board should be accommodated in a “safe area” and be provided with basic services (e.g. food, water, sanitation, alternate medical care, lighting and ventilation). If the casualty threshold is exceeded, it is required that some essential systems<sup>7</sup> of the ships should remain operational for at least three hours. This proposed requirement will apply to all Hong Kong-registered passenger ships with a length of 120 metres or more and are constructed on or after 1 July 2010.
- (d) ***Safety requirements for ships carrying gas-fuelled motor vehicles*** — With the emergence of motor vehicles fuelled by compressed hydrogen or natural gas, IMO has imposed requirements for all ships carrying such motor vehicles to be provided with at least two portable gas detectors to monitor any leakage of flammable gases from the vehicles. This proposed requirement will apply to all Hong Kong-registered OGVs. For Hong Kong-registered OGVs constructed on or after 1 January 2016 carrying gas-fuelled motor vehicles, they will be further required to be provided with electrical equipment and wiring of specific types which have been certified to be safe for use in area with explosive methane and air mixtures; as well as fans designed to avoid a possibility of ignition of hydrogen and air mixtures. There are currently no Hong Kong-registered OGVs carrying gas-fuelled motor vehicles that are constructed on or after 1 January 2016.

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<sup>7</sup> Essential systems include fire main, internal communications (in support of fire-fighting, crew notification and evacuation), means of external communications, bilge systems for removal of fire-fighting water, lighting along escape routes, at assembly stations and at embarkation stations of life saving appliances and guidance systems for evacuation.

## THE REGULATIONS

8. The requirements covered by the two new Regulations and the seven Amendment Regulations (**Annexes A to I**) for the implementation of the requirements under Chapters II-1, II-2, XI-1 and XII of SOLAS are as follows —

- (a) The new Merchant Shipping (Safety) (Construction and Survey) Regulation implements the latest requirements of Chapters II-1, XI-1 and XII of SOLAS, including requirements on the construction, survey and certification of ships;
- (b) The new Merchant Shipping (Safety) (Fire-fighting Appliances and Fire Protection) Regulation implements the latest requirements of Chapter II-2 of SOLAS, including requirements on fire-fighting appliances, construction and operational standards to ensure fire safety on board ships;
- (c) The Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) (Amendment) Regulation 2018 implements the latest requirements of Chapters II-1 and II-2 of SOLAS which are applicable to cargo ships constructed before 1 September 1984;
- (d) The Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) (No. 2) Regulation 2018 implements the latest requirements of Chapters II-1 and II-2 of SOLAS which are applicable to cargo ships constructed on or after 1 September 1984 and before 1 July 2002;
- (e) The Merchant Shipping (Safety) (Fire Protection) (Ships Built Before 25 May 1980) (Amendment) Regulation 2018 implements the latest requirements of Chapter II-2 of SOLAS which are applicable to ships constructed before 25 May 1980;
- (f) The Merchant Shipping (Safety) (Fire Appliances) (Ships Built On or After 25 May 1980 but Before 1 September 1984) (Amendment) Regulation 2018 implements the latest requirements of Chapter II-2 of SOLAS which are applicable to ships constructed on or after 25 May 1980 and before 1 September 1984;

- (g) The Merchant Shipping (Safety) (Fire Protection) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2018 implements the latest requirements of Chapter II-2 of SOLAS which are applicable to ships constructed on or after 1 September 1984 and before 1 July 2002;
- (h) The Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2018 implements the latest requirements of Chapters II-1 and II-2 of SOLAS which are applicable to passenger ships constructed before 1 September 1984; and
- (i) The Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) (No. 2) Regulation 2018 implements the latest requirements of Chapters II-1 and II-2 of SOLAS which are applicable to passenger ships constructed on or after 1 September 1984 and before 1 July 2002.

### **Consequential amendments**

9. Consequential amendments to two other pieces of existing subsidiary legislation under the Ordinance have to be made by way of the following regulations to update their scope of application and revise their penalty provisions to tally with the new or Amendment Regulations in paragraph 8 above —

- (a) Merchant Shipping (Safety) (Cargo Ship Safety Equipment Survey) (Amendment) Regulation 2018, at **Annex J**, under Sections 96, 110 and 112A of the Ordinance; and
- (b) Merchant Shipping (Safety) (Subdivision and Damage Stability of Cargo Ships) (Amendment) (No. 2) Regulation 2018, at **Annex K**, under Sections 96, 107 and 112A of the Ordinance.

### **Application of the Direct Reference Approach**

10. The requirements of SOLAS are technical in nature and are updated from time to time by IMO. To allow our local legislation to be up-to-date



as far as practicable with the new requirements, we have adopted the “direct reference approach”<sup>8</sup> wherever applicable.

## **LEGISLATIVE TIMETABLE**

11. The two new Regulations and the seven Amendment Regulations will be published in the Gazette on 7 December 2018 and introduced into the Legislative Council on 12 December 2018.

## **IMPLICATIONS OF THE PROPOSAL**

12. 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. The proposal has no financial, civil service, economic, productivity, environmental, sustainability, gender or family implications.

## **PUBLIC CONSULTATION**

13. We consulted the Shipping Consultative Committee of the Marine Department in April 2017 and the Legislative Council Panel on Economic Development in March 2018. Members raised no objection to the proposal.

## **PUBLICITY**

14. A press release will be issued on 7 December 2018. A spokesman will be available to answer enquiries.

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<sup>8</sup> Section 112B of Cap. 369 empowers the Secretary for Transport and Housing to make regulations to give effect to provisions of any international agreements applicable to Hong Kong as in force from time to time, either by setting out or referring to those provisions in the regulations.

## **ENQUIRIES**

15. Any enquiries on this brief can be addressed to Ms Louisa Yan, Principal Assistant Secretary for Transport and Housing (Transport) (Tel: 3509 8162), or Mr Choi Chi Chuen, Assistant Director (Multi-lateral Policy), Marine Department (Tel: 2852 4408).

**Transport and Housing Bureau  
December 2018**

**Merchant Shipping (Safety) (Construction and Survey) Regulation**

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## Merchant Shipping (Safety) (Construction and Survey) Regulation

(Made by the Secretary for Transport and Housing under sections 94, 95, 96, 107, 112 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

### Part 1

#### Preliminary

##### 1. Commencement

This Regulation comes into operation on 1 March 2019.

##### 2. Interpretation

(1) In this Regulation—

**Administration** (主管機關) means—

- (a) in relation to a Hong Kong ship, the Director; or
- (b) in relation to a non-Hong Kong ship, the government of a place outside Hong Kong whose flag the ship is entitled to fly;

**alteration** (改動), for the purposes of the definition of **constructed**, means any repair, alteration or modification that is of a major character;

**bulk carrier** (散裝貨輪) means a ship that is constructed or adapted primarily to carry dry cargo in bulk, and includes an ore carrier and combination carrier;

**Cap. 369AM** (《第 369AM 章》) means the Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships

Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. AM);

**Cap. 369S** (《第 369S 章》) means the Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. S);

**cargo ship** (貨船) means a ship other than a passenger ship;

**Chapter II-1** (《第 II-1 章》) means Chapter II-1 of the Annex to the Convention, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

**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 and assembly of the ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;
- (c) if the ship has undergone only one alteration—the alteration commences; or
- (d) if the ship has undergone 2 or more alterations—the latest alteration commences;

**Convention** (《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;

**gas carrier** (氣體運輸船) has the meaning given by regulation 2(1) of the Merchant Shipping (Safety) (Gas Carriers) Regulations (Cap. 369 sub. leg. Z);

**Goal-based Ship Construction Standards for Bulk Carriers and Oil Tankers** (《散裝貨輪及油輪建造標準》) means the International Goal-based Ship Construction Standards for Bulk Carriers and Oil Tankers, adopted by the Maritime Safety Committee of the IMO by Resolution MSC.287(87), as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

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

**IMO** means the International Maritime Organization;

**machinery space** (機艙) has the meaning given by regulation 3 of Chapter II-1;

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

**oil tanker** (油輪) has the meaning given by regulation 2 of Chapter II-1;

**post-2009 ship** (2009年後建造的船舶) means a ship constructed on or after 1 January 2009;

**pre-2009 ship** (2009年前建造的船舶) means a ship constructed before 1 January 2009;

**specified cargo ship** (指明貨船) means a cargo ship constructed on or after 1 July 2002 and before 1 January 2009;

**specified passenger ship** (指明客船) means a passenger ship constructed on or after 1 July 2002 and before 1 January 2009;

**unattended machinery space** (無人看管的機艙), in relation to a ship, means a machinery space which during the normal operation of the ship at sea is unmanned for any period;

**watertight** (水密) has the meaning given by regulation 2 of Chapter II-1.

- (2) For the purposes of this Regulation, a cargo ship converted into a passenger ship is to be regarded as a passenger ship constructed on the date on which the conversion commences.

### 3. Application of this Regulation

- (1) This Regulation applies to—
- (a) a Hong Kong ship (wherever it is) engaged in an international voyage; and
  - (b) a non-Hong Kong ship that is—
    - (i) engaged in an international voyage; and
    - (ii) within the waters of Hong Kong.
- (2) However, this Regulation does not apply to—
- (a) a warship or troopship;
  - (b) a ship not propelled by mechanical means;
  - (c) a wooden ship of primitive build;
  - (d) a cargo ship of less than 500 gross tonnage;
  - (e) a pleasure vessel not engaged in trade;
  - (f) a vessel used for catching fish, whales, seals, walrus or other living resources of the sea;
  - (g) a high speed craft to which the Merchant Shipping (Safety) (High Speed Craft) Regulation (Cap. 369 sub. leg. AW) applies;
  - (h) a local vessel as defined by section 2 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) (other than a local vessel referred to in section 3(4) of that Ordinance); and
  - (i) 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 master of the ship.

(3) In this section—

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

**gross tonnage** (總噸位), 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);

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

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

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

## Part 2

### General Requirements on Construction and Structure, Subdivision and Stability, Machinery and Electrical Installations of Ships

#### Division 1—Construction and Structure of Ships

#### 4. Construction and structure

(1) A post-2009 ship—

- (a) must be designed, constructed, equipped and maintained; and
- (b) must have on board the ship plans and information, in accordance with the applicable requirements on the ship's construction and structure specified in regulations 3-2, 3-3, 3-4 (except regulation 3-4.2.1), 3-6, 3-7, 3-8, 3-9, 3-10 (except regulation 3-10.3), 3-11 and 3-12 of Chapter II-1.

(2) A pre-2009 ship—

- (a) must be designed, constructed, equipped and maintained; and
- (b) must have on board the ship plans and information, in accordance with the applicable requirements on the ship's construction and structure specified in regulations 3-2, 3-4 (except regulation 3-4.2.1), 3-6, 3-7 and 3-8 of Chapter II-1.

(3) For the purposes of subsections (1) and (2), the applicable requirements on the ship's construction and structure specified in regulation 3-8 of Chapter II-1 are regarded as having been complied with in relation to a ship if the arrangements, equipment and fittings of the ship comply with the applicable



requirements specified in the guidelines issued by the IMO relating to the towing and mooring of the ship.

- (4) For the purposes of subsection (1), the applicable requirements on the ship's construction and structure specified in regulation 3-10.2 of Chapter II-1 are regarded as having been complied with in relation to a post-2009 ship if the design, construction and equipment of the ship comply with the functional requirements specified in the Goal-based Ship Construction Standards for Bulk Carriers and Oil Tankers.

**5. No asbestos in materials used for structure etc. of ships**

Materials installed on a ship on or after 1 March 2019 that are used for the structure, machinery, electrical installations or equipment of the ship must not contain asbestos.

**6. Subdivision and stability**

- (1) A post-2009 ship—
  - (a) must be designed, constructed, subdivided, equipped and maintained; and
  - (b) must have on board the ship plans and information, in accordance with the applicable requirements on the ship's subdivision and stability specified in regulations 4, 5, 5-1, 6, 7, 7-1, 7-2, 7-3, 8 and 8-1 of Chapter II-1.
- (2) A post-2009 ship must have on board the ship—
  - (a) the stability information relating to the ship in compliance with the applicable requirements specified in regulation 5-1 of Chapter II-1; and
  - (b) if the ship is altered to the extent that materially affects its stability information—the amended stability information as altered.

- (3) The Administration must be provided with the stability information relating to a post-2009 ship, and, if applicable, the amended stability information relating to the ship mentioned in subsection (2)(b), in compliance with the applicable requirements specified in regulation 5-1 of Chapter II-1.

**7. Subdivision, watertight and weathertight integrity**

- (1) A post-2009 ship must be designed, constructed, subdivided, equipped and maintained in accordance with the applicable requirements on the ship's subdivision, watertight and weathertight integrity specified in regulations 9, 10, 11, 12, 13, 13-1, 14, 15, 15-1, 16, 16-1, 17, 17-1 and 18 of Chapter II-1.
- (2) All reasonable and practicable measures as required under regulation 17 of Chapter II-1 must be taken in respect of a post-2009 ship to limit the entry and spread of water above the bulkhead deck.
- (3) A pre-2009 ship must be designed, constructed, subdivided, equipped and maintained in accordance with the applicable requirements on the ship's subdivision, watertight and weathertight integrity specified in regulation 16 of Chapter II-1.
- (4) In this section—  
*weathertight* (風雨密) has the meaning given by regulation 2 of Chapter II-1.

**8. Stability management**

- (1) A post-2009 ship—
  - (a) must be designed, constructed, equipped and maintained; and
  - (b) must have on board the ship plans and information,

in accordance with the applicable requirements on the ship's stability management specified in regulations 19, 22-1, 25.2, 25.3 and 25.4 of Chapter II-1.

- (2) A pre-2009 ship must be designed, constructed, equipped and maintained in accordance with the applicable requirements on the ship's stability management specified in regulations 25.2, 25.3 and 25.4 of Chapter II-1.

#### 9. Machinery installations and equipment

- (1) A post-2009 ship must comply with the applicable requirements on—
  - (a) the ship's machinery installations and equipment; and
  - (b) the provision on board the ship of plans and information, specified in regulations 26, 27, 28, 29 (except regulations 29.19 and 29.20), 30, 31, 32, 33, 34, 35, 35-1, 37, 38 and 39 of Chapter II-1.
- (2) A pre-2009 ship must comply with the applicable requirements on—
  - (a) the ship's machinery installations and equipment; and
  - (b) the provision on board the ship of plans and information, specified in regulations 26, 31 and 37 of Chapter II-1.

#### 10. Electrical installations

- (1) A post-2009 ship must comply with the applicable requirements on the ship's electrical installations specified in regulations 40, 41, 42, 42-1.1, 42-1.2, 43, 44 and 45 of Chapter II-1.
- (2) A pre-2009 ship must comply with the applicable requirements on the ship's electrical installations specified in regulations 41, 42, 42-1.1, 42-1.2, 43, 44 and 45 of Chapter II-1.

#### 11. Periodically unattended machinery spaces

- (1) This section applies to a ship that has periodically unattended machinery spaces.
- (2) A cargo ship must comply with the applicable requirements on periodically unattended machinery spaces specified in regulations 46, 47, 48, 49, 50, 51, 52 and 53 of Chapter II-1.
- (3) A passenger ship must comply with the applicable requirements on periodically unattended machinery spaces that are approved by the Administration.
- (4) The Administration may approve the requirements under subsection (3) if the requirements conform to the safety standards equivalent to those standards on attended machinery spaces applicable to ships that have such spaces.
- (5) In this section—  
*attended machinery space* (有人看管的機艙), in relation to a ship, means a machinery space other than an unattended machinery space.

### Division 2—Safety Operation of Ships

#### 12. Emergency towing procedures

The master of a ship must ensure that an emergency towing procedure specific to the ship is provided on the ship for use in emergency situations in compliance with the applicable requirements specified in regulation 3-4 (except regulation 3-4.2.1) of Chapter II-1.

#### 13. Manual for access to and within spaces in cargo area

The owner and the master of a ship must ensure that an updated copy of ship structure access manual of the ship is kept on the ship

in compliance with the applicable requirements specified in regulation 3-6 of Chapter II-1.

**14. Construction drawings and plans**

- (1) The owner and the master of a ship must ensure that a set of the as-built construction drawings and plans of the ship specified in regulation 3-7.1 of Chapter II-1 is kept on the ship in compliance with that regulation.
- (2) The owner of a ship must ensure that another set of the as-built construction drawings and plans of the ship is kept on shore in compliance with regulation 3-7.1 of Chapter II-1.

**15. Means of embarkation and disembarkation**

The owner and the master of a post-2009 ship must ensure that the means of embarkation on and disembarkation from the ship are inspected and maintained in compliance with the applicable requirements specified in regulation 3-9 of Chapter II-1.

**16. Ship Construction File**

The owner and the master of a post-2009 ship must ensure that the applicable requirements on the Ship Construction File relating to the application of the Goal-based Ship Construction Standards for Bulk Carriers and Oil Tankers specified in regulation 3-10 of Chapter II-1 are complied with in relation to the ship.

**17. Protection against noise**

The owner of a ship must ensure that the applicable requirements on the measures to reduce machinery noise, the insulation or insolation of source of excessive noise and the provision of ear protector specified in regulation 3-12 of Chapter II-1 are complied with in relation to the ship.

**18. Intact stability**

The owner of a post-2009 ship must ensure that the applicable requirements on the marking of scales of draughts specified in regulation 5.6 of Chapter II-1 are complied with in relation to the ship.

**19. Operational information after flooding casualty**

The owner of a post-2009 ship must ensure that the applicable requirements on the operational information after a flooding casualty specified in regulation 8-1 of Chapter II-1 are complied with in relation to the ship.

**20. Affixing notice to closing appliances**

The master of a post-2009 ship must ensure that the applicable requirements on the affixing of a notice to closing appliances specified in regulation 15-1.4 of Chapter II-1 are complied with in relation to the ship.

**21. Load lines marks**

- (1) The owner of a post-2009 ship must ensure that the applicable requirements on the assigning and marking of subdivision load line specified in regulation 18 of Chapter II-1 are complied with in relation to the ship.
- (2) The master of the ship must ensure that the subdivision load line assigned and marked is recorded on the general safety certificate issued under section 15(1) of the Ordinance in respect of the ship.
- (3) The master of the ship must ensure that the ship is not loaded so as to submerge the load line mark or the subdivision load line mark in contravention of regulation 18 of Chapter II-1.

### Division 3—Stability Management of Ships

#### 22. Loading before departure

- (1) On completion of loading of a post-2009 ship and before its departure from a port, the master of the ship must determine the ship's trim and stability, and ascertain the ship's stability criteria and make such a record in compliance with the applicable requirements specified in regulation 20 of Chapter II-1.
- (2) The master of the ship must ensure that ballast water is not carried in tanks intended for oil fuel except where oily water separating equipment is fitted or alternative means for disposing the oily water is provided as specified in regulation 20.2 of Chapter II-1.

#### 23. Operation and inspection of watertight doors etc.

The master of a post-2009 ship must ensure that the applicable requirements on the conducting of drills, the operation and inspection of watertight doors and closing mechanisms, and the recording of such drill, operation and inspection in the log-book specified in regulation 21 of Chapter II-1 are complied with in relation to the ship.

#### 24. Prevention and control of water ingress etc.

The master of a post-2009 ship must ensure that the applicable requirements on the fitting, closure and opening of all watertight doors and other doors and openings and the recording of the operation on any voyage in the log-book specified in regulations 22 and 24 of Chapter II-1 are complied with in relation to the ship.

#### 25. Special requirements for post-2009 ro-ro passenger ships

- (1) This section applies to a post-2009 ship that is a ro-ro passenger ship.
- (2) The owner and the master of a ship must ensure that the applicable requirements on the monitoring of spaces, operating procedures and arrangement relating to accesses, and the recording of closure of access in the log-book specified in regulation 23 of Chapter II-1 are complied with in relation to the ship.
- (3) In this section—

*ro-ro passenger ship* (滾裝客船) means a passenger ship provided with cargo or vehicle spaces in which cargoes or vehicles can be loaded or unloaded in a horizontal direction.

### Division 4—Electrical Installations and Requirements on Ships that have Periodically Unattended Machinery Spaces

#### 26. Emergency source of electrical power

The master of a ship must ensure that the applicable requirements on the testing of the complete emergency system for providing electrical power in the ship specified in regulations 42 and 43 of Chapter II-1 are complied with in relation to the ship.

#### 27. Documentary requirements on periodically unattended machinery spaces

- (1) This section applies to a ship that has periodically unattended machinery spaces.
- (2) The master of a ship must ensure that documentary evidence showing the ship's fitness of operation with periodically unattended machinery spaces is kept on the ship in compliance with regulation 46 of Chapter II-1.

