

## **LEGISLATIVE COUNCIL BRIEF**

Merchant Shipping (Safety) Ordinance (Cap. 369) and Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413P)

### **Legislative Amendments to Implement the Latest Requirements under the International Convention for the Safety of Life at Sea, 1974 and the International Convention for the Prevention of Pollution from Ships, 1973 of the International Maritime Organization**

#### **INTRODUCTION**

To implement the latest requirements under two conventions, namely the International Convention for the Safety of Life at Sea, 1974 (“SOLAS”) and the International Convention for the Prevention of Pollution from Ships, 1973 (“MARPOL”) of the International Maritime Organization (“IMO”), the Secretary for Transport and Housing has made the following regulations of the Merchant Shipping (Safety) Ordinance (Cap. 369) (“the Safety Ordinance”) and the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413) (“the Pollution Ordinance”) —

- (a) Merchant Shipping (Safety) (Construction and Survey) (Amendment) Regulation 2021, at **Annex A**, under Sections 94, 96, 107 and 112B of the Safety Ordinance;
- (b) Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) (Amendment) Regulations 2021, at **Annex B**, under Sections 96, 107 and 112B of the Safety Ordinance;
- (c) Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built on or after 1 September 1984) (Amendment) Regulations 2021, at **Annex C**, under Sections 96, 107 and 112B of the Safety Ordinance;
- (d) Merchant Shipping (Safety) (Fire-fighting Appliances and Fire Protection) (Amendment) Regulation 2021, at **Annex D**, under Sections 99, 101, 107 and 112B of the Safety Ordinance;

- (e) Merchant Shipping (Safety) (Life-saving Appliances and Arrangements, Musters and Training) (Amendment) Regulation 2021, at **Annex E**, under Sections 107, 112 and 112B of the Safety Ordinance; and
- (f) Merchant Shipping (Prevention of Air Pollution) (Amendment) Regulation 2021, at **Annex F**, under Sections 3 and 3A of the Pollution Ordinance.

## **BACKGROUND**

2. SOLAS governs the standards for the construction, equipment and operation of merchant ships. It was adopted in 1974 and came into force internationally in 1980. It contains sixteen chapters which cover different aspects for ensuring maritime safety<sup>1</sup>. In Hong Kong, the requirements of SOLAS are implemented through the Safety Ordinance and its subsidiary legislation.

3. Chapter II-1 of SOLAS sets out mandatory requirements on the structure, stability, machinery and electrical installations of ocean-going vessels (“OGVs”). IMO has adopted resolution MSC.421(98) and MSC.436(99) respectively that have introduced notable amendments to Chapter II-1 to enhance the safety of passenger OGVs.

4. Chapter II-2 of SOLAS stipulates the fire safety requirements and specific measures for all OGVs to prevent the occurrence of fires, to control fires and explosions, as well as to reduce the risk to life and of damages to ships, their cargo and the environment. IMO has adopted resolution MSC.421(98) to clarify the application of fire safety requirements for all OGVs carrying vehicles with

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<sup>1</sup> Different chapters of the Annex to SOLAS contain provisions relating to:

- 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.

fuel in their tanks in cargo spaces. IMO has further adopted resolutions MSC.403(96) and MSC.404(96) to clarify the application of fire safety requirements for all OGVs having helicopter landing areas.

5. Chapter III of SOLAS sets out the requirements for life-saving appliances, as well as arrangements and emergency training and drills on ships. IMO has adopted resolution MSC.421(98) which has amended Chapter III in order to enhance survivability of passenger ships in case of flooding emergencies.

6. Chapter XI-1 of SOLAS stipulates specific requirements with regard to survey of bulk carriers and oil tankers through the mandatory International Code on the Enhanced Programme of Inspections during Survey of Bulk Carriers and Oil Tankers, 2011 (“ESP Code”). IMO has adopted resolution MSC.409(97) to amend Chapter XI-1 to harmonize survey periods of bulk carriers, oil tankers and other cargo ships.

7. MARPOL seeks to protect the marine environment and minimise pollution arising from ship operations. It was adopted in 1973 and came into force internationally in 1983<sup>2</sup>. It contains six annexes which regulate the discharge of different pollutants from ships. In Hong Kong, the requirements of MARPOL are implemented through the Pollution Ordinance and its subsidiary legislation.

8. Annex VI to MARPOL was adopted in 1997 to prohibit the emissions of ozone-depleting substances and regulate the emission of air pollutants such as sulphur oxides and nitrogen oxides from ships. Use, or carry for use, of non-compliant fuel oil on board ships are also prohibited<sup>3</sup>. IMO has adopted resolution MEPC.324(75) to amend Annex VI to implement the requirement to fit or designate sampling point(s) for taking representative sample of fuel oil in-use on board ships of 400 gross tonnage and above for verification.

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<sup>2</sup> Annexes to MARPOL govern various substances as follows:

- Annex I: Regulations for the prevention of pollution by oil;
- Annex II: Regulations for the control of pollution by noxious liquid substances in bulk;
- Annex III: Regulations for the prevention of pollution by harmful substances carried by sea in packaged form;
- Annex IV: Regulations for the prevention of pollution by sewage from ships;
- Annex V: Regulations for the prevention of pollution by garbage from ships; and
- Annex VI: Regulations for the prevention of air pollution from ships.

<sup>3</sup> According to Regulation 14.1 of Annex VI, the sulphur content of fuel oil used or carried for use on board a ship shall not exceed 0.5% m/m.

