

L.N. 70 of 2020

**Merchant Shipping (Local Vessels) (Safety and Survey)
(Amendment) Regulation 2020**

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Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2020

(Made by the Secretary for Transport and Housing under section 89 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548))

1. Commencement

- (1) Subject to subsections (2) and (3), this Regulation comes into operation on 1 August 2020.
- (2) Section 16 comes into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette.
- (3) Section 17(3) comes into operation on 1 April 2021.

2. Merchant Shipping (Local Vessels) (Safety and Survey) Regulation amended

The Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub. leg. G) is amended as set out in sections 3 to 19.

3. Section 2 amended (interpretation)

Section 2—

Add in alphabetical order

“*plan* (圖則) includes drawings, diagrams and calculations;”.

4. Section 7 amended (application of Part 3)

- (1) Section 7(3)(b)—

Repeal

“(c) or (d)”

Substitute

“(ba), (bb), (c) or (d)”.

- (2) After section 7(3)(b)—

Add

“(ba) not less than 24 metres in length, of not more than 150 gross tonnage and licensed for the first time on or after 1 August 2020, except a vessel that also falls within paragraph (d);

(bb) not less than 24 metres in length, of more than 150 gross tonnage and licensed for the first time on or after 1 August 2020;”.

- (3) Section 7(3)(c), after “tonnage”—

Add

“and licensed before 1 August 2020”.

- (4) Section 7—

Repeal subsection (4).

5. Section 8 amended (approval of plans upon application)

Section 8(2)—

Repeal

“7(3)(b)”

Substitute

“7(3)(b) or (ba)”.

6. Section 13 amended (preparation of declaration of plan approval under Part 3)

Section 13(1)—

Repeal

“7(3)(b)”

Substitute

“7(3)(b) or (ba)”.

7. Section 14A added

Part 3, after section 14—

Add

“14A. Plans to be kept on board

- (1) One set of the plans of a local vessel that are approved under this Part must at all times be kept on board the vessel.
- (2) If a local vessel is—
 - (a) a Class I vessel that is licensed to carry more than 100 passengers; or
 - (b) a Class IV vessel that is licensed to carry more than 100 passengers,the vessel’s plans referred to in subsection (1) (except plans containing information on the vessel’s stability) must at all times be displayed in a conspicuous place on the vessel.
- (3) If, without reasonable excuse, subsection (1) or (2) is contravened, the owner of the local vessel, the owner’s agent and the coxswain of the vessel each commits an offence and is liable on conviction to a fine at level 2.
- (4) For the purposes of subsection (1), the plans of a local vessel include plans that contain the following information in so far as such information is applicable to the vessel—

Section 8

- (a) the general arrangements of the vessel;
- (b) if the vessel is involved in the carriage of passengers, the seating arrangements and escape routes;
- (c) the types and dispositions of life-saving appliances, fire-fighting apparatus, lights and sound signals;
- (d) the stability information of the vessel;
- (e) instructions to be followed in the case of an emergency.”.

8. Section 15 amended (application of Part 4)

- (1) Section 15(2)(b)—

Repeal

“(c) or (d)”

Substitute

“(ba), (bb), (c) or (d)”.

- (2) After section 15(2)(b)—

Add

- “(ba) not less than 24 metres in length, of not more than 150 gross tonnage and licensed for the first time on or after 1 August 2020, except a vessel that also falls within paragraph (d);
- (bb) not less than 24 metres in length, of more than 150 gross tonnage and licensed for the first time on or after 1 August 2020;”.

- (3) Section 15(2)(c), after “tonnage”—

Add

“and licensed before 1 August 2020”.

9. Section 16 amended (offence for operating local vessel without certificate of inspection or certificate of survey)

Section 16(1)(a)—

Repeal

“15(2)(b)”

Substitute

“15(2)(b) or (ba)”.

10. Section 17 amended (application for survey under Part 4)

(1) Section 17(2)—

Repeal

“15(2)(b)”

Substitute

“15(2)(b) or (ba)”.

(2) Section 17(6)—

Repeal

“15(2)(b)”

Substitute

“15(2)(b) or (ba)”.

11. Section 19 amended (issue of certificate of inspection)

Section 19(1)—

Repeal

“15(2)(b)”

Substitute

“15(2)(b) or (ba)”.