## Division 5—Miscellaneous Provisions

### 28. Use of low-flashpoint fuel

- (1) A ship (other than a specified ship) may use low-flashpoint fuel if—
  - (a) the use is approved by the Director on being satisfied that the applicable requirements specified in the IGF Code are complied with in relation to the ship; and
  - (b) the applicable requirements on the arrangement, installation, control and monitoring of machinery, equipment and systems using low-flashpoint fuel specified in the IGF Code are complied with in relation to the ship.
- (2) The owner and the master of a ship (other than a specified ship) that uses low-flashpoint fuel must ensure that the applicable requirements on the testing, drills, emergency exercises and operations specified in the IGF Code are complied with in relation to the ship.
- (3) In this section—

**IGC Code** (《國際氣體規則》) means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk set out in the Annex to Resolution MSC.5(48) adopted by the Maritime Safety Committee of the IMO on 17 June 1983, as from time to time revised or amended by any revision or amendment to any provision of such Code that applies to Hong Kong;

**IGF Code** (《國際氣體燃料規則》) means the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels set out in the Annex to Resolution MSC.391(95) adopted by the Maritime Safety Committee of the IMO on 11 June 2015, as from time to time revised or amended by any

revision or amendment to any provision of such Code that applies to Hong Kong;

**low-flashpoint fuel** (低閃點燃料) means gaseous or liquid fuel that has a flashpoint lower than that permitted under regulation 4.2.1.1 of Chapter II-2 of the Annex to the Convention as from time to time revised or amended by any revision or amendment to that regulation that applies to Hong Kong;

**specified ship** (指明船舶) means—

- (a) a gas carrier in relation to which the applicable requirements of the IGC Code are complied with; or
- (b) a ship that is owned or operated by—
  - (i) the Government; or
  - (ii) the government of a party to the Convention.

### 29. Navigation bridge visibility

- (1) A ship constructed on or after 1 July 1998 must be designed, constructed, equipped and maintained in accordance with the applicable requirements on the navigation bridge visibility specified in regulation 22 of Chapter V.
- (2) A ship constructed before 1 July 1998 must be designed, constructed, equipped and maintained in accordance with the applicable requirements on the navigation bridge visibility specified in regulation 22.2 of Chapter V.
- (3) If ballast water exchange is undertaken to ensure a proper lookout at the navigation bridge of a ship, the master of the ship must ensure that the applicable requirements on the operation of ballast water exchange and the recording of the operation specified in regulation 22 of Chapter V are complied with in relation to the ship.
- (4) In this section—

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

**Division 6—Passenger Ship Construction Regulations,  
Cargo Ship Construction and Survey Regulations, Offences  
and Penalties**

**30. Several provisions are passenger ship construction regulations**

In so far as passenger ships registered in Hong Kong are concerned, sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 28 and 29 are passenger ship construction regulations for the purposes of section 94 of the Ordinance.

**31. Several provisions are cargo ship construction and survey regulations**

In so far as cargo ships registered in Hong Kong are concerned, sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 28 and 29 are cargo ship construction and survey regulations for the purposes of section 96 of the Ordinance.

**32. Offences in relation to cargo ships registered in Hong Kong under Part 2**

If section 4(1) or (2), 5, 6, 7, 8, 9, 10, 11(2), 28(1) or 29(1) or (2) is contravened in relation to a cargo ship registered in Hong Kong, the owner and the master of the ship each commits an offence and is liable to a fine at level 3.

**33. Offences in relation to non-Hong Kong ships under Part 2**

If section 4(1) or (2), 5, 6, 7, 8, 9, 10, 11(2) or (3), 28(1) or 29(1) or (2) is contravened in relation to a non-Hong Kong ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 3.

**34. Other offences under Part 2**

A person who contravenes section 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25(2), 26, 27(2), 28(2) or 29(3) commits an offence and is liable to a fine at level 3.

### Part 3

## Additional Requirements for Ships Constructed on or after 1 July 2002 and before 1 January 2009

### Division 1—Preliminary

#### 35. Interpretation of Part 3

In this Part—

*specified Chapter II-1* (《第 II-1 章指明版》) means Chapter II-1 of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by the following instruments adopted by the IMO that apply to Hong Kong—

- (a) the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 17 February 1978;
- (b) the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 11 November 1988;
- (c) Resolutions MSC.1(XLV), MSC.2(XLV), MSC.6(48), MSC.11(55) and MSC.12(56);
- (d) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 on the Global Maritime Distress and Safety System adopted on 9 November 1988;
- (e) Resolutions MSC.13(57), MSC.19(58), MSC.26(60) and MSC.27(61);

- (f) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 adopted on 29 November 1995; and
- (g) Resolutions MSC.47(66), MSC.57(67), MSC.65(68), MSC.69(69), MSC.99(73), MSC.134(76), MSC.151(78) and MSC.170(79), Annex 1 to Resolution MSC.194(80) and Annex 1 to Resolution MSC.216(82).

#### 36. Additional requirements for specified cargo ships and specified passenger ships

- (1) A specified cargo ship must comply with—
  - (a) the requirements imposed under Cap. 369S (except Part VI (survey) of Cap. 369S) in respect of a ship as if the requirements were imposed on a specified cargo ship; and
  - (b) the requirements imposed in respect of a specified cargo ship under Part 2 and this Part.
- (2) A specified passenger ship must comply with—
  - (a) the requirements imposed under Cap. 369AM (except Part VII (surveys and certification) of Cap. 369AM) in respect of a ship as if the requirements were imposed on a specified passenger ship; and
  - (b) the requirements imposed in respect of a specified passenger ship under Part 2 and this Part.
- (3) However, if a requirement imposed under Part 2 and this Part in relation to a subject matter (*new requirement*) is inconsistent with a requirement imposed in relation to the same subject matter under the following enactment (*other requirement*)—
  - (a) for a specified cargo ship—Cap. 369S; or

- (b) for a specified passenger ship—Cap. 369AM, the new requirement prevails, to the extent of the inconsistency, over the other requirement.

### Division 2—Construction and Structure of Ships

#### 37. Construction and initial testing of watertight bulkheads

- (1) A specified cargo ship must comply with the applicable requirements on the construction and initial testing of the watertight bulkheads specified in regulation 14.3 of specified Chapter II-1.
- (2) A specified passenger ship must comply with the applicable requirements on the construction and initial testing of the watertight bulkheads specified in regulation 14.3 of specified Chapter II-1.

#### 38. Emergency source of electrical power in tankers

- (1) A specified tanker must comply with the applicable requirements on the provision of emergency lighting in all cargo pump rooms specified in regulation 43 of specified Chapter II-1.
- (2) In this section—

*specified tanker* (指明液貨船) means the following ship that is constructed on or after 1 July 2002 and before 1 January 2009—

- (a) a tanker;
- (b) an oil tanker;
- (c) a gas carrier; or
- (d) a chemical tanker as defined by regulation 3 of Chapter II-1;

*tanker* (液貨船) means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of an inflammable nature.

### Division 3—Passenger Ship Construction Regulations, Cargo Ship Construction and Survey Regulations, Offences and Penalties

#### 39. Several provisions are passenger ship construction regulations

In so far as passenger ships registered in Hong Kong are concerned, sections 35, 36 and 37 are passenger ship construction regulations for the purposes of section 94 of the Ordinance.

#### 40. Several provisions are cargo ship construction and survey regulations

In so far as cargo ships registered in Hong Kong are concerned, sections 35, 36, 37 and 38 are cargo ship construction and survey regulations for the purposes of section 96 of the Ordinance.

#### 41. Offences in relation to cargo ships registered in Hong Kong under Part 3

If section 36(1), 37(1) or 38(1) is contravened in relation to a cargo ship registered in Hong Kong, the owner and the master of the ship each commits an offence and is liable to a fine at level 3.

#### 42. Offences in relation to non-Hong Kong ships under Part 3

If section 36, 37 or 38(1) is contravened in relation to a non-Hong Kong ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 3.



## Part 4

### Additional Safety Measures for Bulk Carriers

#### Division 1—Preliminary

#### 43. Interpretation of Part 4

In this Part—

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

*solid bulk cargo* (固體散裝貨物) means any cargo, other than liquid cargo or gas cargo, consisting of a combination of particles, granules or any larger pieces of material generally uniform in composition, which is loaded directly into the cargo spaces of a ship without any intermediate form of containment.

#### 44. Application of Part 4

This Part applies to bulk carriers regardless of their date of construction.

#### Division 2—Requirements on Construction, Structure, Survey and Operation

#### 45. Damage stability

A bulk carrier designed to carry solid bulk cargoes must comply with the applicable requirements on the damage stability specified in regulations 4.1, 4.2, 4.4, 4.5, 4.6 and 4.7 of Chapter XII.

#### 46. Structural strength

A bulk carrier designed to carry solid bulk cargoes must be so constructed to have sufficient strength to withstand flooding in the cargo holds in compliance with the applicable requirements specified in regulation 5 of Chapter XII.

#### 47. Structure and design

A bulk carrier designed to carry solid bulk cargoes must comply with the applicable requirements on the structure and design specified in regulations 6.2, 6.3 and 6.4 of Chapter XII.

#### 48. Survey and maintenance

(1) A bulk carrier must not carry any solid bulk cargo unless it has satisfactorily undergone either of the following surveys in compliance with the applicable requirements specified in regulation 7 of Chapter XII—

(a) a periodic survey;

(b) a survey of all cargo holds of the bulk carrier.

(2) A bulk carrier must comply with the applicable maintenance requirements specified in regulation 7 of Chapter XII.

#### 49. Information on compliance with requirements

(1) A bulk carrier must have on board the carrier a booklet specified in regulation 8.1 of Chapter XII endorsed by the Administration indicating that sections 45, 46, 47 and 48 are complied with in relation to the bulk carrier.

(2) A bulk carrier to which the restrictions on carriage of cargo specified in regulation 8 of Chapter XII apply must comply with the applicable requirements on the marking of the bulk carrier's side specified in that regulation.

**50. Loading instrument**

- (1) A bulk carrier must be fitted with a loading instrument capable of providing information in compliance with the applicable requirements specified in regulations 11.1 and 11.3 of Chapter XII.
- (2) The computer software forming part of the loading instrument providing information on the bulk carrier's stability in intact position must be approved by the Administration based on the guidelines relating to the onboard use and application of computers.

**51. Water level detector**

A bulk carrier must be fitted with water level detectors that can give audible and visual alarms in cargo holds and ballast tanks in compliance with the applicable requirements specified in regulations 12.1 and 12.2 of Chapter XII.

**52. Pumping systems**

A bulk carrier must comply with the applicable requirements on the availability of pumping systems specified in regulation 13.1 of Chapter XII.

**Division 3—Offences and Penalties**

**53. Offences under Part 4**

If section 45, 46, 47, 48, 49, 50, 51 or 52 is contravened in relation to a bulk carrier, the owner and the master of the bulk carrier each commits an offence and is liable to a fine at level 3.

**Part 5**

**Survey of Passenger Ships and Cargo Ships**

**Division 1—Preliminary**

**54. Interpretation of Part 5**

In this Part—

*anniversary date* (周年日期), in relation to a Safety Certificate that is in force in respect of a ship, means the day and month of each year which corresponds to the date of expiry of the Certificate;

*applicable requirements for post-2009 cargo ship* (2009 年後貨船適用規定), in relation to a post-2009 cargo ship, means the requirements imposed in respect of the ship under—

- (a) Part 2; and
- (b) the regulations referred to in section 21A(1) of the Ordinance;

*applicable requirements for post-2009 passenger ship* (2009 年後客船適用規定), in relation to a post-2009 passenger ship, means the requirements imposed in respect of the ship under—

- (a) Part 2; and
- (b) the regulations referred to in section 15(1) of the Ordinance;

*applicable requirements for specified cargo ship* (指明貨船適用規定), in relation to a specified cargo ship, means the requirements imposed in respect of the ship under—

- (a) Parts 2 and 3; and

- (b) the regulations referred to in section 21A(1) of the Ordinance;

**applicable requirements for specified passenger ship** (指明客船適用規定), in relation to a specified passenger ship, means the requirements imposed in respect of the ship under—

- (a) Parts 2 and 3; and  
(b) the regulations referred to in section 15(1) of the Ordinance;

**Cargo Ship Safety Certificate** (貨船安全證明書) means a certificate issued under section 21A of the Ordinance;

**Cargo Ship Safety Construction Certificate** (貨船構造安全證明書) means a certificate issued under section 21(1) of the Ordinance;

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

**Government surveyor** (政府驗船師) means a Government surveyor appointed under section 5 of the Ordinance;

**Passenger Ship Safety Certificate** (客船安全證明書) means a general safety certificate issued under section 15(1) of the Ordinance;

**post-2009 cargo ship** (2009 年後建造的貨船) means a cargo ship constructed on or after 1 January 2009;

**post-2009 passenger ship** (2009 年後建造的客船) means a passenger ship constructed on or after 1 January 2009;

**prescribed fee** (訂明費用), in relation to a matter, means the fee prescribed for the matter in the Merchant Shipping (Fees) Regulations (Cap. 281 sub. leg. F);

**Safety Certificate** (安全證書) means—

- (a) in relation to a passenger ship—a Passenger Ship Safety Certificate; or  
(b) in relation to a cargo ship—  
(i) a Cargo Ship Safety Certificate; or  
(ii) a Cargo Ship Safety Construction Certificate.

#### 55. Application of Part 5

This Part applies to a Hong Kong ship constructed on or after 1 July 2002.

### Division 2—Application for Safety Certificates

#### 56. Application for Safety Certificates

- (1) An application under section 15, 21 or 21A of the Ordinance for a Safety Certificate in respect of a ship must be accompanied by the prescribed fee for the Certificate.
- (2) A Passenger Ship Safety Certificate must be issued by the Director under section 15(1) of the Ordinance in respect of a passenger ship if the Director is satisfied—
- (a) that—
- (i) if a Passenger Ship Safety Certificate has never been issued in respect of the ship—an initial survey of the ship has been carried out in accordance with section 65; or
- (ii) if a Passenger Ship Safety Certificate has been issued in respect of the ship—a renewal survey of the ship has been carried out in accordance with section 66; and
- (b) that, on the evidence of a declaration of survey forwarded to the Director under section 65(3), 66(4) or 67(2)—

- (i) for a specified passenger ship—it complies with the applicable requirements for specified passenger ship; or
  - (ii) for a post-2009 passenger ship—it complies with the applicable requirements for post-2009 passenger ship.
- (3) A Cargo Ship Safety Certificate must be issued by the Director under section 21A of the Ordinance in respect of a cargo ship if the Director is satisfied—
  - (a) that—
    - (i) if a Cargo Ship Safety Certificate has never been issued in respect of the ship—an initial survey of the ship has been carried out in accordance with section 68; or
    - (ii) if a Cargo Ship Safety Certificate has been issued in respect of the ship—a renewal survey of the ship has been carried out in accordance with section 69; and
  - (b) that, on the evidence of a declaration of survey forwarded to the Director under section 68(3), 69(4) or 72(2)—
    - (i) for a specified cargo ship—it complies with the applicable requirements for specified cargo ship; or
    - (ii) for a post-2009 cargo ship—it complies with the applicable requirements for post-2009 cargo ship.
- (4) A Cargo Ship Safety Construction Certificate must be issued by the Director under section 21(1) of the Ordinance in respect of a cargo ship if the Director is satisfied—
  - (a) that—

- (i) if a Cargo Ship Safety Construction Certificate has never been issued in respect of the ship—an initial survey of the ship has been carried out in accordance with section 68; or
  - (ii) if a Cargo Ship Safety Construction Certificate has been issued in respect of the ship—a renewal survey of the ship has been carried out in accordance with section 69; and
- (b) that, on the evidence of a declaration of survey forwarded to the Director under section 68(3), 69(4) or 72(2)—
  - (i) for a specified cargo ship—it complies with the requirements imposed in respect of the ship under Parts 2 and 3; or
  - (ii) for a post-2009 cargo ship—it complies with the requirements imposed in respect of the ship under Part 2.

### **Division 3—Duration of Safety Certificates**

#### **57. Duration of Safety Certificates from date of issue**

- Subject to this Division and Division 4—
  - (a) a Passenger Ship Safety Certificate is valid for the period specified by the Director in the Certificate in accordance with section 26(2) of the Ordinance; and
  - (b) a Cargo Ship Safety Certificate or a Cargo Ship Safety Construction Certificate is valid for the period specified by the Director in the Certificate in accordance with section 26(3) of the Ordinance.

**58. Duration of Safety Certificates issued after renewal surveys**

A new Safety Certificate issued in respect of a ship as a result of a renewal survey of the ship carried out in accordance with section 66 or 69 is valid for the period specified by the Director in the Certificate in accordance with section 26(3A) of the Ordinance.

**59. Duration of Safety Certificates after early completion of certain surveys of cargo ships**

(1) This section applies if—

- (a) an intermediate survey of a cargo ship is completed before the period within which the survey is required to be carried out under section 70; or
- (b) an annual survey of a cargo ship is completed before the period within which the survey is required to be carried out under section 71.

(2) After a survey of a cargo ship is completed as described in subsection (1), the existing Cargo Ship Safety Certificate or Cargo Ship Safety Construction Certificate issued in respect of the ship must be endorsed to show a date described in the endorsement as the “new anniversary date” (*new anniversary date*), which must be a date that is within 3 months from the date of completion of the survey.

(3) For the purposes of any intermediate survey or annual survey of the ship to be carried out under section 70 or 71 in any year after the endorsement, the period within which the survey must be carried out is to be ascertained by reference to the new anniversary date.

**60. Extension of validity period of Safety Certificates**

The Director may, in accordance with section 29 of the Ordinance, extend the validity period of an existing Safety Certificate issued in respect of a ship.

**Division 4—Cessation and Cancellation of Safety Certificates**

**61. Safety Certificates cease to be valid**

A Safety Certificate issued in respect of a ship ceases to be valid if—

- (a) for a passenger ship—a survey referred to in Division 6 is not carried out in respect of the ship before the expiry of the period specified for the survey in that Division;
- (b) for a cargo ship—
  - (i) a survey or inspection referred to in Division 7 is not carried out in respect of the ship before the expiry of the period specified for the survey or inspection in that Division;
  - (ii) the Certificate is not endorsed under section 70 after an intermediate survey of the ship is carried out; or
  - (iii) the Certificate is not endorsed under section 71 after an annual survey of the ship is carried out; or
- (c) the ship ceases to be registered in Hong Kong.

**62. Cancellation of Safety Certificates**

The Director may exercise the power under section 27 of the Ordinance to cancel a Safety Certificate issued in respect of a ship by giving a written notice to the owner and the master of the ship.

## **Division 5—Alteration and Certified True Copies of Safety Certificates**

### **63. Alteration of Safety Certificates**

- (1) The owner of a ship in respect of which a Safety Certificate has been issued may request the Director to alter any of the particulars contained in the Certificate.
- (2) The Director may refuse to make the alteration if the Director considers it to be a material alteration.
- (3) If the Director agrees to make the alteration, the Director must, on payment of the prescribed fee, alter the Certificate.

### **64. Certified true copies of Safety Certificates**

- (1) The owner of a ship in respect of which a Safety Certificate has been issued may apply to the Director for the issue of a certified true copy of the Certificate.
- (2) The application must be accompanied by the prescribed fee for the certified true copy.

## **Division 6—Surveys for Passenger Ships**

### **65. Initial surveys for passenger ships**

- (1) An initial survey of a passenger ship is to be carried out by a Government surveyor—
  - (a) before the ship is put into service; or
  - (b) before a Passenger Ship Safety Certificate is issued for the first time in respect of the ship.
- (2) An initial survey of a passenger ship must include a complete inspection of the ship in compliance with the applicable requirements specified in Chapter I.

- (3) If, after having carried out an initial survey of the ship, the Government surveyor is satisfied that it complies with—
  - (a) for a specified passenger ship—the applicable requirements for specified passenger ship; or
  - (b) for a post-2009 passenger ship—the applicable requirements for post-2009 passenger ship,the surveyor must make a declaration of survey to that effect and forward the declaration to the Director.

### **66. Renewal surveys for passenger ships**

- (1) Subject to subsection (2), a renewal survey of a passenger ship is to be carried out by a Government surveyor within 1 year—
  - (a) from the date of completion of the initial survey of the ship; or
  - (b) if a renewal survey of the ship has been carried out— from the date of completion of the preceding renewal survey.
- (2) If the validity period of the Passenger Ship Safety Certificate issued in respect of the ship has been extended under section 60, the period of 1 year referred to in subsection (1) is to be extended by the period for which the Certificate is extended.
- (3) A renewal survey of a passenger ship must include an inspection of the ship in compliance with the applicable requirements specified in Chapter I.
- (4) If, after having carried out a renewal survey of the ship, the Government surveyor is satisfied that it complies with—
  - (a) for a specified passenger ship—the applicable requirements for specified passenger ship; or
  - (b) for a post-2009 passenger ship—the applicable requirements for post-2009 passenger ship,

the surveyor must make a declaration of survey to that effect and forward the declaration to the Director.

**67. Additional surveys for passenger ships**

- (1) If the Director intends to require, under section 23(3) or 27(2) of the Ordinance, a survey (whether general or partial) of a passenger ship to be carried out, the Director may, by written notice to the owner and the master of the ship, require the ship to be so surveyed by a Government surveyor within a reasonable period specified in the notice.
- (2) If, after having carried out an additional survey of the ship, the Government surveyor is satisfied that—
  - (a) it complies with—
    - (i) for a specified passenger ship—the applicable requirements for specified passenger ship; or
    - (ii) for a post-2009 passenger ship—the applicable requirements for post-2009 passenger ship; and
  - (b) if repairs or renewals have been made to the ship—
    - (i) the repairs or renewals have been effectively made; and
    - (ii) the material used in, and the workmanship of, the repairs or renewals are satisfactory,

the surveyor must make a declaration of survey to that effect and forward the declaration to the Director.

**Division 7—Surveys for Cargo Ships**

**68. Initial surveys for cargo ships**

- (1) An initial survey of a cargo ship is to be carried out by a Government surveyor—
  - (a) before the ship is put into service; or

- (b) before a Cargo Ship Safety Certificate or a Cargo Ship Safety Construction Certificate is issued for the first time in respect of the ship.
- (2) An initial survey of a cargo ship must include a complete inspection of the ship in compliance with the applicable requirements specified in Chapter I.
- (3) If, after having carried out an initial survey of the ship, the Government surveyor is satisfied that it complies with—
  - (a) for a Cargo Ship Safety Certificate—
    - (i) for a specified cargo ship—the applicable requirements for specified cargo ship; or
    - (ii) for a post-2009 cargo ship—the applicable requirements for post-2009 cargo ship; or
  - (b) for a Cargo Ship Safety Construction Certificate—
    - (i) for a specified cargo ship—the requirements imposed in respect of the ship under Parts 2 and 3; or
    - (ii) for a post-2009 cargo ship—the requirements imposed in respect of the ship under Part 2,

the surveyor must make a declaration of survey to that effect and forward the declaration to the Director.

**69. Renewal surveys for cargo ships**

- (1) Subject to subsection (2), a renewal survey of a cargo ship is to be carried out by a Government surveyor within 5 years—
  - (a) from the date of completion of the initial survey of the ship; or
  - (b) if a renewal survey of the ship has been carried out— from the date of completion of the preceding renewal survey.

- (2) If the validity period of the Cargo Ship Safety Certificate or Cargo Ship Safety Construction Certificate issued in respect of the ship has been extended under section 60, the period of 5 years referred to in subsection (1) is to be extended by the period for which the Certificate is extended.
- (3) A renewal survey of a cargo ship must include an inspection of the ship in compliance with the applicable requirements specified in Chapter I.
- (4) If, after having carried out a renewal survey of the ship, the Government surveyor is satisfied that it complies with—
  - (a) for a Cargo Ship Safety Certificate—
    - (i) for a specified cargo ship—the applicable requirements for specified cargo ship; or
    - (ii) for a post-2009 cargo ship—the applicable requirements for post-2009 cargo ship; or
  - (b) for a Cargo Ship Safety Construction Certificate—
    - (i) for a specified cargo ship—the requirements imposed in respect of the ship under Parts 2 and 3; or
    - (ii) for a post-2009 cargo ship—the requirements imposed in respect of the ship under Part 2,

the surveyor must make a declaration of survey to that effect and forward the declaration to the Director.

#### 70. Intermediate surveys for cargo ships

- (1) An intermediate survey of a cargo ship is to be carried out by a Government surveyor—
  - (a) within the period commencing 3 months before, and ending 3 months after, the second anniversary date of the Cargo Ship Safety Certificate or Cargo Ship Safety Construction Certificate issued in respect of the ship; or

- (b) within the period commencing 3 months before, and ending 3 months after, the third anniversary date of the Cargo Ship Safety Certificate or Cargo Ship Safety Construction Certificate issued in respect of the ship.
- (2) An intermediate survey of a cargo ship must include an inspection of the ship in compliance with the applicable requirements specified in Chapter I.
- (3) If, after having carried out an intermediate survey of the ship, the Government surveyor is satisfied that it complies with—
  - (a) for a Cargo Ship Safety Certificate—
    - (i) for a specified cargo ship—the applicable requirements for specified cargo ship; or
    - (ii) for a post-2009 cargo ship—the applicable requirements for post-2009 cargo ship; or
  - (b) for a Cargo Ship Safety Construction Certificate—
    - (i) for a specified cargo ship—the requirements imposed in respect of the ship under Parts 2 and 3; or
    - (ii) for a post-2009 cargo ship—the requirements imposed in respect of the ship under Part 2,

the surveyor must make an endorsement to that effect on the Certificate.

#### 71. Annual surveys for cargo ships

- (1) Subject to subsection (2), an annual survey of a cargo ship is to be carried out by a Government surveyor within the period commencing 3 months before, and ending 3 months after, each anniversary date of the Cargo Ship Safety Certificate or Cargo Ship Safety Construction Certificate issued in respect of the ship.



- (2) If an intermediate survey of the ship has been carried out under section 70 by reference to an anniversary date, the annual survey of the ship by reference to the anniversary date for the relevant year is not required to be carried out.
- (3) An annual survey of a cargo ship must include a general inspection of the ship in compliance with the applicable requirements specified in Chapter I.
- (4) If, after having carried out an annual survey of the ship, the Government surveyor is satisfied that the ship remains in a satisfactory condition and is fit for the service for which the ship is intended, the surveyor must make an endorsement to that effect on the Certificate.

**72. Additional surveys for cargo ships**

- (1) If the Director intends to require, under section 23(3) or 27(2) of the Ordinance, a survey (whether general or partial) of a cargo ship to be carried out, the Director may, by written notice to the owner and the master of the ship, require the ship to be so surveyed by a Government surveyor within a reasonable period specified in the notice.
- (2) If, after having carried out an additional survey of the ship, the Government surveyor is satisfied that—
  - (a) it complies with—
    - (i) for a Cargo Ship Safety Certificate—
      - (A) for a specified cargo ship—the applicable requirements for specified cargo ship; or
      - (B) for a post-2009 cargo ship—the applicable requirements for post-2009 cargo ship; or
    - (ii) for a Cargo Ship Safety Construction Certificate—

- (A) for a specified cargo ship—the requirements imposed in respect of the ship under Parts 2 and 3; or
  - (B) for a post-2009 cargo ship—the requirements imposed in respect of the ship under Part 2; and
- (b) if repairs or renewals have been made to the ship—
- (i) the repairs or renewals have been effectively made; and
  - (ii) the material used in, and the workmanship of, the repairs or renewals are satisfactory,
- the surveyor must make a declaration of survey to that effect and forward the declaration to the Director.

**73. Inspection of cargo ships' bottoms**

- (1) The outside of a cargo ship's bottom is to be subject to not less than 2 inspections by a Government surveyor during any 5-year period of validity of the Cargo Ship Safety Certificate or Cargo Ship Safety Construction Certificate, and the interval between any 2 inspections must not exceed 36 months.
- (2) Despite subsection (1), if the ship in respect of which a Cargo Ship Safety Certificate or a Cargo Ship Safety Construction Certificate has been issued—
  - (a) is, on the date when the Certificate expires, not in Hong Kong nor in a port in which it is to be surveyed; or
  - (b) is registered in Hong Kong and engaged in short voyages,and in each case the Director has granted an extension of the validity period of the Certificate under section 60, a reference to 5-year period in subsection (1) is to be regarded as, in

relation to the ship, the extended period of validity of the Certificate.

- (3) An inspection of the ship's bottom must comply with the applicable requirements specified in Chapter I.
- (4) If, after having carried out the inspection, the Government surveyor is satisfied that the outside of the ship's bottom remains in a satisfactory condition and is fit for the service for which the ship is intended, the surveyor must make an endorsement to that effect on the Certificate.

### **Division 8—Enhanced Surveys for Bulk Carriers and Oil Tankers**

#### **74. Enhanced surveys for bulk carriers and oil tankers**

- (1) A bulk carrier and an oil tanker must be subject to an enhanced programme of inspections in accordance with the applicable requirements specified in regulation 2 of Chapter XI-1.
- (2) In this section—

*Chapter XI-1* (《第 XI-1 章》) means Chapter XI-1 of the Annex to the Convention, as from time to time revised or amended by any revision or amendment that applies to Hong Kong.

### **Division 9—Corrective Action**

#### **75. Corrective action to be taken**

- (1) A Government surveyor may, by written notice, require the owner or the master of a ship in respect of which a Safety Certificate has been issued to take the corrective action that the surveyor considers necessary within the period specified by the surveyor, if on a survey (other than the initial survey) of the ship—

- (a) the surveyor determines that the condition of the ship, or its equipment, does not correspond substantially with the particulars in the Certificate; or
  - (b) the surveyor is of the opinion that the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.
- (2) The Government surveyor must, on giving a notice under subsection (1), inform the Director of the notice.
  - (3) If a corrective action is not taken within the period specified by the Government surveyor, the surveyor must inform the Director and the Director may, by written notice to the owner and the master of the ship, withdraw the Safety Certificate issued in respect of the ship (*relevant Certificate*).
  - (4) On receiving a notice under subsection (3), the owner and the master of the ship must deliver the relevant Certificate to the Director immediately.
  - (5) The owner or the master of the ship may, after the corrective action in respect of the ship has been taken, apply to the Director for the return of the relevant Certificate.
  - (6) On receiving an application under subsection (5), if the Director is satisfied that the corrective action in respect of the ship has been taken, the Director must, by written notice to the applicant, return the relevant Certificate to the applicant.

### **Division 10—Transitional and Savings Provisions**

#### **76. Transitional and savings provisions for certificates issued under Cap. 369AM and Cap. 369S**

- (1) A Passenger Ship Safety Certificate (*first-mentioned Certificate*)—

- (a) that is issued under regulation 83(1) of Cap. 369AM in respect of a designated passenger ship; and
- (b) that is in force immediately before 1 March 2019, is regarded as a Passenger Ship Safety Certificate as defined by section 54, and the provisions of this Part apply in relation to the first-mentioned Certificate and the ship accordingly.
- (2) A cargo ship safety construction certificate (*former certificate*)—
- (a) that is issued under regulation 56(3) or 57(3) of Cap. 369S in respect of a designated cargo ship; and
- (b) that is in force immediately before 1 March 2019, is regarded as a Cargo Ship Safety Construction Certificate as defined by section 54, and the provisions of this Part apply in relation to the former certificate and the ship accordingly.
- (3) In this section—
- designated cargo ship* (指定貨船) means a cargo ship constructed on or after 1 July 2002 and before 1 March 2019;
- designated passenger ship* (指定客船) means a passenger ship constructed on or after 1 July 2002 and before 1 March 2019.

  
Secretary for Transport and Housing

4 Dec 2018

### Explanatory Note

The object of this Regulation is to give effect to Chapters I, II-1, XI-1 (regulation 2) and XII of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended from time to time by any revision or amendment that applies to Hong Kong (*Convention*). Chapter I covers the surveys of ships as well as the issue of safety certificates. Chapter II-1 covers the technical requirements on the construction and structure of ships, their subdivision and stability, the machinery and electrical installations. Chapter XI-1 covers the special measures to enhance maritime safety. Chapter XII covers additional safety measures relating to structures for bulk carriers engaged in international voyages.

2. The Regulation is divided into 5 Parts.
3. Part 1 covers the preliminary matters.
4. Section 1 specifies the commencement date of the Regulation.
5. Section 2 contains the definitions necessary for the interpretation of the Regulation.
6. Section 3 covers the scope of application of the Regulation.
7. Part 2 implements Chapter II-1 of the Convention. It covers the construction, structure, subdivision, stability, machinery and electrical installations of ships. It also covers the requirements applicable to ships using low-flashpoint fuels.
8. Part 3 implements the requirements in Chapter II-1 of the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by certain resolutions adopted by the International Maritime Organization that are applicable to ships constructed on or after 1 July 2002 and before 1 January 2009.

9. Part 4 implements Chapter XII of the Convention. It covers the additional safety measures applicable to the construction of bulk carriers which are engaged in international voyages.
10. Part 5 implements Chapter I of the Convention. It covers the surveys of passenger ships and cargo ships as well as the duration, validity, extension and cancellation of safety certificates issued under the Merchant Shipping (Safety) Ordinance (Cap. 369) in respect of the ships. Part 5 provides for the procedural details and should be read together with that Ordinance in which certification requirements have been provided for.
11. Part 5 also implements regulation 2 of Chapter XI-1 of the Convention relating to the construction of bulk carriers and oil tankers. To enhance maritime safety, the bulk carriers and oil tankers are subject to enhanced surveys in accordance with the International Code on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers, 2011 mentioned in that regulation.

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## Merchant Shipping (Safety) (Fire-fighting Appliances and Fire Protection) Regulation

(Made by the Secretary for Transport and Housing under sections 99, 101, 107 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

### Part 1

#### Preliminary

##### 1. Commencement

This Regulation comes into operation on 1 March 2019.

##### 2. Interpretation

(1) In this Regulation—

*alteration* (改動) means any repair, alteration or modification that is of a major character;

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

*Chapter II-2* (《第 II-2 章》) means Chapter II-2 of the Annex to the Convention, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

*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 and assembly of the ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;
- (c) if the ship has undergone only one alteration—the alteration commences; or

(d) if the ship has undergone 2 or more alterations—the latest alteration commences;

*Convention* (《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;

*gross tonnage* (總噸位), 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);

*passenger ship* (客船) means a ship carrying more than 12 passengers.

(2) For the purposes of this Regulation, a cargo ship converted into a passenger ship is to be regarded as a passenger ship constructed on the date on which the conversion commences.

##### 3. Application

(1) This Regulation applies to—

- (a) a Hong Kong ship (wherever it is) engaged in an international voyage; and
- (b) a non-Hong Kong ship that is—
  - (i) engaged in an international voyage; and
  - (ii) within the waters of Hong Kong.

(2) However, this Regulation does not apply to the following ships—

- (a) a ship of war or troopship;
- (b) a ship not propelled by mechanical means;
- (c) a wooden ship of primitive build;

- (d) a pleasure vessel not engaged in trade;
  - (e) a vessel used for catching fish, whales, seals, walrus or other living resources of the sea;
  - (f) a high speed craft to which the Merchant Shipping (Safety) (High Speed Craft) Regulation (Cap. 369 sub. leg. AW) applies;
  - (g) a local vessel within the meaning of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) (other than a local vessel referred to in section 3(4) of that Ordinance); and
  - (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.
- (3) Also, subject to section 14, this Regulation does not apply to a cargo ship of less than 500 gross tonnage.
- (4) In this section—

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

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

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

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

**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.

## Part 2

### Fire Prevention, Fire Protection and Fire-fighting

#### 4. Prevention of fire and explosion

- (1) A ship constructed before 1 July 2002 must comply with the applicable requirements relating to the prevention of fire and explosion specified in regulations 4.5.7.1, 4.5.10.1.1, 4.5.10.1.4, 5.3.1.3.2 and 5.3.4 of Chapter II-2.
- (2) A ship constructed on or after 1 July 2002 must comply with the applicable requirements relating to the prevention of fire and explosion specified in regulations 4, 5 and 6 of Chapter II-2.
- (3) This section is a fire-fighting appliances regulation for the purposes of section 44 of the Ordinance.

#### 5. Fire protection systems and arrangements

- (1) A ship constructed on or after 1 July 2002 must comply with the applicable requirements on fire protection systems and arrangements specified in regulations 7 and 8 of Chapter II-2.
- (2) A ship constructed on or after 1 July 2002 must comply with the applicable requirements on the containment of fire specified in regulation 9 of Chapter II-2.
- (3) This section is a fire-fighting appliances regulation for the purposes of section 44 of the Ordinance.

#### 6. Fire-fighting appliances and arrangements

- (1) A ship constructed before 1 July 2002 must comply with the applicable requirements on fire-fighting appliances and arrangements specified in regulations 10.4.1.3, 10.4.1.5, 10.5.6 and 10.6.4 of Chapter II-2.

- (2) A ship constructed on or after 1 July 2002 must comply with the applicable requirements on fire-fighting appliances and arrangements specified in regulation 10 (other than regulation 10.10) of Chapter II-2.
- (3) This section is a fire-fighting appliances regulation for the purposes of section 44 of the Ordinance.



### Part 3

## Structural Integrity, Means of Escape and Personal Protective Equipment

#### 7. Structural integrity

- (1) A ship constructed on or after 1 July 2002 must comply with the applicable requirements on the structural integrity specified in regulation 11 of Chapter II-2.
- (2) If subsection (1) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.

#### 8. Emergency alarm system etc.

- (1) A ship constructed on or after 1 July 2002 must comply with the requirements on the provision of a general emergency alarm system specified in regulation 12.2 of Chapter II-2.
- (2) A passenger ship constructed on or after 1 July 2002 must comply with the requirements on the provision of a public address system specified in regulation 12.3 of Chapter II-2.
- (3) If subsection (1) or (2) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.

#### 9. Means of escape

- (1) A ship constructed on or after 1 July 2002 must comply with the applicable requirements on the means of escape specified in regulation 13 (other than regulations 13.3.4 and 13.4.3) of Chapter II-2.

- (2) If subsection (1) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.

#### 10. Personal protective equipment

- (1) A ship must comply with the applicable requirements on the provision of emergency escape breathing devices specified in regulations 13.3.4 and 13.4.3 of Chapter II-2.
- (2) A ship constructed on or after 1 July 2002 must comply with the applicable requirements on the provision of fire-fighter's outfits specified in regulation 10.10 of Chapter II-2.
- (3) If subsection (1) or (2) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.

## Part 4

### Operation of Ship

11. **Operational readiness and maintenance of systems and appliances**
  - (1) The owner and the master of a ship must ensure that the applicable requirements on the operational readiness and maintenance of the fire protection systems and fire-fighting systems and appliances specified in regulation 14 of Chapter II-2 are complied with in relation to the ship.
  - (2) This section is a fire-fighting appliances regulation for the purposes of section 44 of the Ordinance.
12. **Instructions for on-board training and drills**
  - (1) The owner and the master of a ship must ensure that the applicable requirements on the provision of instructions for on-board training and drills specified in regulation 15 of Chapter II-2 are complied with in relation to the ship.
  - (2) This section is a fire-fighting appliances regulation for the purposes of section 44 of the Ordinance.
13. **Provision of fire safety operational booklets**
  - (1) The owner and the master of a ship must ensure that the applicable requirements on the provision of fire safety operational booklets specified in regulations 16.2 and 16.3.1 of Chapter II-2 are complied with in relation to the ship.
  - (2) This section is a fire-fighting appliances regulation for the purposes of section 44 of the Ordinance.

## Part 5

### Carriage of Dangerous Goods etc.

14. **Carriage of dangerous goods**
  - (1) The following ships that have cargo spaces intended for carrying dangerous goods in packaged form must comply with the applicable fire safety requirements on the carriage of dangerous goods specified in regulation 19.3 of Chapter II-2—
    - (a) a cargo ship of less than 500 gross tonnage constructed on or after 1 February 1992 but before 1 July 2002;
    - (b) a cargo ship of 500 gross tonnage or above constructed on or after 1 September 1984 but before 1 July 2002;
    - (c) a passenger ship constructed on or after 1 September 1984 but before 1 July 2002.
  - (2) Subsection (1) applies subject to regulations 1.2.4.3, 1.2.4.4, 1.2.4.5, 1.2.4.6, 1.2.4.7 and 1.2.4.8 of Chapter II-2.
  - (3) Subsection (1) does not apply to a ship when it is carrying—
    - (a) dangerous goods specified as class 6.2 or 7 of the IMDG Code;
    - (b) dangerous goods in limited quantities specified in Chapter 3.4 of the IMDG Code; or
    - (c) dangerous goods in excepted quantities specified in Chapter 3.5 of the IMDG Code.
  - (4) A ship (including a cargo ship of less than 500 gross tonnage), if constructed on or after 1 July 2002, must, when carrying dangerous goods, comply with the applicable fire safety requirements on the carriage of dangerous goods specified in regulation 19 of Chapter II-2.