Section 12

12. Section 20 amended (Director may refuse or temporarily withhold issue of certificate of inspection)

Section 20(1)—

Repeal

“15(2)(b)”

Substitute

“15(2)(b) or (ba)”.

13. Section 22 amended (preparation of declaration of survey under Part 4)

Section 22(1)—

Repeal

“15(2)(b)”

Substitute

“15(2)(b) or (ba)”.

14. Section 80 amended (radar)

(1) After section 80(1A)—

Add

“(1B) This section also applies to a Class IV vessel that is licensed to carry more than 100 passengers.”.

(2) Section 80(2), after “Class I vessel”—

Add

“or Class IV vessel”.

(3) Section 80(3), after “Class I vessel”—

Add

“or Class IV vessel”.

15. Section 80A amended (automatic identification system)

After section 80A(2)—

Add

“(2A) This section also applies to a Class IV vessel that is licensed to carry more than 100 passengers.”.

16. Section 80B amended (radiotelephone equipment)

After section 80B(1)—

Add

“(1A) This section also applies to—

- (a) a Class IV vessel that is licensed to carry 13 to 60 passengers and is let for hire or reward; and
- (b) a Class IV vessel that is licensed to carry more than 60 passengers.”.

17. Schedule 3 amended (provision of life-saving appliances)

(1) Schedule 3, Part 1—

Repeal section 3.

(2) Schedule 3, Part 2, Table 4—

Repeal

“100%⁽¹⁾ and (3)”

Substitute

“100%^{(1), (3) and (4)}”.

(3) Schedule 3, Part 2, after Table 7—

Add

“Table 8

- (i) A Class IV vessel that is licensed before 1 August 2020 to carry not more than 60 passengers and is let for hire or reward (except a Class IV vessel that is an open cruiser)
- (ii) A Class IV vessel that is an open cruiser licensed to carry not more than 60 passengers and is let for hire or reward
- (iii) A Class IV vessel of more than 150 gross tonnage and is licensed before 1 August 2020

Life-saving appliances	Number
Lifebuoy	sufficient for use by the maximum number of persons that the vessel is licensed to carry ⁽¹⁾

Note:

- (1) For a Class IV vessel that is an open cruiser licensed to carry not more than 60 passengers and is let for hire or reward, this requirement is exempted if the passengers on board the vessel wear suitable lifejackets while the vessel is underway.”.

18. Schedule 4 amended (fire protection and provision of fire-fighting apparatus)

- (1) Schedule 4, Part 2, Table 1—

Repeal

“at least 3”

Substitute

“at least 4”.

- (2) Schedule 4, Part 2, Table 1—

Repeal

“ fire main + hose + hydrant + jet nozzle ”	1 set	1 set to be provided for each pump ⁽⁶⁾
--	-------	---

Substitute

“ fire main + hose + hydrant + jet nozzle ”	—	1 set 1 set to be provided for each pump ⁽⁶⁾
--	---	--

(3) Schedule 4, Chinese text, Part 2, Table 1—

Repeal

“ ”
手提式滅火器 ”

Substitute

“ ”
手提式滅火器 ”

(4) Schedule 4, Part 2, Table 3—

Repeal

“For both Category A vessels and Category B vessels⁽³⁾”

Substitute

“For Class II Category A or B vessels⁽³⁾ and Class IV vessels”.

- (5) Schedule 4, Part 2, Table 3—

Repeal

“For Category A vessels only”

Substitute

“For Class II Category A vessels only”.

- (6) Schedule 4, Part 2, Table 3, Note (4)—

Repeal

“Applicable to Category B vessels only. If”

Substitute

“For Class II Category B vessels and Class IV vessels, if”.

- (7) Schedule 4, Part 2, Table 4—

Repeal

“

workshop	1 within not more than 10 m walking distance, but at least 2 on each deck, and not less than half shall be foam/CO ₂ fire extinguishers
----------	--

”

Substitute

“

galley	1 within not more than 10 m walking distance, but at least 2 on each deck, and not less than half must be foam/CO ₂ fire extinguishers
workshop	

”.