- (5) If subsection (1) or (4) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.
- (6) In this section—
- cargo space* (貨艙) has the meaning given by regulation 3 of Chapter II-2;
- dangerous goods* (危險貨物) means dangerous goods as defined by section 1(1) of the Merchant Shipping (Safety) (Dangerous Goods and Marine Pollutants) Regulation (Cap. 413 sub. leg. H);
- IMDG Code* (《海運危險貨物規則》) means the International Maritime Dangerous Goods Code adopted by the International Maritime Organization by Resolution MSC. 122(75), as from time to time revised or amended by any revision or amendment that applies to Hong Kong.

**15. Ships having vehicle spaces etc.**

- (1) A ship—
- (a) that is constructed on or after 1 July 2002; and
- (b) that has vehicle spaces, special category spaces or ro-ro spaces,
- must comply with the applicable requirements on fire safety in relation to such spaces specified in regulation 20 of Chapter II-2.
- (2) A ship that has compressed gas fuelled vehicle spaces must comply with the applicable requirements on the provision of equipment specified in regulation 20-1 of Chapter II-2.
- (3) If subsection (1) or (2) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.

- (4) In this section—

*compressed gas fuelled vehicle spaces* (壓縮氣體燃料車艙) means the vehicle spaces, or ro-ro spaces, intended for carrying a motor vehicle the tank of which is fuelled with compressed hydrogen or compressed natural gas for its propulsion;

*ro-ro spaces* (滾裝艙間) has the meaning given by regulation 3 of Chapter II-2;

*special category spaces* (特種艙) has the meaning given by regulation 3 of Chapter II-2;

*vehicle spaces* (車艙) has the meaning given by regulation 3 of Chapter II-2.

## Part 6

### Other Requirements

#### 16. Helicopter operations

- (1) Subsections (2) and (3) apply to a ship constructed on or after 1 July 2002 that is fitted with helicopter facilities.
- (2) A ship must comply with the applicable requirements on fire safety in relation to helicopter operations specified in regulation 18 (other than regulations 18.2.2 and 18.5) of Chapter II-2.
- (3) A ship must also comply with the applicable requirements on fire-fighting appliances in relation to helicopter operations specified in regulation 18.5 of Chapter II-2.
- (4) A ship constructed on or after 1 July 2002 that is not fitted with helicopter facilities must comply with the applicable requirements on fire safety in relation to helicopter operations specified in regulation 18.2.2 of Chapter II-2.
- (5) If subsection (2) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.
- (6) Subsections (3) and (4) are fire-fighting appliances regulations for the purposes of section 44 of the Ordinance.
- (7) In this section—

*helicopter facility* (直升機設施) has the meaning given by regulation 3 of Chapter II-2.

#### 17. Other requirements on passenger ship

- (1) This section applies to a passenger ship constructed on or after 1 July 2010.

#### (2) A ship—

- (a) that is of 120 meters or more in length (as defined by regulation 2 of Chapter II-1); and
- (b) that has 3 or more main vertical zones (as defined by regulation 3 of Chapter II-2),

must comply with the applicable requirements on the design criteria in relation to casualty specified in regulations 21 and 22 of Chapter II-2.

- (3) A ship must comply with the applicable requirements on the provision of a safety centre specified in regulation 23 of Chapter II-2.
- (4) If subsection (2) or (3) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.
- (5) In this section—

*Chapter II-1* (《第 II-1 章》) means Chapter II-1 of the Annex to the Convention, as from time to time revised or amended by any revision or amendment that applies to Hong Kong.

#### 18. Other requirements on tanker

- (1) A tanker carrying crude oil (as defined by regulation 3 of Chapter II-2) or other liquid products specified in regulation 1.6.1 of Chapter II-2 must—
  - (a) comply with the applicable requirements on fire safety specified in regulations 1.6.2, 1.6.3, 1.6.4 and 1.6.6 of Chapter II-2; and
  - (b) be fitted with a system for the continuous monitoring of the hydrocarbon gases concentration specified in regulation 1.6.7 of Chapter II-2.

- (2) A combination carrier must not carry cargoes other than oil unless the conditions specified in regulation 1.6.5 of Chapter II-2 are satisfied.
- (3) The owner and the master of a tanker must ensure that the applicable requirements on procedures for cargo tank purging and gas-freeing operation specified in—
  - (a) for a tanker constructed before 1 July 2002—regulations 16.3.2.1 and 16.3.2.4 of Chapter II-2; or
  - (b) for a tanker constructed on or after 1 July 2002—regulation 16.3.2 of Chapter II-2,are complied with in relation to the tanker.
- (4) The owner and the master of a tanker must ensure that the applicable requirements on the operation of inert gas system specified in—
  - (a) for a tanker constructed before 1 January 2016—regulation 16.3.3 (except regulation 16.3.3.3) of Chapter II-2; or
  - (b) for a tanker constructed on or after 1 January 2016—regulation 16.3.3 of Chapter II-2,are complied with in relation to the tanker.
- (5) Subsection (1) is a fire-fighting appliances regulation for the purposes of section 44 of the Ordinance.
- (6) If subsection (2) is contravened in relation to a combination carrier, the owner and the master of the carrier each commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.
- (7) A person who contravenes subsection (3) or (4) commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.
- (8) In this section—

*combination carrier* (油類/散貨兩用船) has the meaning given by regulation 3 of Chapter II-2;

*tanker* (液貨船) means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of an inflammable nature.



Secretary for Transport and Housing

4 Dec 2018

### Explanatory Note

The object of this Regulation is to give effect to Chapter II-2 of the Annex to the International Convention for the Safety of Life at Sea, 1974 as from time to time revised or amended by any revision or amendment that applies to Hong Kong (*Chapter II-2*). Chapter II-2 specifies the technical requirements on the fire protection, fire detection and fire extinction for ships.

2. The Regulation is divided into 6 Parts.
3. Part 1 provides for the preliminary matters of the Regulation, including the commencement, the interpretation and the scope of application.
4. Parts 2 to 6 implement Chapter II-2.
5. Part 2 covers the requirements on the fire prevention, fire protection and fire-fighting of a ship.
6. Part 3 covers the requirements on the structural integrity and means of escape of a ship. It also covers the provision of personal protective equipment and emergency alarm systems etc. of a ship.
7. Part 4 covers the operational requirements of a ship in terms of its operational readiness and maintenance of systems and appliances, the provision of instructions for on-board training and drills and fire safety operational booklets.
8. Part 5 covers the requirements of a ship when carrying dangerous goods. It also covers the requirements on fire safety in relation to a ship that has vehicle spaces, special category spaces or ro-ro spaces.
9. Part 6 covers the requirements of a ship in relation to helicopter operations, and the additional requirements on a passenger ship and tanker.

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**Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) (Amendment) Regulation 2018**

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## **Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) (Amendment) Regulation 2018**

(Made by the Secretary for Transport and Housing under sections 96, 107 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

### **1. Commencement**

This Regulation comes into operation on 1 March 2019.

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

The Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. R) are amended as set out in sections 3 to 24.

### **3. Regulation 1 amended (citation, interpretation, application and exemption)**

(1) Regulation 1(2)—

**Repeal the definition of ‘A’ Class division**

**Substitute**

“‘A’ Class division (‘A’ 級隔板) has the meaning of “A” Class division given by regulation 1(3) of the Merchant Shipping (Safety) (Fire Protection) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. Y);”.

(2) Regulation 1(2)—

**Add in alphabetical order**

“*alteration* (改動), for the purposes of the definition of *constructed*, means any repair, alteration or modification that is of a major character;

*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 and assembly of the ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;
- (c) if the ship has undergone only one alteration—the alteration commences; or
- (d) if the ship has undergone 2 or more alterations—the latest alteration commences;”.

### **4. Regulation 6 amended (emergency source of electrical power)**

(1) Regulation 6, heading—

**Repeal**

**“source of electrical power”**

**Substitute**

**“electricity source for ships of 5 000 tons or over”.**

(2) Regulation 6—

**Repeal the cross-heading before subregulation (1).**

### **5. Cross-heading before regulation 7 repealed**

Cross-heading before regulation 7—

**Repeal the cross-heading.**



Section 6

3

**6. Regulation 7 amended**

Regulation 7—

**Repeal**

“7. (1) In”

**Substitute**

“7. **Emergency electricity source for ships of 1 600 tons or over but under 5 000 tons**

(1) In”.

**7. Cross-heading before regulation 8 repealed**

Cross-heading before regulation 8—

**Repeal the cross-heading.**

**8. Regulation 8 amended**

Regulation 8—

**Repeal**

“8. (1) In”

**Substitute**

“8. **Emergency electricity source for ships of under 1 600 tons**

(1) In”.

**9. Regulation 12 amended**

Regulation 12—

**Repeal**

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4

“12. Where”

**Substitute**

“12. **Requirements for ‘B’ Class panels**

If”.

**10. Regulation 13 amended**

Regulation 13—

**Repeal**

“13. (1) The”

**Substitute**

“13. **Materials for certain structures**

(1) The”.

**11. Regulation 14 amended**

Regulation 14—

**Repeal**

“14. (1) In”

**Substitute**

“14. **Requirements for doorways and openings**

(1) In”.

**12. Regulation 15 amended**

Regulation 15—

**Repeal**

- “15. In”  
**Substitute**
- “15. **Materials for certain structures within accommodation spaces**  
In”.
- 13. Regulation 16 amended**  
Regulation 16—  
**Repeal**
- “16. The”  
**Substitute**
- “16. **Materials for certain bulkheads**  
The”.
- 14. Regulation 17 amended**  
Regulation 17—  
**Repeal**
- “17. Deck”  
**Substitute**
- “17. **Certain deck coverings must not be readily ignitable**  
Deck”.
- 15. Regulation 18 amended**  
Regulation 18—  
**Repeal**

- “18. (1) Paints”  
**Substitute**
- “18. **Requirements for certain surface materials, pipes, outlets, etc.**  
(1) Paints”.
- 16. Regulation 19 amended**  
(1) Regulation 19—  
**Repeal**
- “19. (a) Subject”  
**Substitute**
- “19. **Requirements for skylights to certain spaces and windows in engine casings**  
(1) Subject”.  
(2) Regulation 19—  
**Repeal**  
“(b) Windows”  
**Substitute**  
“(2) Windows”.
- 17. Regulation 30 amended (oil and gaseous fuel installations)**  
After regulation 30(4)—  
**Add**  
“(5) The oil fuel arrangements of a ship must comply with the requirements specified in regulations 15.2.9 (or the

alternative requirement specified in regulation 15.2.12), 15.2.10 and 15.2.11 of specified Chapter II-2.

(6) In this regulation—

*specified Chapter II-2* (《第 II-2 章指明版》) means Chapter II-2 of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by the following instruments adopted by the International Maritime Organization that apply to Hong Kong—

- (a) the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 17 February 1978;
- (b) the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 11 November 1988;
- (c) Resolutions MSC.1(XLV), MSC.6(48), MSC.13(57), MSC.22(59), MSC.24(60), MSC.27(61) and MSC.31(63);
- (d) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 adopted on 29 November 1995; and
- (e) Resolution MSC.57(67).”.

**18. Regulation 30A added**

After regulation 30—

**Add**

**“30A. Use of low-flashpoint fuel**

- (1) A ship (other than a specified ship) may use low-flashpoint fuel if—
  - (a) the use is approved by the Director on being satisfied that the applicable requirements specified in the IGF Code are complied with in relation to the ship; and
  - (b) the applicable requirements on the arrangement, installation, control and monitoring of machinery, equipment and systems using low-flashpoint fuel specified in the IGF Code are complied with in relation to the ship.
- (2) If a ship uses low-flashpoint fuel under subregulation (1), regulation 30 does not apply to the ship.
- (3) The owner and the master of a ship (other than a specified ship) that uses low-flashpoint fuel must ensure that the applicable requirements on the testing, drills, emergency exercises and operations specified in the IGF Code are complied with in relation to the ship.
- (4) In this regulation—

*IGC Code* (《國際氣體規則》) means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk set out in the Annex to Resolution MSC.5(48) adopted by the Maritime Safety Committee of the International Maritime Organization on 17 June 1983, as from time to time revised or amended by any revision or amendment to any provision of such Code that applies to Hong Kong;

*IGF Code* (《國際氣體燃料規則》) means the International Code of Safety for Ships Using Gases or Other Low-

flashpoint Fuels set out in the Annex to Resolution MSC.391(95) adopted by the Maritime Safety Committee of the International Maritime Organization on 11 June 2015, as from time to time revised or amended by any revision or amendment to any provision of such Code that applies to Hong Kong;

**low-flashpoint fuel** (低閃點燃料) means gaseous or liquid fuel that has a flashpoint lower than that permitted under regulation 4.2.1.1 of Chapter II-2 of the Annex to the Convention as from time to time revised or amended by any revision or amendment to that regulation that applies to Hong Kong;

**specified ship** (指明船舶) means—

- (a) a gas carrier in relation to which the applicable requirements of the IGC Code are complied with; or
- (b) a ship that is owned or operated by—
  - (i) the Government; or
  - (ii) the government of a party to the Convention.”.

**19. Regulation 37A added**

Part II, Section I, after regulation 37—

**Add**

**“37A. Safe access to tanker bows**

- (1) A tanker must be provided with the means of access to its bow—
  - (a) as required by regulation 3-3 of specified Chapter II-1; and

- (b) as approved by the Director by reference to the guidelines developed by the International Maritime Organization as amended from time to time.

(2) In this regulation—

**specified Chapter II-1** (《第 II-1 章指明版》) means Chapter II-1 of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by the following instruments adopted by the International Maritime Organization that apply to Hong Kong—

- (a) the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 17 February 1978;
- (b) the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 11 November 1988;
- (c) Resolutions MSC.1(XLV), MSC.2(XLV), MSC.6(48), MSC.11(55) and MSC.12(56);
- (d) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 on the Global Maritime Distress and Safety System adopted on 9 November 1988;
- (e) Resolutions MSC.13(57), MSC.19(58), MSC.26(60) and MSC.27(61);
- (f) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 adopted on 29 November 1995; and

(g) Resolutions MSC.47(66), MSC.57(67) and MSC.65(68).”.

**20. Regulation 50A added**

After regulation 50—

**Add**

**“50A. No asbestos in materials used for structure etc. of ship**

Materials installed on a ship on or after 1 March 2019 that are used for the structure, machinery, electrical installations or equipment of the ship must not contain asbestos.”.

**21. Regulation 74A amended (initial surveys)**

(1) Regulation 74A(2), after “these regulations”—

**Add**

“and all other applicable enactments relating to construction of the ship”.

(2) Regulation 74A(3), after “these regulations”—

**Add**

“and all other applicable enactments relating to construction of the ship”.

**22. Regulation 74B amended (renewal surveys)**

(1) Regulation 74B(2), after “these regulations”—

**Add**

“and all other applicable enactments relating to construction of the ship”.

(2) Regulation 74B(3), after “these regulations”—

**Add**

“and all other applicable enactments relating to construction of the ship”.

**23. Regulation 74D amended (annual surveys)**

Regulation 74D(2), after “these regulations”—

**Add**

“and all other applicable enactments relating to construction of the ship”.

**24. Regulation 80 amended (penalties)**

(1) Regulation 80, heading—

**Repeal**

“Penalties”

**Substitute**

“Offences”.

(2) Regulation 80—

**Repeal subregulation (1)**

**Substitute**

“(1) If regulation 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 30A, 31, 32, 33, 35, 36, 37, 37A, 41B, 41C, 41D, 41E, 44, 46, 47, 48, 49, 50, 50A, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 70A, 70B or 77(1) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 3.”.

(3) Regulation 80—

**Repeal subregulation (2).**

(4) Regulation 80(3)——

**Repeal**

everything after “to a fine”

**Substitute**

“at level 3.”.



Secretary for Transport and Housing

4 Dec 2018

**Explanatory Note**

This Regulation amends the Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. R).

2. The main purpose of the Regulation is to implement the requirements of Chapters II-1 and II-2 of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by the following resolutions adopted by the International Maritime Organization that are applicable to cargo ships constructed before 1 September 1984—
  - (a) Resolution MSC.31(63) adopted on 23 May 1994;
  - (b) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 adopted on 29 November 1995 (SOLAS/CONF.3/46);
  - (c) Resolution MSC.47(66) adopted on 4 June 1996;
  - (d) Resolution MSC.57(67) adopted on 5 December 1996; and
  - (e) Resolution MSC.65(68) adopted on 4 June 1997.
3. The Regulation also imposes requirements on a ship using low-flashpoint fuel.
4. Further, the Regulation creates offences for the newly added requirements and revises the penalty level for the existing offences to align with those applicable to passenger ships.
5. Besides, the Regulation adds section headings for certain regulations and makes minor textual amendments.

**Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) (No. 2) Regulation 2018**

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## **Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) (No. 2) Regulation 2018**

(Made by the Secretary for Transport and Housing under sections 96, 107 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

### **1. Commencement**

This Regulation comes into operation on 1 March 2019.

### **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 sections 3 to 20.

### **3. Regulation 1 amended (citation, interpretation, application and exemption)**

(1) Regulation 1(2)—

**Repeal the definition of *dangerous goods***

**Substitute**

“*dangerous goods* (危險貨物) means dangerous goods as defined by section 1(1) of the Merchant Shipping (Safety) (Dangerous Goods and Marine Pollutants) Regulation (Cap. 413 sub. leg. H);”.

(2) Regulation 1(2)—

**Repeal the definitions of ‘A’ Class division and ‘B’ Class division of BO standard.**

(3) Regulation 1(2)—

**Add in alphabetical order**

“*alteration* (改動), for the purposes of the definition of *constructed*, means any repair, alteration or modification that is of a major character;

*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 and assembly of the ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;
- (c) if the ship has undergone only one alteration—the alteration commences; or
- (d) if the ship has undergone 2 or more alterations—the latest alteration commences;

*specified Chapter II-1* (《第 II-1 章指明版》) means Chapter II-1 of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by the following instruments adopted by the International Maritime Organization that apply to Hong Kong—

- (a) the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 17 February 1978;
- (b) the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 11 November 1988;
- (c) Resolutions MSC.1(XLV), MSC.2(XLV), MSC.6(48), MSC.11(55) and MSC.12(56);



- (d) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 on the Global Maritime Distress and Safety System adopted on 9 November 1988;
- (e) Resolutions MSC.13(57), MSC.19(58), MSC.26(60) and MSC.27(61);
- (f) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 adopted on 29 November 1995; and
- (g) Resolutions MSC.47(66), MSC.57(67) and MSC.65(68);

*specified Chapter II-2* (《第 II-2 章指明版》) means Chapter II-2 of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by the following instruments adopted by the International Maritime Organization that apply to Hong Kong—

- (a) the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 17 February 1978;
- (b) the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 11 November 1988;
- (c) Resolutions MSC.1(XLV), MSC.6(48), MSC.13(57), MSC.22(59), MSC.24(60), MSC.27(61) and MSC.31(63);
- (d) Resolution 1 of the Conference of Contracting Governments to the International Convention for

the Safety of Life at Sea, 1974 adopted on 29 November 1995; and

(e) Resolution MSC.57(67);”.

- (4) Regulation 1(3A), definition of *new*, after “1984”—

**Add**

“and before 1 July 2002”.

#### 4. **Regulation 5A added**

After regulation 5—

**Add**

##### “5A. **Opening in shell plating below freeboard deck**

A ship constructed on or after 1 July 1998 must comply with the applicable requirements on the opening in the shell plating below the freeboard deck specified in regulations 17 and 17-1 of specified Chapter II-1.”.

#### 5. **Regulation 12 amended (cargo tank ventilation)**

- (1) Regulation 12(2)(a)—

**Repeal**

“pressures,”

**Substitute**

“pressures;”.

- (2) Regulation 12(2)(b)—

**Repeal**

“tank, and”

**Substitute**

“tank;”.

- (3) Regulation 12(2)(c)—  
**Repeal**  
“rate.”  
**Substitute**  
“rate; and”.
- (4) After regulation 12(2)(c)—  
**Add**  
“(d) comply with the applicable requirements on the means for overpressure and underpressure protection specified in regulations 59.1.2.3 and 59.1.3.3 of specified Chapter II-2.”.
- (5) Regulation 12(6)—  
**Repeal**  
“The”  
**Substitute**  
“For a ship constructed before 1 July 1998, the”.
- (6) After regulation 12(6)—  
**Add**  
“(6A) For a ship constructed on or after 1 July 1998, if the venting arrangement of a cargo tank is combined with other cargo tanks, the isolation arrangement of each of the cargo tanks concerned must comply with the applicable requirements specified in regulation 59.1.3.2 of specified Chapter II-2.”.
- 6. Regulation 14 amended (general)**  
After regulation 14(8)—  
**Add**

- “(9) A ship constructed on or after 1 July 1998 must comply with the applicable requirements on the location and arrangement of vent pipes and provision of oil tanks specified in regulation 26.11 of specified Chapter II-1.
- (10) The owner and the master of a ship must ensure that the applicable requirements on the inspection and replacement of non-metallic expansion joints in piping systems specified in regulation 26.9 of specified Chapter II-1 are complied with in relation to the ship.
- (11) The owner and the master of a ship must ensure that the applicable requirements on the written language of the operating and maintenance instructions and engineering drawings for the ship machinery and equipment specified in regulation 26.10 of specified Chapter II-1 are complied with in relation to the ship.”.
- 7. Regulation 22 amended (oil and gaseous fuel installations)**  
After regulation 22(2)(k)—  
**Add**  
“(ka) the requirements on oil fuel arrangements specified in regulations 15.2.9 (or the alternative requirement specified in regulation 15.2.12), 15.2.10 and 15.2.11 of specified Chapter II-2 must be complied with;”.
- 8. Regulation 22A added**  
After regulation 22—  
**Add**  
**“22A. Use of low-flashpoint fuel**  
(1) A ship (other than a specified ship) may use low-flashpoint fuel if—

- (a) the use is approved by the Director on being satisfied that the applicable requirements specified in the IGF Code are complied with in relation to the ship; and
  - (b) the applicable requirements on the arrangement, installation, control and monitoring of machinery, equipment and systems using low-flashpoint fuel specified in the IGF Code are complied with in relation to the ship.
- (2) If a ship uses low-flashpoint fuel under subregulation (1), regulation 22 does not apply to the ship.
  - (3) The owner and the master of a ship (other than a specified ship) that uses low-flashpoint fuel must ensure that the applicable requirements on the testing, drills, emergency exercises and operations specified in the IGF Code are complied with in relation to the ship.
  - (4) In this regulation—

**IGC Code** (《國際氣體規則》) means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk set out in the Annex to Resolution MSC.5(48) adopted by the Maritime Safety Committee of the International Maritime Organization on 17 June 1983, as from time to time revised or amended by any revision or amendment to any provision of such Code that applies to Hong Kong;

**IGF Code** (《國際氣體燃料規則》) means the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels set out in the Annex to Resolution MSC.391(95) adopted by the Maritime Safety Committee of the International Maritime Organization on 11 June 2015, as from time to time revised or

amended by any revision or amendment to any provision of such Code that applies to Hong Kong;

**low-flashpoint fuel** (低閃點燃料) means gaseous or liquid fuel that has a flashpoint lower than that permitted under regulation 4.2.1.1 of Chapter II-2 of the Annex to the Convention as from time to time revised or amended by any revision or amendment to that regulation that applies to Hong Kong;

**specified ship** (指明船舶) means—

- (a) a gas carrier in relation to which the applicable requirements of the IGC Code are complied with; or
- (b) a ship that is owned or operated by—
  - (i) the Government; or
  - (ii) the government of a party to the Convention.”.

#### 9. Regulation 23 amended (lubricating and other oil systems)

- (1) After regulation 23(2)—

##### Add

“(2A) The arrangements for lubricating oil of a post 1992 ship must also comply with the applicable requirements specified in regulations 15.2.10 and 15.2.11 of specified Chapter II-2.”.

- (2) After regulation 23(3)—

##### Add

“(3A) The arrangements for flammable oils (other than fuel and lubricating oil) of a ship constructed on or after 1 July 1998 must also comply with the applicable

requirements specified in regulations 15.2.10 and 15.2.11 of specified Chapter II-2.”.

**10. Regulation 24 amended (machinery controls)**

(1) Regulation 24, heading, after “controls”—

**Add**

“: ships constructed between 1 September 1984 and 1 July 1998”.

(2) Before regulation 24(1)—

**Add**

“(1A) This regulation applies to a ship constructed on or after 1 September 1984 and before 1 July 1998.”.

**11. Regulation 24A added**

After regulation 24—

**Add**

**“24A. Machinery controls: post-1 July 1998 ships**

(1) This regulation applies to a ship constructed on or after 1 July 1998.

(2) The applicable requirements on the machinery for the propulsion, control and safety of the ship specified in regulation 31 of specified Chapter II-1 must be complied with in relation to a ship.”.

**12. Regulation 40 amended (fire safety)**

Regulation 40(1)—

**Repeal**

“In every ship every fuel oil and lubricating oil pressure pipe provided shall”

**Substitute**

“A fuel oil and lubricating oil pressure pipe installed in a ship constructed before 1 July 1998 must”.

**13. Regulation 45 amended (emergency and transitional source of electrical power and emergency switchboards)**

After regulation 45(12)—

**Add**

“(13) If a ship was constructed on or after 1 July 1998 and electrical power is necessary for the restoration of its propulsion, the ship must comply with the applicable requirements specified in regulation 42 of specified Chapter II-1.”.

**14. Regulation 50 amended (electrical equipment in hazardous areas and spaces)**

(1) Regulation 50(5)—

**Repeal**

“detailed in regulation 7(2) of the Merchant Shipping (Safety) (Dangerous Goods) Regulations (Cap. 369 sub. leg.)”

**Substitute**

“classified in the IMDG Code”.

(2) Regulation 50(5)—

**Repeal**

“detailed in the aforesaid regulations”

**Substitute**

“classified in the IMDG Code”.

- (3) After regulation 50(5)—

**Add**

- “(6) In subregulation (5)—

*IMDG Code* (《海運危險貨物規則》) means the International Maritime Dangerous Goods Code adopted by the International Maritime Organization by Resolution MSC.122(75), as from time to time revised or amended by any revision or amendment that applies to Hong Kong.”.

**15. Regulation 54 amended (materials used in construction)**

Regulation 54—

**Repeal subregulation (4)**

**Substitute**

- “(4) Materials installed on a ship on or after 1 March 2019 that are used for the structure, machinery, electrical installations or equipment of the ship must not contain asbestos.”.

**16. Regulation 55BA added**

Part V, after regulation 55B—

**Add**

**“55BA. Safe access to tanker bows**

A tanker constructed on or after 1 July 1998 must be provided with the means of access to its bow—

- (a) as required by regulation 3-3 of specified Chapter II-1; and

- (b) as approved by the Director by reference to the guidelines developed by the International Maritime Organization as amended from time to time.”.

**17. Regulation 56 amended (initial surveys)**

- (1) Regulation 56(2), after “these regulations”—

**Add**

“and all other applicable enactments relating to construction of the ship”.

- (2) Regulation 56(3), after “these regulations”—

**Add**

“and all other applicable enactments relating to construction of the ship”.

**18. Regulation 57 amended (renewal surveys)**

- (1) Regulation 57(2), after “these regulations”—

**Add**

“and all other applicable enactments relating to construction of the ship”.

- (2) Regulation 57(3), after “these regulations”—

**Add**

“and all other applicable enactments relating to construction of the ship”.

**19. Regulation 59 amended (annual surveys)**

Regulation 59(2), after “these regulations”—

**Add**

“and all other applicable enactments relating to construction of the ship”.

20. **Regulation 64 amended (penalties)**

- (1) Regulation 64, heading—

**Repeal**

**“Penalties”**

**Substitute**

**“Offences”.**

- (2) Regulation 64—

**Repeal subregulation (1)**

**Substitute**

- “(1) If regulation 2, 3, 3A, 4, 5, 5A, 6, 7, 8, 9, 10, 10A, 11, 12, 13, 13A, 14, 15, 16, 17, 18, 19, 20, 21, 22, 22A, 23, 24, 24A, 25, 26, 27, 28, 29, 30, 31, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 55A, 55B, 55BA, 55C or 61(1) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 3.”.

- (3) Regulation 64—

**Repeal subregulation (2).**

- (4) Regulation 64(3)—

**Repeal**

everything after “to a fine”

**Substitute**

“at level 3.”.



Secretary for Transport and Housing

4 Dec 2018

### 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).

2. The main purpose of the Regulation is to implement the requirements of Chapters II-1 and II-2 of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by the following resolutions adopted by the International Maritime Organization that are applicable to cargo ships constructed on or after 1 September 1984 and before 1 July 2002—
  - (a) Resolution MSC.31(63) adopted on 23 May 1994;
  - (b) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 adopted on 29 November 1995 (SOLAS/CONF.3/46);
  - (c) Resolution MSC.47(66) adopted on 4 June 1996;
  - (d) Resolution MSC.57(67) adopted on 5 December 1996; and
  - (e) Resolution MSC.65(68) adopted on 4 June 1997.
3. The Regulation also imposes requirements on a ship using low-flashpoint fuel.
4. Besides, the Regulation amends the definition of *dangerous goods*. It also repeals an obsolete reference to a piece of repealed legislation and replaces it with a reference to the International Maritime Dangerous Goods Code.

5. Further, the Regulation creates offences for the newly added requirements and revises the penalty level for the existing offences to align with those applicable to passenger ships.

Merchant Shipping (Safety) (Fire Protection) (Ships Built Before 25 May 1980)  
(Amendment) Regulation 2018

Section 1

1

**Merchant Shipping (Safety) (Fire Protection) (Ships  
Built Before 25 May 1980) (Amendment) Regulation  
2018**

(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 March 2019.

**2. Merchant Shipping (Safety) (Fire Protection) (Ships Built  
Before 25 May 1980) Regulations amended**

The Merchant Shipping (Safety) (Fire Protection) (Ships Built  
Before 25 May 1980) Regulations (Cap. 369 sub. leg. W) are  
amended as set out in sections 3 to 6.

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

(1) Regulation 1(2), definition of *dangerous goods of Classes 1  
to 5*—

**Repeal**

“goods so classed in the Merchant Shipping (Safety)  
(Dangerous Goods) Regulations (Cap. 369 sub. leg.);”

**Substitute**

“dangerous goods classified as class 1, 2, 3, 4 or 5 in the  
IMDG Code;”

(2) Regulation 1(2)—

**Add in alphabetical order**

“*IMDG Code* (《海運危險貨物規則》) means the  
International Maritime Dangerous Goods Code adopted

Merchant Shipping (Safety) (Fire Protection) (Ships Built Before 25 May 1980)  
(Amendment) Regulation 2018

Section 4

2

by the International Maritime Organization by  
Resolution MSC.122(75), as from time to time revised  
or amended by any revision or amendment that applies  
to Hong Kong;”.

**4. Regulation 57 amended (additional requirements for ships  
carrying explosives)**

Regulation 57(1)—

**Repeal**

“regulation 12(1) of the Merchant Shipping (Safety)  
(Dangerous Goods) Regulations (Cap. 369 sub. leg.)”

**Substitute**

“7.1.4.4.5 in Chapter 7.1 of the IMDG Code”.

**5. Regulation 75 substituted**

Regulation 75—

**Repeal the regulation**

**Substitute**

**“75. Offences**

If regulation 3(5) or (6)(a), (b), (d) or (f), 10, 12(3), 35, 38(7),  
41(9), 44(2) (in so far as it relates to the provision of  
fireman’s outfit), 52 or 69 is contravened, the owner and the  
master of the ship concerned each commits an offence and is  
liable to a fine at level 4 and to imprisonment for 2 years.”.

**6. Regulation 76 added**

After regulation 75—

**Add**



**“76. Several regulations are fire-fighting appliances regulations**

Regulations 3 (except subregulations (5) and (6)(a), (b), (d) and (f)), 4, 5, 6, 7, 8, 9, 9A, 11, 12 (except subregulation (3)), 13, 14, 15, 16, 29, 30, 31, 32, 33, 34, 34A, 36, 37, 38 (except subregulation (7)), 39, 40, 41 (except subregulation (9)), 42, 43, 44 (except subregulation (2) in so far as it relates to the provision of fireman’s outfit), 45, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68, 70, 71, 72 and 73 are fire-fighting appliances regulations for the purposes of section 44 of the Ordinance.”.



Secretary for Transport and Housing

4 Dec 2018

**Explanatory Note**

This Regulation amends the Merchant Shipping (Safety) (Fire Protection) (Ships Built Before 25 May 1980) Regulations (Cap. 369 sub. leg. W) to—

- (a) repeal an obsolete reference to a piece of repealed legislation and replace it with a reference to the relevant provision of the International Maritime Dangerous Goods Code; and
- (b) revise the offence provision by distinguishing regulations that are fire-fighting appliances regulations for the purposes of section 44 of the Merchant Shipping (Safety) Ordinance (Cap. 369) from other regulations.

**Merchant Shipping (Safety) (Fire Appliances) (Ships  
Built On or After 25 May 1980 but Before 1 September  
1984) (Amendment) Regulation 2018**

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**Merchant Shipping (Safety) (Fire Appliances) (Ships Built On or After 25 May 1980 but Before 1 September 1984) (Amendment) Regulation 2018**

(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 March 2019.

**2. Merchant Shipping (Safety) (Fire Appliances) (Ships Built On or After 25 May 1980 but Before 1 September 1984) Regulations amended**

The Merchant Shipping (Safety) (Fire Appliances) (Ships Built On or After 25 May 1980 but Before 1 September 1984) Regulations (Cap. 369 sub. leg. X) are amended as set out in sections 3 to 28.

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

Regulation 1(3)—

**Repeal the definition of *dangerous goods***

**Substitute**

“*dangerous goods* (危險貨物) means dangerous goods as defined by section 1(1) of the Merchant Shipping (Safety) (Dangerous Goods and Marine Pollutants) Regulation (Cap. 413 sub. leg. H);”.

**4. Regulation 14 amended**

Regulation 14—

**Repeal**

“14. Regulations 3 to 13 inclusive shall”

**Substitute**

“14. Regulations 3 to 13 apply to ships of Class II

Regulations 3 to 13”.

**5. Regulation 15 amended**

Regulation 15—

**Repeal**

“15. Regulations 3 to 13 inclusive shall apply to ships of Class IIA”

**Substitute**

“15. Regulations 3 to 13 apply to ships of Class II(A) of certain length

Regulations 3 to 13 apply to ships of Class II(A)”.

**6. Regulation 41 amended**

Regulation 41—

**Repeal**

“41. (1) This”

**Substitute**

“41. Fire appliances for ships of Class VII of under 500 tons

(1) This”.

**7. Regulation 42 amended**

Regulation 42—

**Repeal**

“42. (1) Regulations 31 to 40 inclusive shall”

**Substitute**

“42. **Regulations 31 to 40 apply to ships of Class VII(A)**

(1) Regulations 31 to 40”.

**8. Regulation 43 amended**

Regulation 43—

**Repeal**

“43. Regulations 31 and 32(1) and regulations 34 to 40 inclusive shall”

**Substitute**

“43. **Certain regulations apply to tankers of Class VII(T) of 500 tons or over**

Regulations 31 and 32(1) and regulations 34 to 40”.

**9. Regulation 44 amended**

Regulation 44—

**Repeal**

“44. Every”

**Substitute**

“44. **Fixed deck foam system**

Every”.

**10. Regulation 45 amended**

Regulation 45—

**Repeal**

“45. Every”

**Substitute**

“45. **Mobile foam appliance**

Every”.

**11. Regulation 46 amended**

Regulation 46—

**Repeal**

“46. (1) Subject”

**Substitute**

“46. **Inert gas system**

(1) Subject”.

**12. Regulation 47 amended**

Regulation 47—

**Repeal**

“47. Notwithstanding the provisions of regulation 46”

**Substitute**

“47. **Tanker of Class VII(T) operating with tank cleaning procedure using crude oil washing**

Despite regulation 46,”.

**13. Regulation 48 amended**

Regulation 48—

**Repeal**

“48. (1) Other”

**Substitute**

“48. **Alternative fixed fire extinguishing installations**

(1) Other”.

**14. Regulation 49 amended**

Regulation 49—

**Repeal**

“49. In”

**Substitute**

“49. **Fixed fire extinguishing system for pump room**

In”.

**15. Regulation 50 amended**

Regulation 50—

**Repeal**

“50. Regulation 41 shall apply”

**Substitute**

“50. **Certain regulations apply to tankers of Class VII(T) of  
under 500 tons**

Regulation 41 applies”.

**16. Regulation 53 amended**

Regulation 53—

**Repeal**

“53. Regulations 31 to 40 inclusive shall”

**Substitute**

“53. **Regulations 31 to 40 apply to ships of Class VIII of 500  
tons or over**

Regulations 31 to 40”.

**17. Regulation 54 amended**

Regulation 54—

**Repeal**

“54. Regulation 41 shall apply”

**Substitute**

“54. **Regulation 41 applies to ships of Class VIII of 150 tons or  
over but under 500 tons**

Regulation 41 applies”.

**18. Regulation 55 amended**

Regulation 55—

**Repeal**

“55. (1) This”

**Substitute**

**“55. Fire appliances for ships of Class VIII of under 150 tons**

(1) This”.

**19. Regulation 56 amended**

Regulation 56—

**Repeal**

**“56. (1) Regulations 53 to 55 inclusive shall”**

**Substitute**

**“56. Regulations 53, 54 and 55 apply to ships of Classes VIII(A), IX and IX(A)**

(1) Regulations 53, 54 and 55”.

**20. Regulation 57 amended**

Regulation 57—

**Repeal**

**“57. (1) Regulation 53 shall apply to tankers of Class VIII(T) of 500 tons or over as they apply”**

**Substitute**

**“57. Certain regulations apply to tankers of Class VIII(T) of 500 tons or over**

(1) Regulation 53 applies to tankers of Class VIII(T) of 500 tons or over as it applies”.

**21. Regulation 58 amended**

Regulation 58—

**Repeal**

**“58. Regulation 54 shall apply”**

**Substitute**

**“58. Certain regulations apply to tankers of Class VIII(T)**

Regulation 54 applies”.

**22. Regulation 59 amended**

Regulation 59—

**Repeal**

**“59. Regulation 55 shall apply”**

**Substitute**

**“59. Certain regulations apply to tankers of Class VIII(T) of under 150 tons**

Regulation 55 applies”.

**23. Cross-heading before regulation 60 amended (tankers of Class VIII(A)(I) and IX(A)(T))**

Cross-heading before regulation 60—

**Repeal**

**“Class VIII(A)(I)”**

**Substitute**

**“Classes VIII(A)(T)”.**

**24. Regulation 60 amended**

Regulation 60—

**Repeal**

“60. (1) Subject”  
**Substitute**

“60. **Certain regulations apply to tankers of Classes VIII(A)(T) and IX(A)(T)**

(1) Subject”.

**25. Regulation 62 amended**

Regulation 62—

**Repeal**

“62. (1) Regulations 53 to 55 inclusive shall”

**Substitute**

“62. **Regulations 53, 54 and 55 apply to ships of Class XI**

(1) Regulations 53, 54 and 55”.

**26. Regulation 64 amended (additional requirements for ships carrying explosives)**

(1) Regulation 64(1)—

**Repeal**

“regulation 12 of the Merchant Shipping (Safety) (Dangerous Goods) Regulations (Cap. 369 sub. leg.)”

**Substitute**

“7.1.4.4.5 in Chapter 7.1 of the IMDG Code”.

(2) After regulation 64(2)—

**Add**

“(3) In this regulation—

**IMDG Code** (《海運危險貨物規則》) means the International Maritime Dangerous Goods Code adopted by the International Maritime Organization by Resolution MSC.122(75), as from time to time revised or amended by any revision or amendment that applies to Hong Kong.”.

**27. Regulation 77 substituted**

Regulation 77—

**Repeal the regulation**

**Substitute**

“77. **Offences**

If regulation 11(7), (8), (9) or (10)(a) or (d), 12, 39, 41(7), 60(1A) or 71 is contravened, the owner and the master of the ship concerned each commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.”.

**28. Regulation 78 added**

After regulation 77—

**Add**

“78. **Several regulations are fire-fighting appliances regulations**

Regulations 3, 4, 5, 6, 7, 8, 9, 10, 10A, 11 (except subregulations (7), (8), (9) and (10)(a) and (d)), 13, 14, 15, 16, 17, 18, 19, 31, 32, 33, 34, 35, 36, 37, 37A, 38, 40, 41 (except subregulation (7)), 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 51A, 51B, 52, 53, 54, 55, 56, 57, 58, 59, 60 (except subregulation (1A)), 62, 64, 65, 66, 67, 68, 69, 72, 73, 74 and 75 are fire-fighting appliances regulations for the purposes of section 44 of the Ordinance.”.