- (8) Schedule 4, Part 2, after Table 6—

Add

“Table 6A

Class II vessels—oil carriers that operate within waters of Hong Kong

Fire-fighting Apparatus		Vessel length (L) (m)				
		(L) <24	24≤(L) <37	37≤(L) <50	50≤(L) <60	60≤(L) <75 ⁽¹⁾
portable fire extinguisher	accommodation space	1 on each deck		2 on each deck		
	wheel house	1				
	galley	1				
	engine control rooms	1				
	engine room	3	4	1 within not more than 10 m walking distance, but at least 4 in each room		
	machinery space	1 within each space				
non-portable fire extinguisher	engine room	—	—	1	1	1
fixed CO ₂ fire extinguishing system ⁽²⁾	engine room	gas quantity, storage, piping, nozzle, alarm, location and arrangement must be in accordance with the relevant plans approved under Part 3 of this Regulation				
	cargo pump room					
main fire pump	power	1 ⁽³⁾	1	1	1	2

emergency fire pump	power	1 ⁽⁴⁾	1 ⁽⁴⁾	1 ⁽⁴⁾	1 ⁽⁴⁾	1 ⁽⁴⁾
	manual				—	—
fire main + hose + hydrant + jet nozzle		quantity, size, length, type, location and arrangement must be in accordance with the relevant plans approved under Part 3 of this Regulation				
hydrant	engine room	—	1	1	1	2
spray nozzle		1 on each deck	1 on each deck	1 on each deck	2 on each deck	3 on each deck
			2 in each engine room	2 in each engine room	2 in each engine room	2 in each engine room
foam applicator + 2 × 20 L mobile foam	engine room	—	1	1	1	1
	cargo manifold area	—	1	1	1	1
fire control plan		<1> ⁽⁵⁾	1			

Notes:

- (1) The requirement for a Class II vessel of 75 m or more in length is to be specified by the Director on a case-by-case basis.

Section 18

- (2) In vessels having cargoes with flash point exceeding 60°C (closed cup test), such system may be substituted by a non-portable fire extinguisher if it can be satisfactorily demonstrated that the jet of the fire extinguishing media can reach any part of the engine room and cargo pump room.
- (3) The fire pump may be propulsion engine driven, provided that it can be readily engaged to the engine.
- (4) The emergency fire pump and its sea suction must be situated outside the engine room.
- (5) Requirement in pair of angle brackets (“< >”) is applicable to new vessels only.”.
- (9) Schedule 4, Part 2, Table 7—

Repeal

“(L)≥10”

Substitute

“(L)≥10⁽²⁾”.

- (10) Schedule 4, Part 2, Table 7—

Repeal

“

machinery space	2	4
-----------------	---	---

”

Substitute

“

machinery space	1	1
-----------------	---	---

”.

19. Schedule 5 amended (freeboard assignment)

(1) Schedule 5, Part 1—

Repeal

“ special purpose vessel ”	HKW	HKLLC	HKLLC	HKLLC	HKLLC
	RTL	HKLLC	HKLLC	HKLLC	HKLLC

Substitute

“ special purpose vessel ”	HKW	HKLLC	HKLLC	FAC	FAC
	RTL	HKLLC	HKLLC	not permitted	not permitted

(2) Schedule 5, Part 2—

Repeal

“(L)≤40	500	650
“(L)≤50	660	710
“(L)≤60	850	1 000
“(L)≤70	1 080	1 230
“(L)≤80	1 330	1 480
“(L)≤90	1 600	1 750

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Substitute

“

(L)=40	500	650
(L)=50	660	810
(L)=60	850	1 000
(L)=70	1 080	1 230
(L)=80	1 330	1 480
(L)=90	1 600	1 750

”.

Frank CHAN Fan
Secretary for Transport and
Housing

12 May 2020

Explanatory Note

This Regulation amends the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub. leg. G) (*principal Regulation*) to—

- (a) subject certain Class IV vessels to plan approval requirements and survey requirements under Parts 3 and 4 respectively of the principal Regulation;
- (b) subject certain Class IV vessels to the requirements relating to radar equipment, automatic identification system and radiotelephone equipment under sections 80, 80A and 80B respectively of the principal Regulation;
- (c) add a new Table 8 in Part 2 of Schedule 3 to the principal Regulation to require certain Class IV vessels to provide lifebuoys;
- (d) add a new Table 6A in Part 2 of Schedule 4 to the principal Regulation to prescribe the fire-fighting apparatus requirements for Class II oil carriers operating solely within Hong Kong waters; and
- (e) make miscellaneous amendments to the requirements on life-saving appliances and fire-fighting apparatus set out in various Schedules to the principal Regulation.