Secretary for Transport and Housing

4 Dec 2018

### Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Fire Appliances) (Ships Built On or After 25 May 1980 but Before 1 September 1984) Regulations (Cap. 369 sub. leg. X) to—

- (a) amend the definition of *dangerous goods*;
- (b) repeal an obsolete reference to a piece of repealed legislation and replace it with a reference to the relevant provision of the International Maritime Dangerous Goods Code;
- (c) revise the offence provision by distinguishing regulations that are fire-fighting appliances regulations for the purposes of section 44 of the Merchant Shipping (Safety) Ordinance (Cap. 369) from other regulations;
- (d) add section headings for certain regulations; and
- (e) make minor textual amendments.



**Merchant Shipping (Safety) (Fire Protection) (Ships  
Built On or After 1 September 1984) (Amendment)  
Regulation 2018**

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## **Merchant Shipping (Safety) (Fire Protection) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2018**

(Made by the Secretary for Transport and Housing under sections 99, 101, 107, 112 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

### **1. Commencement**

This Regulation comes into operation on 1 March 2019.

### **2. Merchant Shipping (Safety) (Fire Protection) (Ships Built On or After 1 September 1984) Regulations amended**

The Merchant Shipping (Safety) (Fire Protection) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. Y) are amended as set out in sections 3 to 31.

### **3. Regulation 1 amended (citation, interpretation and application)**

(1) Regulation 1(3), definition of “A” *Class division*, paragraph (c)—

#### **Repeal**

“test; and”

#### **Substitute**

“test;”.

(2) Regulation 1(3), definition of “A” *Class division*, paragraph (d)—

#### **Repeal**

“139°C”

#### **Substitute**

- “139°C (for a pre-1998 ship) or 140°C (for a post-1998 ship)”.
- (3) Regulation 1(3), definition of “*A*” *Class division*, paragraph (d), after “minutes;”—
- Add**  
“and”.
- (4) Regulation 1(3), definition of “*A*” *Class division*, after paragraph (d)—
- Add**  
“(e) for a post-1998 ship—of a type approved by the Administration in accordance with the Fire Test Procedures Code;”.
- (5) Regulation 1(3), definition of “*B*” *Class division*, paragraph (b)—
- Repeal**  
“139°C”
- Substitute**  
“139°C (for a pre-1998 ship) or 140°C (for a post-1998 ship)”.
- (6) Regulation 1(3), definition of “*B*” *Class division*, paragraph (b)—
- Repeal**  
“minutes; and”
- Substitute**  
“minutes;”.
- (7) Regulation 1(3), definition of “*B*” *Class division*, paragraph (c), after “138;”—
- Add**  
“and”.

- (8) Regulation 1(3), definition of “*B*” *Class division*, after paragraph (c)—
- Add**  
“(d) for a post-1998 ship—of a type approved by the Administration in accordance with the Fire Test Procedures Code;”.
- (9) Regulation 1(3), definition of *central control station*, paragraph (f)—
- Repeal**  
“opening and closing”
- Substitute**  
“closures”.
- (10) Regulation 1(3)—
- Repeal the definition of *dangerous goods***
- Substitute**  
“*dangerous goods* (危險貨物) means dangerous goods as defined by section 1(1) of the Merchant Shipping (Safety) (Dangerous Goods and Marine Pollutants) Regulation (Cap. 413 sub. leg. H);”.
- (11) Regulation 1(3)—
- Repeal the definition of *non-combustible material***
- Substitute**  
“*non-combustible material* (非可能燃燒物料) means—
- (a) for a pre-1998 ship—a material that, when heated to a temperature of 750°C in a test carried out in accordance with British Standard Specification 476: Part 4: 1970, neither flames for longer than 10 seconds duration, nor raises either its internal

- temperature or the temperature of the test furnace more than 50°C above 750°C; or
- (b) for a post-1998 ship—a material that, when heated to a temperature of approximately 750°C, neither burns nor gives off flammable vapours in a quantity that is sufficient for self-ignition, as determined in accordance with the Fire Test Procedures Code;”.
- (12) Regulation 1(3), definition of *rooms containing furniture and furnishings of restricted fire risk*—
- Repeal paragraphs (c), (d) and (e)**
- Substitute**
- “(c) all draperies, curtains and other suspended textile materials—
- (i) for a pre-1998 ship—have the qualities of resistance to the propagation of flame in accordance with the requirement of Type B performance of British Standard 5867: Part 2: 1980; or
- (ii) for a post-1998 ship—the qualities of resistance to the propagation of flame of which are not inferior to those of wool of mass 0.8 kilograms per square metre, as determined in accordance with the Fire Test Procedures Code;
- (d) for—
- (i) a pre-1998 ship—the surface of all floor coverings has the qualities of resistance to the propagation of flame to the satisfaction of the Director; or
- (ii) a post-1998 ship—the material of all floor coverings is of low flame spread characteristics;
- (e) for—

- (i) a pre-1998 ship—the upholstered parts of all furniture have the qualities of resistance to the ignition and propagation of flame to the satisfaction of the Director; or
- (ii) a post-1998 ship—all furniture that is upholstered furniture has the qualities of resistance to the ignition and propagation of flame, as determined in accordance with the Fire Test Procedures Code; and”.
- (13) Regulation 1(3), definition of *rooms containing furniture and furnishings of restricted fire risk*, after paragraph (e)—
- Add**
- “(f) for a post-1998 ship—all bedding components have the qualities of resistance to the ignition and propagation of flame, as determined in accordance with the Fire Test Procedures Code;”.
- (14) Regulation 1(3), definition of *standard fire test*—
- Repeal**
- “means a test”
- Substitute**
- “means—
- (a) for a pre-1998 ship—a test”.
- (15) Regulation 1(3), definition of *standard fire test*, paragraph (a), after “925°C;”—
- Add**
- “or”.
- (16) Regulation 1(3), definition of *standard fire test*, after paragraph (a)—

**Add**

“(b) for a post-1998 ship—a test in which the specimens of the relevant bulkheads or decks are exposed in a test furnace to temperatures corresponding approximately to the standard time-temperature curve, in accordance with the test methods referred to in the Fire Test Procedures Code;”.

(17) Regulation 1(3)—

**Repeal the definition of *International Maritime Dangerous Goods Code*.**

(18) Regulation 1(3)—

**Add in alphabetical order**

“***Administration*** (主管機關) means—

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

***alteration*** (改動), for the purposes of the definition of ***constructed***, means any repair, alteration or modification that is of a major character;

***combustible material*** (可能燃燒物料) is a material other than a non-combustible material;

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

- (c) if the ship has undergone only one alteration—the alteration commences; or
- (d) if the ship has undergone 2 or more alterations—the latest alteration commences;

***Convention country*** (公約國) means a country that is a party to 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;

***Fire Test Procedures Code*** (《耐火測試程序規則》) means the International Code for Application of Fire Test Procedures adopted by the International Maritime Organization by Resolution MSC.61(67);

***helicopter facility*** (直升機設施) has the meaning given by the Standards for On-board Helicopter Facilities adopted by the International Maritime Organization by Resolution A.855(20);

***IMDG Code*** (《海運危險貨物規則》) means the International Maritime Dangerous Goods Code adopted by the International Maritime Organization by Resolution MSC.122(75), as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

***IMSBC Code*** (《固體散裝貨規則》) means the International Maritime Solid Bulk Cargoes Code adopted by the International Maritime Organization by Resolution MSC.268(85) on 4 December 2008, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

*low flame spread characteristics* (低火焰蔓延特性), in relation to a material, means the material being so described is able to adequately restrict the spread of flame, as determined in accordance with the Fire Test Procedures Code;

*post-1998 ship* (1998 年後建造的船舶) means a ship constructed on or after 1 July 1998;

*pre-1998 ship* (1998 年前建造的船舶) means a ship constructed before 1 July 1998;

*specified Chapter II-1* (《第 II-1 章指明版》) means Chapter II-1 of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by the following instruments adopted by the International Maritime Organization that apply to Hong Kong—

- (a) the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 17 February 1978;
- (b) the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 11 November 1988;
- (c) Resolutions MSC.1(XLV), MSC.2(XLV), MSC.6(48), MSC.11(55) and MSC.12(56);
- (d) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 on the Global Maritime Distress and Safety System adopted on 9 November 1988;
- (e) Resolutions MSC.13(57), MSC.19(58), MSC.26(60) and MSC.27(61);

(f) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 adopted on 29 November 1995; and

(g) Resolutions MSC.47(66), MSC.57(67) and MSC.65(68);

*specified Chapter II-2* (《第 II-2 章指明版》) means Chapter II-2 of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by the following instruments adopted by the International Maritime Organization that apply to Hong Kong—

- (a) the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 17 February 1978;
- (b) the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 11 November 1988;
- (c) Resolutions MSC.1(XLV), MSC.6(48), MSC.13(57), MSC.22(59), MSC.24(60), MSC.27(61) and MSC.31(63);
- (d) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 adopted on 29 November 1995; and
- (e) Resolution MSC.57(67);”.

(19) Regulation 1(3A)—

**Repeal**

“subregulation (3)”

**Substitute**

“subregulations (3) and (5)”.

(20) Regulation 1(4)—

**Repeal paragraphs (e) and (f)**

**Substitute**

“(e) the IMDG Code;

(f) the IMSBC Code;”.

(21) Regulation 1(5)(b)(ii)(D)—

**Repeal the full stop**

**Substitute a semicolon.**

(22) After regulation 1(5)(b)(ii)—

**Add**

“(iii) a ship constructed on or after 1 July 2002.”.

**4. Regulation 11 amended (firemen’s outfits)**

(1) Regulation 11(1)(b)(iii)—

**Repeal**

“passengers,”

**Substitute**

“passengers—subject to subregulation (1A),”.

(2) After regulation 11(1)—

**Add**

“(1A) Subregulation (1)(b)(iii) does not apply in relation to—

(a) the stairway enclosures of a post-1998 ship that constitute individual main vertical zones; or

(b) the main vertical zones in the fore or aft end of the ship that do not contain a space classified in

regulation 78(3)(b) as Category (6), (7), (8) or (12).”.

**5. Regulation 31 amended (fixed fire extinguishing arrangements in cargo spaces)**

(1) Regulation 31(1), after “goods”—

**Add**

“referred to in regulation 53.1.2 of specified Chapter II-2,”.

(2) Regulation 31(2)(b)—

**Repeal**

“any ship”

**Substitute**

“a pre-1998 ship”.

**6. Regulation 32 amended (special requirements for cargo space ventilation)**

After regulation 32(2)—

**Add**

“(3) All ventilation openings of a post-1998 ship must comply with the safety requirements specified in regulation 53.2.5 of specified Chapter II-2.”.

**7. Regulation 49 amended (cargo tank protection)**

After regulation 49(8)—

**Add**

“(9) A tanker of Class VII(T) of 500 tons or over must comply with the requirements specified in regulation 59.5 of specified Chapter II-2 on the provision of

instruments for measuring flammable vapour concentrations.”.

**8. Regulation 75A amended (helicopter decks)**

(1) Regulation 75A(1)—

**Repeal**

“This regulation applies to post 1992 ships and”

**Substitute**

“Subregulations (2), (3) and (4) apply to a post 1992 ship (other than a post-1998 ship)”.

(2) After regulation 75A(1)—

**Add**

“(1A) Subregulation (5) applies to a post-1998 ship.”.

(3) After regulation 75A(4)—

**Add**

“(5) Provisions of helicopter facilities on a ship must be in accordance with the Standards for On-board Helicopter Facilities adopted by the International Maritime Organization by Resolution A.855(20).”.

**9. Regulation 76 amended (main vertical zones and horizontal zones)**

(1) Regulation 76(1A)—

**Repeal**

everything after “78.”.

(2) After regulation 76(1A)—

**Add**

“(1B) An “A-60” Class division referred to in subregulation (1A) may be reduced to an “A-0” Class division if—

(a) for a post October 1994 ship (other than a post-1998 ship)—the space classified in regulation 78(3)(b) as Category (5), (9) or (10) is on one side of the division; or

(b) for a post-1998 ship—

(i) the space classified in regulation 78(3)(b) as Category (5), (9) or (10) is on one side of the division; or

(ii) the fuel oil tanks are on both sides of the division.”.

**10. Regulation 78 amended (fire integrity of bulkheads and decks)**

(1) Regulation 78(1)—

**Repeal**

everything after “(5)”

**Substitute**

“and—

(a) for a pre-1998 ship—tables 1, 2, 2A, 3, 4 and 4A in this regulation; or

(b) for a post-1998 ship—Table 26.1 in regulation 26 of specified Chapter II-2 and table 4A in this regulation.”.

(2) Regulation 78(3)(a)—

**Repeal**

“or horizontal zones in post October 1994 ships;”

**Substitute**



“or horizontal zones in a post October 1994 ship (other than a post-1998 ship);”.

- (3) Regulation 78, table 2A, after “SHIPS”—

**Add**

“(OTHER THAN POST-1998 SHIPS)”.

**11. Regulation 80 amended (openings in “A” Class divisions)**

- (1) Regulation 80(6B)(a)—

**Repeal**

“shall”

**Substitute**

“(other than a post-1998 ship) must”.

- (2) After regulation 80(6B)—

**Add**

“(6C) A post-1998 ship must comply with the operational requirements on fire doors specified in regulation 30.4 of specified Chapter II-2.”.

- (3) Regulation 80(8)—

**Repeal**

“83(3). The”

**Substitute**

“83(3). For a pre-1998 ship, the”.

- (4) Regulation 80(8)—

**Repeal**

“hazard.”

**Substitute**

“hazard. For a post-1998 ship, the requirements for “A” Class integrity do not apply to exterior doors except the doors referred to in regulation 30.6 of specified Chapter II-2.”.

**12. Regulation 82 amended (ventilation systems)**

Regulation 82(6)(c)(i)—

**Repeal**

everything after “constructed”

**Substitute**

“of—

(A) for a pre-1998 ship—suitable material having regard to the risk of fire; or

(B) for a post-1998 ship—material with low flame spread characteristics;”.

**13. Regulation 84 amended (restriction of combustible materials)**

- (1) Regulation 84(2)(d), before “primary”—

**Add**

“in a pre-1998 ship,”.

- (2) Regulation 84(2)(d)—

**Repeal**

“and”.

- (3) After regulation 84(2)(d)—

**Add**

“(da) in a post-1998 ship, primary deck coverings referred to in regulation 34.8 of specified Chapter II-2 must be of material approved by the Administration in accordance with the Fire Test Procedures Code; and”.

- (4) Regulation 84(3)(a)(iii)—

**Repeal**

“exceeded; and”

**Substitute**

“exceeded;”.

- (5) Regulation 84(3)(a)(iv), before “vapour”—

**Add**

“for a pre-1998 ship—”.

- (6) After regulation 84(3)(a)(iv)—

**Add**

“(v) for a post-1998 ship—vapour barriers and adhesives used in conjunction with insulation, and insulation of pipe fittings, for cold service systems provided that—

(A) their quantity is kept to the minimum; and

(B) the material of their exposed surfaces is of low flame spread characteristics; and”.

- (7) Regulation 84(3)(b)—

**Repeal**

everything after “interior”

**Substitute**

“surfaces—

(i) for a pre-1998 ship—must not be capable of producing excessive quantities of smoke and toxic products; or

(ii) for a post-1998 ship—must comply with the requirements specified in regulation 34.7 of specified Chapter II-2.”.

- 14. Regulation 87 amended (protection of special category spaces and ro/ro cargo spaces)**

After regulation 87(1)(ab)—

**Add**

“(ac) in a post-1998 ship, if a space containing fuel oil tanks is located below a special category space, the integrity of the deck between the spaces may be reduced to “A-0” standard;”.

- 15. Regulation 88A added**

After regulation 88—

**Add**

**“88A. Protection of certain cargo spaces: post-1998 ships**

(1) This regulation applies to a post-1998 ship.

(2) The cargo space of a ship intended for carrying motor vehicles with fuel in their tanks must comply with the applicable requirements on permanent openings specified in regulation 38.5 of specified Chapter II-2.

(3) The ro/ro cargo space of a ship must comply with the applicable requirements on the structural protection specified in regulation 38-1.1 of specified Chapter II-2.

(4) The closed ro/ro cargo space and the open ro/ro cargo space of a ship must comply with the applicable requirements on the fire protection specified in regulations 38-1.2 and 38-1.3 of specified Chapter II-2.

(5) Subregulation (4) does not apply to the following spaces that are intended for carrying motor vehicles with fuel in their tanks—

(a) a special category space;

(b) a ro/ro cargo space.”.

**16. Regulation 91A amended (helicopter decks)**

(1) Regulation 91A(1)—

**Repeal**

“This regulation applies to post 1992 ships and”

**Substitute**

“Subregulations (2), (3) and (4) apply to a post 1992 ship (other than a post-1998 ship)”.

(2) After regulation 91A(1)—

**Add**

“(1A) Subregulation (5) applies to a post-1998 ship.”.

(3) After regulation 91A(4)—

**Add**

“(5) Provisions of helicopter facilities on a ship must be in accordance with the Standards for On-board Helicopter Facilities adopted by the International Maritime Organization by Resolution A.855(20).”.

**17. Regulation 96 amended (openings in “A” Class divisions)**

(1) Regulation 96(6A)(a)—

**Repeal**

“shall”

**Substitute**

“(other than a post-1998 ship) must”.

(2) After regulation 96(6A)—

**Add**

“(6B) A post-1998 ship must comply with the operational requirements on fire doors specified in regulation 30.4 of specified Chapter II-2.”.

(3) Regulation 96(8)—

**Repeal**

“99(3). The”

**Substitute**

“99(3). For a pre-1998 ship, the”.

(4) Regulation 96(8)—

**Repeal**

“hazard.”

**Substitute**

“hazard. For a post-1998 ship, the requirements for “A” Class integrity do not apply to exterior doors except the doors referred to in regulation 30.6 of specified Chapter II-2.”.

**18. Regulation 98 amended (ventilation systems)**

(1) Regulation 98(6)(c)(i)—

**Repeal**

everything after “constructed”

**Substitute**

“of—

(A) for a pre-1998 ship—suitable material having regard to the risk of fire; or

(B) for a post-1998 ship—material with low flame spread characteristics;”.

(2) After regulation 98(11)—

**Add**

“(12) For a post-1998 ship, the ventilation arrangements referred to in regulations 16.11.1 and 16.11.2 of specified Chapter II-2 must be tested in accordance with the Fire Test Procedures Code.”.

**19. Regulation 100 amended (restriction of combustible materials)**

(1) Regulation 100(2)(d), before “primary”—

**Add**

“in a pre-1998 ship,”.

(2) Regulation 100(2)(d)—

**Repeal**

“and”.

(3) After regulation 100(2)(d)—

**Add**

“(da) in a post-1998 ship, primary deck coverings referred to in regulation 34.8 of specified Chapter II-2 must be of material approved by the Administration in accordance with the Fire Test Procedures Code; and”.

(4) Regulation 100(3)(a)(iii)—

**Repeal**

“exceeded; and”

**Substitute**

“exceeded;”.

(5) Regulation 100(3)(a)(iv), before “vapour”—

**Add**

“for a pre-1998 ship—”.

(6) Regulation 100(3)(a)(iv), after “exceeded;”—

**Add**

“and”.

(7) After regulation 100(3)(a)(iv)—

**Add**

“(v) for a post-1998 ship—vapour barriers and adhesives used in conjunction with insulation, and insulation of pipe fittings, for cold service systems provided that—

(A) their quantity is kept to the minimum; and

(B) the material of their exposed surfaces is of low flame spread characteristics;”.

(8) Regulation 100(3)(b)—

**Repeal**

everything after “interior”

**Substitute**

“surfaces—

(i) for a pre-1998 ship—must not be capable of producing excessive quantities of smoke and toxic products; or

(ii) for a post-1998 ship—must comply with the requirements specified in regulation 34.7 of specified Chapter II-2.”.

**20. Regulation 104A added**

After regulation 104—

**Add**

**“104A. Protection of certain cargo spaces: post-1998 ships**

- (1) This regulation applies to a post-1998 ship.
- (2) The cargo space of a ship intended for carrying motor vehicles with fuel in their tanks must comply with the applicable requirements on permanent openings specified in regulation 38.5 of specified Chapter II-2.
- (3) The ro/ro cargo space of a ship must comply with the applicable requirements on the structural protection specified in regulation 38-1.1 of specified Chapter II-2.
- (4) The closed ro/ro cargo space and the open ro/ro cargo space of a ship must comply with the applicable requirements on the fire protection specified in regulations 38-1.2 and 38-1.3 of specified Chapter II-2.
- (5) Subregulation (4) does not apply to the following spaces that are intended for carrying motor vehicles with fuel in their tanks—
  - (a) a special category space;
  - (b) a ro/ro cargo space.”.

**21. Regulation 110 amended (means of escape)**

- (1) Regulation 110(5A)—

**Repeal**

everything after “II(A),” and before “the means”.

- (2) After regulation 110(5B)—

**Add**

“(5C) The crew accommodation areas of a passenger ship carrying more than 36 passengers must comply with the technical requirements on the emergency lighting

specified in regulation 28.1.11 of specified Chapter II-2.”.

**22. Regulation 112A amended (helicopter decks)**

- (1) Regulation 112A(1)—

**Repeal**

“This regulation applies to a ship which is a post 1992 ship and”

**Substitute**

“Subregulations (2), (3) and (4) apply to a post 1992 ship (other than a post-1998 ship)”.

- (2) After regulation 112A(1)—

**Add**

“(1A) Subregulation (5) applies to a post-1998 ship.”.

- (3) After regulation 112A(4)—

**Add**

“(5) Provisions of helicopter facilities on a ship must be in accordance with the Standards for On-board Helicopter Facilities adopted by the International Maritime Organization by Resolution A.855(20).”.

**23. Regulation 119 amended (ventilation systems)**

- (1) Regulation 119(4)(c)(i)—

**Repeal**

everything after “constructed”

**Substitute**

“of—

- (A) for a pre-1998 ship—suitable material having regard to the risk of fire; or
- (B) for a post-1998 ship—material with low flame spread characteristics;”.

(2) After regulation 119(9)—

**Add**

“(10) For a post-1998 ship, the ventilation arrangements referred to in regulations 16.11.1 and 16.11.2 of specified Chapter II-2 must be tested in accordance with the Fire Test Procedures Code.”.

**24. Regulation 121 amended (restriction of combustible materials)**

(1) Regulation 121(2)—

**Repeal**

“Primary”

**Substitute**

“In a pre-1998 ship, primary”.

(2) After regulation 121(2)—

**Add**

“(2A) In a post-1998 ship, primary deck coverings referred to in regulation 49.3 of specified Chapter II-2 must be of material approved by the Administration in accordance with the Fire Test Procedures Code.”.

(3) Regulation 121(3)—

**Repeal**

“Paints,”

**Add**

“In a pre-1998 ship, paints,”.

(4) After regulation 121(3)—

**Add**

“(3A) In a post-1998 ship, paints, varnishes and other finishes used on exposed interior surfaces must comply with the requirements specified in regulation 49.2 of specified Chapter II-2.”.

(5) Regulation 121(4)(a)—

**Repeal**

“Insulating”

**Substitute**

“In a pre-1998 ship, insulating”.

(6) After regulation 121(4)(a)—

**Add**

“(ab) In a post-1998 ship, insulating materials must be of non-combustible materials except in respect of—

- (i) cargo spaces;
- (ii) refrigerated compartments of service spaces; and
- (iii) vapour barriers and adhesives used in conjunction with insulation, and insulation of pipe fittings, for cold service systems provided that—
  - (A) their quantity is kept to the minimum; and
  - (B) the material of their exposed surfaces is of low flame spread characteristics.”.

**25. Regulation 128A amended (helicopter decks)**

(1) Regulation 128A(1)—

**Repeal**

“This regulation applies to a ship which is a post 1992 ship and”

**Substitute**

“Subregulations (2), (3) and (4) apply to a post 1992 ship (other than a post-1998 ship)”.

- (2) After regulation 128A(1)—

**Add**

“(1A) Subregulation (5) applies to a post-1998 ship.”.

- (3) After regulation 128A(4)—

**Add**

“(5) Provisions of helicopter facilities on a ship must be in accordance with the Standards for On-board Helicopter Facilities adopted by the International Maritime Organization by Resolution A.855(20).”.

**26. Regulation 129 amended (exterior boundaries of superstructures and deckhouses)**

- (1) After regulation 129(1)—

**Add**

“(1A) In a post-1998 ship, exterior boundaries of superstructures and deckhouses enclosing accommodation, including overhanging decks that support such accommodation, must be constructed of steel.”.

- (2) Regulation 129(4)—

**Repeal**

everything after “subregulation (2)”

**Substitute**

“must be of fixed (non-opening) type.”.

- (3) After regulation 129(4)—

**Add**

“(5) In a pre-1998 ship, the windows and sidescuttles located in the first tier on the main deck must be fitted with inside covers of steel or other equivalent material.

(6) In a post-1998 ship, windows and sidescuttles (except wheelhouse windows) must be constructed to “A-60” standard.

(7) In a post-1998 ship, a permanent access from a pipe tunnel to the main pump-room must be fitted with a watertight door that complies with the requirements specified in regulation 25-9.2 of specified Chapter II-1 and regulation 56.9 of specified Chapter II-2.”.

**27. Regulation 136 amended (ventilation systems)**

- (1) Regulation 136(4)(c)(i)—

**Repeal**

everything after “constructed”

**Substitute**

“of—

(A) for a pre-1998 ship—suitable material having regard to the risk of fire; or

(B) for a post-1998 ship—material with low flame spread characteristics;”.

- (2) After regulation 136(9)—

**Add**

“(10) For a post-1998 ship, the ventilation arrangements referred to in regulations 16.11.1 and 16.11.2 of specified Chapter II-2 must be tested in accordance with the Fire Test Procedures Code.”.

**28. Regulation 143 amended (application and special requirements)**

(1) Regulation 143(1)—

**Repeal**

everything after “requirements”

**Substitute**

“set out in subregulation (1AA).”.

(2) After regulation 143(1)—

**Add**

“(1AA) The requirements are—

(a) for a pre-1998 ship—the requirements specified in subregulations (4), (5), (6), (7), (8), (9), (10), (11) and (12) and tables 11, 12 and 13 in this regulation; or

(b) for a post-1998 ship—the requirements specified in regulations 54.1 and 54.2, and tables 54.1, 54.2 and 54.3, of specified Chapter II-2.”.

(3) Regulation 143(1A)(b)—

**Repeal**

everything after “54”

**Substitute**

“of specified Chapter II-2.”.

(4) Regulation 143(2)—

**Repeal**

everything after “to the”

**Substitute**

“IMDG Code.”.

(5) Regulation 143(4)—

**Repeal**

“the tables”

**Substitute**

“tables 11, 12 and 13 in this regulation”.

(6) Regulation 143(7)—

**Repeal**

“those specified in the Merchant Shipping (Safety) (Dangerous Goods) Regulations (Cap. 369 sub. leg.)”.

**Substitute**

“the classes of dangerous goods specified in the IMDG Code.”.

(7) Regulation 143, table 12, note g—

**Repeal**

everything after “contained” and before “as appropriate”

**Substitute**

“in the IMDG Code or the IMSBC Code”.

(8) Regulation 143, table 12, note h—

**Repeal**

everything after “in” and before “the use”

**Substitute**

“the IMSBC Code.”.

(9) Regulation 143, table 13, note o—



**Repeal**

everything after “in”

**Substitute**

“the IMDG Code or the IMSBC Code as appropriate.”

**29. Regulation 146 substituted**

Regulation 146—

**Repeal the regulation**

**Substitute**

**“146. Offences**

If regulation 10(5), (7), (8)(b) or (9)(b), 11, 37, 39(7), 53, 69, 72A, 101(1)(c), 110, 122(3), 125, 139(3), 142 or 143(6)(j), (k) or (m) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 4 and to imprisonment for 2 years.”

**30. Regulation 147 added**

After regulation 146—

**Add**

**“147. Several regulations are fire-fighting appliances regulations**

Regulations 3, 4, 5, 6, 7, 8, 9, 9A, 10 (except subregulations (5), (7), (8)(b) and (9)(b)), 12, 15, 16, 17, 29, 30, 31, 32, 33, 34, 35, 35A, 36, 38, 39 (except subregulations (1) and (7)), 43 (except subregulation (1)), 49, 50, 50A, 51, 52, 54 (except subregulation (1)), 59, 60, 61, 62, 63, 64, 65, 66, 67, 70, 71, 72, 73, 75, 75A, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 88A, 89, 91, 91A, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101 (except subregulation (1)(c)), 102, 103, 104, 104A, 105, 112,

112A, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122 (except subregulation (3)), 123, 124, 128, 128A, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139 (except subregulation (3)), 140, 141 and 143 (except subregulation (6)(j), (k) and (m)) are fire-fighting appliances regulations for the purposes of section 44 of the Ordinance.”

**31. Schedule 14 amended (inert gas systems: standard requirements)**

Schedule 14, after paragraph (11)(b)(i)—

**Add**

“(ia) For a post-1998 ship, positive indication of the operational status of the valves must be provided for the control system.”



Secretary for Transport and Housing

4 Dec 2018

### Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Fire Protection) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. Y).

2. The main purpose of the Regulation is to implement the requirements of Chapter II-2 of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by Resolution MSC.57(67) adopted by the International Maritime Organization on 5 December 1996 that are applicable to ships built on or after 1 September 1984 and before 1 July 2002.
3. The Regulation amends the definition of *dangerous goods*. It also repeals an obsolete reference to a piece of repealed legislation and replaces it with a reference to the relevant provision of the International Maritime Dangerous Goods Code.
4. Further, the Regulation creates offences for the newly added requirements and revises the offence provision by distinguishing regulations that are fire-fighting appliances regulations for the purposes of section 44 of the Merchant Shipping (Safety) Ordinance (Cap. 369) from other regulations.

**Merchant Shipping (Safety) (Passenger Ship  
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**Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2018**

(Made by the Secretary for Transport and Housing under sections 94, 107 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

**1. Commencement**

This Regulation comes into operation on 1 March 2019.

**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 sections 3 to 14.

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

(1) Regulation 1(2)—

**Repeal the definition of “A” Class division**

**Substitute**

“**A**” *Class division* (“A”級隔板) has the meaning given by regulation 1(3) of the Merchant Shipping (Safety) (Fire Protection) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. Y);”.

(2) Regulation 1(2)—

**Repeal the definition of *constructed***

**Substitute**

“**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 and assembly of the ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;
- (c) if the ship has undergone only one alteration—the alteration commences; or
- (d) if the ship has undergone 2 or more alterations—the latest alteration commences;”.

(3) Regulation 1(2)—

**Add in alphabetical order**

“**alteration** (改動), for the purposes of the definition of **constructed**, means any repair, alteration or modification that is of a major character;

**specified Chapter II-2** (《第 II-2 章指明版》) means Chapter II-2 of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by the following instruments adopted by the International Maritime Organization that apply to Hong Kong—

- (a) the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 17 February 1978;
- (b) the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 11 November 1988;
- (c) Resolutions MSC.1(XLV), MSC.6(48), MSC.13(57), MSC.22(59), MSC.24(60), MSC.27(61) and MSC.31(63);

- (d) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 adopted on 29 November 1995; and
- (e) Resolution MSC.57(67);”.

**4. Regulation 114 amended (oil fuel installations: (boilers and machinery))**

After regulation 114(11)—

**Add**

“(11A) The oil fuel arrangements of a ship must comply with the requirements specified in regulations 15.2.9 (or the alternative requirement specified in regulation 15.2.12), 15.2.10 and 15.2.11 of specified Chapter II-2.”.

**5. Regulation 114A added**

After regulation 114—

**Add**

**“114A. Use of low-flashpoint fuel**

- (1) A ship (other than a specified ship) may use low-flashpoint fuel if—
  - (a) the use is approved by the Director on being satisfied that the applicable requirements specified in the IGF Code are complied with in relation to the ship; and
  - (b) the applicable requirements on the arrangement, installation, control and monitoring of machinery, equipment and systems using low-flashpoint fuel

specified in the IGF Code are complied with in relation to the ship.

- (2) If a ship uses low-flashpoint fuel under subregulation (1), regulation 114 does not apply to the ship.
- (3) The owner and the master of a ship (other than a specified ship) that uses low-flashpoint fuel must ensure that the applicable requirements on the testing, drills, emergency exercises and operations specified in the IGF Code are complied with in relation to the ship.
- (4) In this regulation—

*IGF Code* (《國際氣體燃料規則》) means the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels set out in the Annex to Resolution MSC.391(95) adopted by the Maritime Safety Committee of the International Maritime Organization on 11 June 2015, as from time to time revised or amended by any revision or amendment to any provision of such Code that applies to Hong Kong;

*low-flashpoint fuel* (低閃點燃料) means gaseous or liquid fuel that has a flashpoint lower than that permitted under regulation 4.2.1.1 of Chapter II-2 of the Annex to the Convention as from time to time revised or amended by any revision or amendment to that regulation that applies to Hong Kong;

*specified ship* (指明船舶) means a ship that is owned or operated by—

- (a) the Government; or
- (b) the government of a party to the Convention.”.

**6. Regulations 129A and 129B added**

Part VII, after regulation 129—

**Add**

**“129A. Discharges**

A ro/ro passenger ship must comply with the requirements on discharge valves for scuppers specified in regulation 37.2.1.2 of specified Chapter II-2.

**129B. Escape routes**

A ro/ro passenger ship must comply with the requirements on escape routes specified in regulation 28-1 (except regulation 28-1.1.1) of specified Chapter II-2.”.

**7. Regulation 131 amended (general)**

Regulation 131(1)—

**Repeal**

“127 and 129”

**Substitute**

“127, 129, 129A and 129B”.

**8. Regulation 131B repealed (access opening indicator lights)**

Regulation 131B—

**Repeal the regulation.**

**9. Regulation 131D repealed (television surveillance)**

Regulation 131D—

**Repeal the regulation.**

**10. Regulations 131DA to 131DD added**

At the end of Part VIIB—

**Add**

**“131DA. Additional requirements for ro/ro passenger ships**

- (1) The applicable requirements on the watertight integrity of access to ro/ro cargo spaces of a ship specified in regulation 20-2 of specified Chapter II-1 must be complied with in relation to a ship.
- (2) The applicable requirements on the integrity of the hull and superstructure, damage prevention and control specified in regulations 23-2.1, 23-2.2 and 23-2.3 of specified Chapter II-1 must be complied with in relation to a ship.
- (3) The master of a ship must ensure that the applicable requirements on the supervision, and reporting and recording in the log book of the access to ro/ro cargo spaces specified in regulation 20-2 of specified Chapter II-1 are complied with in relation to the ship.
- (4) The master of a ship must ensure that the applicable requirements on the restriction of access to ro/ro cargo spaces specified in regulation 20-3 of specified Chapter II-1 are complied with in relation to the ship.
- (5) The master of a ship must ensure that the applicable requirements on the closure of bulkheads on the ro/ro cargo spaces specified in regulation 20-4 of specified Chapter II-1 are complied with in relation to the ship.
- (6) The master of a ship must ensure that the applicable requirements on documented operating procedures for closing and securing of watertight doors and other closing appliances specified in regulation 23-2.4 of

specified Chapter II-1 are complied with in relation to the ship.

(7) In this regulation—

*specified Chapter II-1* (《第 II-1 章指明版》) means Chapter II-1 of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by the following instruments adopted by the International Maritime Organization that apply to Hong Kong—

- (a) the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 17 February 1978;
- (b) the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 11 November 1988;
- (c) Resolutions MSC.1(XLV), MSC.2(XLV), MSC.6(48), MSC.11(55) and MSC.12(56);
- (d) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 on the Global Maritime Distress and Safety System adopted on 9 November 1988;
- (e) Resolutions MSC.13(57), MSC.19(58), MSC.26(60) and MSC.27(61);
- (f) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 adopted on 29 November 1995; and
- (g) Resolutions MSC.47(66), MSC.57(67) and MSC.65(68).

**131DB. Discharges**

A ship must comply with the requirements on discharge valves for scuppers specified in regulation 37.2.1.2 of specified Chapter II-2.

**131DC. Escape routes**

A ship must comply with the requirements on escape routes specified in regulation 28-1 (except regulation 28-1.1.1) of specified Chapter II-2.

**131DD. Oil fuel arrangements**

The oil fuel arrangements of a ship must comply with the requirements specified in regulations 15.2.9 (or the alternative requirement specified in regulation 15.2.12), 15.2.10 and 15.2.11 of specified Chapter II-2.”

**11. Part VIID added**

After Part VIIC—

**Add**

**“Part VIID**

**Prohibition of Asbestos**

**131F. Application of Part VIID**

This Part applies to a ship to which these regulations apply.

**131G. No asbestos in materials used for structure etc. of ships**

Materials installed on a ship on or after 1 March 2019 that are used for the structure, machinery, electrical installations or equipment of the ship must not contain asbestos.”

**12. Regulation 133 substituted**

Regulation 133—

**Repeal the regulation**

**Substitute**

**“133. Several provisions are passenger ship construction regulations**

In so far as passenger ships registered in Hong Kong are concerned, regulations 4, 5, 6, 7, 8, 9A, 9B, 9I, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 66A, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 86, 86A, 87, 88, 89, 90, 91, 92, 93, 94, 95, 95A, 96, 97, 98, 99, 100, 101, 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 114A, 115, 116, 117, 118, 119, 120, 121, 122, 123, 126, 127, 128, 129, 129B, 130, 131, 131A, 131C, 131DA(1) and (2), 131DC, 131DD, 131E, 131F, 131G and 132 are passenger ship construction regulations for the purposes of section 94 of the Ordinance.”.

**13. Regulations 133A and 133B added**

After regulation 133—

**Add**

**“133A. Offences for Hong Kong passenger ships**

- (1) This regulation applies to a passenger ship registered in Hong Kong.
- (2) If regulation 129A or 131DB is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 3.

- (3) A person who contravenes regulation 9C, 9D, 9E, 9F, 9G, 9H, 114A(3) or 131DA(3), (4), (5) or (6) commits an offence and is liable to a fine at level 3.

**133B. Offences for non-Hong Kong passenger ships**

- (1) This regulation applies to a passenger ship that is not registered in Hong Kong.
- (2) If a ship in relation to which regulation 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 45, 46, 47, 48, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 66A, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 87, 88, 89, 90, 91, 92, 93, 94, 95, 95A, 96, 97, 98, 99, 100, 101, 101A, 101B, 103, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 114A(1), 115, 116, 117, 118, 119, 120, 122, 126, 127, 128, 129, 129A, 129B, 131, 131C, 131DA(1) or (2), 131DB, 131DC, 131DD, 131E or 131G is contravened proceeds or attempts to proceed to sea, the owner and the master of the ship each commits an offence and is liable to a fine at level 3.
- (3) A person who contravenes regulation 114A(3) or 131DA(3), (4), (5) or (6) commits an offence and is liable to a fine at level 3.”.

**14. Schedule 3 amended (stability in damaged condition)**

- (1) Schedule 3, after paragraph 1(1)(c)(iii)—

**Add**

“(iia) for a ro/ro passenger ship—throughout the ship’s length;”.

- (2) Schedule 3, paragraph 1(1)(c)(iv)—



**Repeal**

“the foregoing sub-subparagraphs (i), (ii) and (iii)”

**Substitute**

“sub-subparagraphs (i), (ii), (iii) and (iiia)”.



Secretary for Transport and Housing

4 Dec 2018

**Explanatory Note**

This Regulation amends the Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. AL).

2. The main purpose of the Regulation is to implement the requirements of Chapters II-1 and II-2 of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by the following resolutions adopted by the International Maritime Organization that are applicable to passenger ships constructed before 1 September 1984—
  - (a) Resolution MSC.31(63) adopted on 23 May 1994;
  - (b) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 adopted on 29 November 1995 (SOLAS/CONF.3/46);
  - (c) Resolution MSC.47(66) adopted on 4 June 1996;
  - (d) Resolution MSC.57(67) adopted on 5 December 1996; and
  - (e) Resolution MSC.65(68) adopted on 4 June 1997.
3. The Regulation also imposes requirements on a ship using low-flashpoint fuels.
4. Further, the Regulation creates offences for certain new provisions and amends the offence provisions by distinguishing regulations that are passenger ship construction regulations for the purposes of section 94 of the Merchant Shipping (Safety) Ordinance (Cap. 369) from other regulations.

Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) (No. 2) Regulation 2018

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**Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) (No. 2) Regulation 2018**

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## **Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) (No. 2) Regulation 2018**

(Made by the Secretary for Transport and Housing under sections 94, 107 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

### **1. Commencement**

This Regulation comes into operation on 1 March 2019.

### **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 to 26.

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

(1) Regulation 1(2)—

#### **Repeal the definition of *dangerous goods***

#### **Substitute**

“*dangerous goods* (危險貨物) means dangerous goods as defined by section 1(1) of the Merchant Shipping (Safety) (Dangerous Goods and Marine Pollutants) Regulation (Cap. 413 sub. leg. H);”.

(2) Regulation 1(2)—

#### **Repeal the definition of *new passenger ship***

#### **Substitute**

“*new passenger ship* (新客船) means—

- (a) a passenger ship constructed on or after 1 September 1984 and before 1 July 2002; or
- (b) a cargo ship converted to a passenger ship on or after 1 September 1984 and before 1 July 2002;”.

(3) Regulation 1(2)—

**Repeal the definition of *ro/ro passenger ship***

**Substitute**

“*ro/ro passenger ship* (滾裝客船) means a passenger ship—

- (a) for a ship constructed before 1 July 1997—provided with cargo spaces or vehicle spaces in which cargo or vehicles can be loaded or unloaded in a horizontal direction; or
- (b) for a ship constructed on or after 1 July 1997—provided with special category spaces or *ro/ro* cargo spaces;”.

(4) Regulation 1(2)—

**Repeal the definition of *existing passenger ship*.**

(5) Regulation 1(2)—

**Add in alphabetical order**

“*alteration* (改動), for the purposes of the definition of *constructed*, means any repair, alteration or modification that is of a major character;

*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 and assembly of the ship has commenced comprising at

least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;

- (c) if the ship has undergone only one alteration—the alteration commences; or
- (d) if the ship has undergone 2 or more alterations—the latest alteration commences;

*specified Chapter II-1* (《第 II-1 章指明版》) means Chapter II-1 of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by the following instruments adopted by the International Maritime Organization that apply to Hong Kong—

- (a) the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 17 February 1978;
- (b) the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 11 November 1988;
- (c) Resolutions MSC.1(XLV), MSC.2(XLV), MSC.6(48), MSC.11(55) and MSC.12(56);
- (d) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 on the Global Maritime Distress and Safety System adopted on 9 November 1988;
- (e) Resolutions MSC.13(57), MSC.19(58), MSC.26(60) and MSC.27(61);
- (f) Resolution 1 of the Conference of Contracting Governments to the International Convention for

the Safety of Life at Sea, 1974 adopted on 29 November 1995; and

- (g) Resolutions MSC.47(66), MSC.57(67) and MSC.65(68);

*specified Chapter II-2* (《第 II-2 章指明版》) means Chapter II-2 of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by the following instruments adopted by the International Maritime Organization that apply to Hong Kong—

- (a) the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 17 February 1978;
- (b) the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 11 November 1988;
- (c) Resolutions MSC.1(XLV), MSC.6(48), MSC.13(57), MSC.22(59), MSC.24(60), MSC.27(61) and MSC.31(63);
- (d) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 adopted on 29 November 1995; and
- (e) Resolution MSC.57(67);”.

**4. Regulation 18A added**

After regulation 18—

**Add**

**“18A. Construction of watertight ventilators and watertight trunks**

- (1) The watertight ventilators and watertight trunks of a passenger ship must be watertight at least up to the bulkhead deck of the ship.
- (2) If a ventilation trunk that passes through a structure penetrates the bulkhead deck of the ship, the trunk must be capable of withstanding the water pressure that may be present within the trunk after having taken into account the maximum angle of heel after flooding but before equalization specified in regulation 11B(4)(a).
- (3) If all or part of the penetration is on the main ro/ro deck of the ship, the trunk must be capable of withstanding impact pressure due to internal water motions of water trapped on the ro/ro deck.
- (4) Watertight deck, ventilator and trunk of a passenger ship must be subject to a hose or flooding test after completion of its construction.”.

**5. Regulation 20 amended (openings in the shell plating below the margin line)**

- (1) Before regulation 20(1)—

**Add**

“(1A) In this regulation—  
*margin line* (限界線)—

- (a) for a passenger ship constructed on or after 1 September 1984 and before 1 July 1998—has the meaning given by regulation 1(2); or

(b) for a passenger ship constructed on or after 1 July 1998—means a line drawn at the same level of the bulkhead deck at the side of the ship.”.

(2) After regulation 20(4)(da)—

**Add**

“(db) A ro/ro passenger ship must comply with the requirements on discharge valves for scuppers specified in regulation 37.2.1.2 of specified Chapter II-2.”.

**6. Regulation 21 amended (side and other openings above the margin line)**

After regulation 21(3)—

**Add**

“(4) A passenger ship constructed on or after 1 July 1997 must comply with the applicable requirements on the watertight integrity above the margin line specified in regulation 20 of specified Chapter II-1.”.

**7. Regulation 42 amended (application of Part IV)**

Regulation 42—

**Repeal**

everything after “except”

**Substitute**

“that—

- (a) regulation 48(1)(e) only applies to a ship constructed on or after 1 February 1995; and
- (b) regulation 53A only applies to a ship constructed on or after 1 July 1998.”.

**8. Regulation 46 amended (emergency and transitional source of electrical power and emergency switchboards: ships of Classes I, II and II(A))**

After regulation 46(12)—

**Add**

“(13) If a ship was constructed on or after 1 July 1998 and electrical power is necessary for the restoration of its propulsion, the ship must comply with the applicable requirements specified in regulation 42 of specified Chapter II-1.”.

**9. Regulation 53A added**

After regulation 53—

**Add**

**“53A. Ventilation openings**

The special category space of a ship must comply with the requirements on ventilation openings specified in regulation 37.4 of specified Chapter II-2.”.

**10. Regulation 55 amended (application of Part V)**

Regulation 55—

**Repeal**

“64(10)(b) and (c)”

**Substitute**

“56(9), 64(10)(b) and (c), 66(6) and (7), 67, 67A”.

**11. Regulation 56 amended (general)**

After regulation 56(8)—

**Add**

- “(9) A ship constructed on or after 1 July 1998 must comply with the applicable requirements on the location and arrangement of vent pipes and provision of oil tanks specified in regulation 26.11 of specified Chapter II-1.
- (10) The owner and the master of a ship must ensure that the applicable requirements on the inspection and replacement of non-metallic expansion joints in piping systems specified in regulation 26.9 of specified Chapter II-1 are complied with in relation to the ship.
- (11) The owner and the master of a ship must ensure that the applicable requirements on the written language of the operating and maintenance instructions and engineering drawings for the ship machinery and equipment specified in regulation 26.10 of specified Chapter II-1 are complied with in relation to the ship.”.

**12. Regulation 64 amended (oil fuel installations: (boilers and machinery))**

After regulation 64(15)—

**Add**

“(15A) the requirements on oil fuel arrangements specified in regulations 15.2.9 (or the alternative requirement specified in regulation 15.2.12), 15.2.10 and 15.2.11 of specified Chapter II-2 must be complied with;”.

**13. Regulation 64A added**

After regulation 64—

**Add**

**“64A. Use of low-flashpoint fuel**

- (1) A ship (other than a specified ship) may use low-flashpoint fuel if—
- (a) the use is approved by the Director on being satisfied that the applicable requirements specified in the IGF Code are complied with in relation to the ship; and
- (b) the applicable requirements on the arrangement, installation, control and monitoring of machinery, equipment and systems using low-flashpoint fuel specified in the IGF Code are complied with in relation to the ship.
- (2) If a ship uses low-flashpoint fuel under subregulation (1), regulation 64 does not apply to the ship.
- (3) The owner and the master of a ship (other than a specified ship) that uses low-flashpoint fuel must ensure that the applicable requirements on the testing, drills, emergency exercises and operations specified in the IGF Code are complied with in relation to the ship.
- (4) In this regulation—

*IGF Code* (《國際氣體燃料規則》) means the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels set out in the Annex to Resolution MSC.391(95) adopted by the Maritime Safety Committee of the International Maritime Organization on 11 June 2015, as from time to time revised or amended by any revision or amendment to any provision of such Code that applies to Hong Kong;

*low-flashpoint fuel* (低閃點燃料) means gaseous or liquid fuel that has a flashpoint lower than that permitted under

regulation 4.2.1.1 of Chapter II-2 of the Annex to the Convention as from time to time revised or amended by any revision or amendment to that regulation that applies to Hong Kong;

*specified ship* (指明船舶) means a ship that is owned or operated by—

- (a) the Government; or
- (b) the government of a party to the Convention.”.

**14. Regulation 66 amended (oil systems for lubricating, heating, cooling and control)**

After regulation 66(5)—

**Add**

- “(6) The arrangements for lubricating oil of a post 1992 ship must also comply with the applicable requirements specified in regulations 15.2.10 and 15.2.11 of specified Chapter II-2.
- (7) The arrangements for flammable oils (other than fuel and lubricating oil) of a ship constructed on or after 1 July 1998 must also comply with the applicable requirements specified in regulations 15.2.10 and 15.2.11 of specified Chapter II-2.”.

**15. Regulation 67 amended (machinery controls)**

- (1) Regulation 67, heading, after “controls”—

**Add**

“: ships constructed between 1 September 1984 and 1 July 1998”.

- (2) Before regulation 67(1)—

**Add**

- “(1A) This regulation applies to a ship constructed on or after 1 September 1984 and before 1 July 1998.”.

**16. Regulation 67A added**

After regulation 67—

**Add**

**“67A. Machinery controls: post-1 July 1998 ships**

- (1) This regulation applies to a ship constructed on or after 1 July 1998.
- (2) The applicable requirements on the machinery for the propulsion, control and safety of the ship specified in regulation 31 of specified Chapter II-1 must be complied with in relation to a ship.”.

**17. Regulation 75 amended (application of Part VI)**

- (1) Regulation 75, English text—

**Repeal**

“in regulation”

**Substitute**

“in regulations”.

- (2) Regulation 75—

**Repeal**

“(7)(d)”

**Substitute**

“(7)(d) and 76A”.



**18. Regulation 76 amended (means of escape)**

Regulation 76(5)(b), after “Organization.”—

**Add**

“This paragraph also applies to the crew accommodation areas of a passenger ship carrying more than 36 passengers.”.

**19. Regulation 76A added**

After regulation 76—

**Add**

**“76A. Escape routes**

A ro/ro passenger ship must comply with the requirements on escape routes specified in regulation 28-1 (except regulation 28-1.1.1) of specified Chapter II-2.”.

**20. Regulation 80A substituted**

Regulation 80A—

**Repeal the regulation**

**Substitute**

**“80A. No asbestos in materials used for structure etc. of ships**

Materials installed on a ship on or after 1 March 2019 that are used for the structure, machinery, electrical installations or equipment of the ship must not contain asbestos.”.

**21. Regulation 80C repealed (access opening indicator lights)**

Regulation 80C—

**Repeal the regulation.**

**22. Regulation 80E repealed (television surveillance)**

Regulation 80E—

**Repeal the regulation.**

**23. Regulations 80EA to 80ED added**

At the end of Part VIA—

**Add**

**“80EA. Additional requirements for ro/ro passenger ships**

- (1) The applicable requirements on the watertight integrity of access to ro/ro cargo spaces of a ship specified in regulation 20-2 of specified Chapter II-1 must be complied with in relation to a ship.
- (2) The applicable requirements on the integrity of the hull and superstructure, damage prevention and control specified in regulations 23-2.1, 23-2.2 and 23-2.3 of specified Chapter II-1 must be complied with in relation to a ship.
- (3) The master of a ship must ensure that the applicable requirements on the supervision, and reporting and recording in the log book of the access to ro/ro cargo spaces specified in regulation 20-2 of specified Chapter II-1 are complied with in relation to the ship.
- (4) The master of a ship must ensure that the applicable requirements on the restriction of access to ro/ro cargo spaces specified in regulation 20-3 of specified Chapter II-1 are complied with in relation to the ship.
- (5) The master of a ship must ensure that the applicable requirements on the closure of bulkheads on the ro/ro

cargo spaces specified in regulation 20-4 of specified Chapter II-1 are complied with in relation to the ship.

- (6) The master of a ship must ensure that the applicable requirements on documented operating procedures for closing and securing of watertight doors and other closing appliances specified in regulation 23-2.4 of specified Chapter II-1 are complied with in relation to the ship.

**80EB. Discharges**

A ship must comply with the requirements on discharge valves for scuppers specified in regulation 37.2.1.2 of specified Chapter II-2.

**80EC. Escape routes**

A ship must comply with the requirements on escape routes specified in regulation 28-1 (except regulation 28-1.1.1) of specified Chapter II-2.

**80ED. Oil fuel arrangements**

The oil fuel arrangements of a ship must comply with the requirements specified in regulations 15.2.9 (or the alternative requirement specified in regulation 15.2.12), 15.2.10 and 15.2.11 of specified Chapter II-2.”.

**24. Regulations 85A and 85B added**

After regulation 85—

**Add**

**“85A. Several provisions are passenger ship construction regulations**

In so far as Hong Kong passenger ships are concerned, regulations 4, 5, 6, 7, 8, 9A, 9B, 9C, 9D, 9I, 10, 11A, 11B, 12, 13, 14, 15, 15A, 16, 17, 18, 18A, 19, 20 (except subregulation (4)(db)), 21, 22, 23, 24, 25, 26, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 64A, 65, 66, 67, 67A, 68, 69, 72, 73, 75, 76, 76A, 79, 80, 80A, 80B, 80D, 80EA(1) and (2), 80EC, 80ED and 80F are passenger ship construction regulations for the purposes of section 94 of the Ordinance.

**85B. Offences for Hong Kong passenger ships**

- (1) This regulation applies to a Hong Kong passenger ship.
- (2) If regulation 20(4)(db), 53A, 54, 70, 71, 74, 77, 78, 80EB or 82(2) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 3.
- (3) A person who contravenes regulation 9E, 9F, 9G, 9H, 64A(3) or 80EA(3), (4), (5) or (6) commits an offence and is liable to a fine at level 3.”.

**25. Regulation 86 substituted**

Regulation 86—

**Repeal the regulation**

**Substitute**

**“86. Offences for non-Hong Kong passenger ships**

- (1) This regulation applies to a passenger ship that is not registered in Hong Kong.

- (2) If regulation 4, 6, 7, 8, 10, 11A, 11B, 12, 13, 15A, 18, 18A, 19, 21, 22, 23, 24, 25, 26, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 53A, 54, 56, 57, 58, 59, 60, 61, 62, 63, 64, 64A(1), 65, 66, 67, 67A, 68, 69, 70, 71, 72, 73, 74, 76, 76A, 77, 78, 79, 80, 80A, 80D, 80EA(1) or (2), 80EB, 80EC, 80ED, 80F or 82(2) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 3.
- (3) A person who contravenes regulation 64A(3) or 80EA(3), (4), (5) or (6) commits an offence and is liable to a fine at level 3.”.

**26. Schedule 3 amended (stability in damaged condition)**

- (1) Schedule 3, Part 1, after paragraph 1(3)(c)—

**Add**

“(ca) for a ro/ro passenger ship—throughout the ship’s length;”.

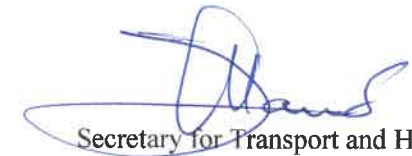
- (2) Schedule 3, Part 1, paragraph 1(3)(d)—

**Repeal**

“(b) and (c)”

**Substitute**

“(b), (c) and (ca)”.

  
Secretary for Transport and Housing

4 Dec 2018

### 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).

2. The main purpose of the Regulation is to implement the requirements of Chapters II-1 and II-2 of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by the following resolutions adopted by the International Maritime Organization that are applicable to passenger ships constructed on or after 1 September 1984 and before 1 July 2002—
  - (a) Resolution MSC.31(63) adopted on 23 May 1994;
  - (b) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 adopted on 29 November 1995 (SOLAS/CONF.3/46);
  - (c) Resolution MSC.47(66) adopted on 4 June 1996;
  - (d) Resolution MSC.57(67) adopted on 5 December 1996;  
and
  - (e) Resolution MSC.65(68) adopted on 4 June 1997.
3. The Regulation also imposes requirements on a ship using low-flashpoint fuels.
4. Besides, the Regulation amends the definition of *dangerous goods*.
5. Further, the Regulation amends the offence provisions by distinguishing regulations that are passenger ship construction regulations for the purposes of section 94 of the Merchant Shipping (Safety) Ordinance (Cap. 369) from other regulations.

## Merchant Shipping (Safety) (Cargo Ship Safety Equipment Survey) (Amendment) Regulation 2018

(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 March 2019.

### 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 section 3.

### 3. Regulation 2 amended (interpretation)

- (1) Regulation 2, definition of *Safety Regulations*, paragraph  
(g)—

#### Repeal

“; and”

#### Substitute a semicolon.

- (2) Regulation 2, definition of *Safety Regulations*, paragraph (h),  
after the semicolon—

#### Add

“and”.

- (3) Regulation 2, at the end of the definition of *Safety  
Regulations*—

#### Add

“(j) the Merchant Shipping (Safety) (Fire-fighting  
Appliances and Fire Protection) Regulation;”.



Secretary for Transport and Housing

4 Dec 2018

Merchant Shipping (Safety) (Cargo Ship Safety Equipment Survey) (Amendment)  
Regulation 2018

Explanatory Note

Paragraph 1

3

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### **Explanatory Note**

This Regulation amends the definition of *Safety Regulations* in the Merchant Shipping (Safety) (Cargo Ship Safety Equipment Survey) Regulations (Cap. 369 sub. leg. T) to include the newly made Merchant Shipping (Safety) (Fire-fighting Appliances and Fire Protection) Regulation.

Merchant Shipping (Safety) (Subdivision and Damage Stability of Cargo Ships)  
(Amendment) (No. 2) Regulation 2018

Section 1

1

**Merchant Shipping (Safety) (Subdivision and Damage  
Stability of Cargo Ships) (Amendment) (No. 2)  
Regulation 2018**

(Made by the Secretary for Transport and Housing under sections 96, 107  
and 112A of the Merchant Shipping (Safety) Ordinance (Cap. 369))

**1. Commencement**

This Regulation comes into operation on 1 March 2019.

**2. Merchant Shipping (Safety) (Subdivision and Damage Stability  
of Cargo Ships) Regulation amended**

The Merchant Shipping (Safety) (Subdivision and Damage Stability  
of Cargo Ships) Regulation (Cap. 369 sub. leg. AT) is amended as  
set out in sections 3 to 8.

**3. Section 2 amended (application)**

(1) Section 2(1)(a), after “1992”—

**Add**

“and before 1 January 2009”.

(2) Section 2(1)(b), after “1998”—

**Add**

“and before 1 January 2009”.

**4. Section 4 amended (compliance with watertight subdivision)**

Section 4—

**Repeal subsection (2)**

**Substitute**

Merchant Shipping (Safety) (Subdivision and Damage Stability of Cargo Ships)  
(Amendment) (No. 2) Regulation 2018

Section 5

2

“(2) If subsection (1) is contravened in relation to a ship, the  
owner of the ship commits an offence and is liable to a  
fine at level 3.”.

**5. Section 5 amended (stability information)**

Section 5—

**Repeal subsection (4)**

**Substitute**

“(4) If subsection (1) or (2) is contravened in relation to a  
ship, the owner of the ship commits an offence and is  
liable to a fine at level 3.”.

**6. Section 6 amended (openings in watertight bulkheads and  
internal decks)**

Section 6—

**Repeal subsection (6)**

**Substitute**

“(6) If subsection (1), (2), (3), (4) or (5) is contravened in  
relation to a ship, the owner and the master of the ship  
each commits an offence and is liable to a fine at level  
3.”.

**7. Section 7 amended (external openings)**

Section 7—

**Repeal subsection (6)**

**Substitute**

“(6) If subsection (1), (2), (3) or (5) is contravened in relation  
to a ship, the owner and the master of the ship each  
commits an offence and is liable to a fine at level 3.”.

**8. Section 9 amended (maintenance)**

Section 9—

**Repeal subsection (2)**

**Substitute**

“(2) If subsection (1) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 3.”.



Secretary for Transport and Housing

4 Dec 2018

**Explanatory Note**

This Regulation amends the Merchant Shipping (Safety) (Subdivision and Damage Stability of Cargo Ships) Regulation (Cap. 369 sub. leg. AT) (*principal Regulation*) to—

- (a) provide that the principal Regulation does not apply to cargo ships constructed on or after 1 January 2009; and
- (b) revise the penalty level for offences under the principal Regulation to a fine at level 3 (namely, \$10,000) to align with the penalty level for similar offences applicable to passenger ships.