## LEGISLATIVE PROPOSALS

### (I) Construction and Survey

9. We propose to amend three existing pieces of subsidiary legislation under the Safety Ordinance, namely the Merchant Shipping (Safety) (Construction and Survey) Regulation (Cap. 369BD) (“the Construction and Survey Regulation”), Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) Regulations (Cap. 369R), and Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369S) to reflect the latest requirements of Chapters II-1 and XI-1 of SOLAS. Some of the major requirements include—

(a) *Enhancement of safety of passenger OGVs* —

IMO has extended the requirement of the provision of operational information to the master of ships for safe return to port after a flooding casualty to existing passenger OGVs constructed before 1 January 2014<sup>4</sup>. Provision of the required information should be by means of onboard stability computer or shore-based support. The requirement, which came into force on 1 January 2020, will be applicable to all Hong Kong-registered passenger OGVs wherever they may be, and all passenger OGVs within the waters of Hong Kong. It shall be complied with no later than the first renewal survey of the passenger ships concerned after 1 January 2025. The Construction and Survey Regulation has to be amended to reflect the new requirement.

(b) *Harmonization of survey periods of bulk carriers, oil tankers and other cargo ships* —

Under the ESP Code, bulk carriers and oil tankers can commence intermediate survey three months before the second anniversary date and the survey can be progressed during the succeeding year and completed three months after the third anniversary date (i.e. 18-month window). IMO has extended such arrangement to other cargo ships, which are not subject to the ESP code, to follow the same 18-month survey window. The arrangement entered into force globally on 1 January 2020, and will be applicable to all relevant Hong Kong-

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<sup>4</sup> Same requirements have already been applied to passenger ships constructed on or after 1 January 2014.

registered OGVs wherever they may be, and all relevant OGVs within the waters of Hong Kong, irrespective of the date of construction. The Construction and Survey Regulation, Cap. 369R and Cap. 369S have to be amended to implement the requirement.

## **(II) Life-saving and Fire Safety Requirements**

10. We propose to amend two existing pieces of subsidiary legislation under the Safety Ordinance, namely the Merchant Shipping (Safety) (Fire-fighting Appliances and Fire Protection) Regulation (Cap. 369BE) (“the Fire Safety Regulation”) and the Merchant Shipping (Safety) (Life-saving Appliances and Arrangements, Musters and Training) Regulations (Cap. 369AY) (“the Life-saving Regulation”) to reflect the latest requirements of Chapters II-1, II-2 and III of SOLAS. Some of the major requirements include—

(a) ***Fire safety requirements for ships carrying vehicles with fuel in their tanks in cargo spaces—***

IMO has clarified that compliance with the fire safety requirements in Regulation 19 of Chapter II-2 to SOLAS, for OGVs carrying vehicles with fuel in their tanks that do not move on board the ships using its own propulsion when stored in cargo spaces, would suffice<sup>5</sup>. The amendment entered into force globally on 1 January 2020, and the Fire Safety Regulation has to be amended to apply to all Hong Kong-registered OGVs wherever they may be, and all OGVs within the waters of Hong Kong.

(b) ***Fire safety requirements for helicopter landing areas on board ships—***

IMO has clarified in Regulation 18 of Chapter II-2 to SOLAS that ships constructed on or after 1 January 2020 having a helicopter landing area shall be provided with foam firefighting appliances. The new requirement entered into force globally on 1 January 2020, and that Fire Safety Regulation has to be amended to apply to all Hong Kong-registered OGVs where they may be, and all OGVs

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<sup>5</sup> Cargo spaces should exclude vehicle, special category and ro-ro spaces.

within the waters of Hong Kong<sup>6</sup>.

(c) *Damage control drills for passenger ships—*

IMO has mandated that all passenger OGVs shall be required to conduct damage control drills regularly with specified drill items, in order to enhance survivability of passenger ships after flooding. Damage control drills for flooding emergencies should be conducted on passenger ships at least every three months to ensure crew members assigned with damage control responsibilities are familiarized with their duties and are proficient in the use of various systems supporting damage control. The amendments entered into force globally on 1 January 2020. To incorporate the above requirement locally, the Life-saving Regulation has to be amended, therein apply to all Hong Kong-registered passenger OGVs wherever they may be, and all passenger OGVs within the waters of Hong Kong, irrespective of the date of construction.

**(III) Prevention of Air Pollution**

11. IMO has adopted a resolution which requires ships of 400 gross tonnage and above to fit or designate sampling point(s) for taking representative sample of the fuel oil in use on board ships for facilitating the verification of the compliance of fuel oil used. The new requirement will come into force globally on 1 April 2022. We propose to amend the Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413P) (“the Air Pollution Regulation”) under the Pollution Ordinance, to reflect the latest requirements of Annex VI to MARPOL, therein apply to all Hong Kong ships wherever they may be, and all non-Hong Kong ships within the waters of Hong Kong.

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<sup>6</sup> However, the requirements in the Fire Safety Regulation do not apply to –

- (a) ships of war or troopships;
- (b) ships not propelled by mechanical means;
- (c) wooden ships of primitive build;
- (d) pleasure vessels not engaged in trade;
- (e) vessels used for catching fish, whales, seals, walrus or other living resources of the sea;
- (f) high speed craft;
- (g) local vessels;
- (h) non-Hong Kong ships of non-SOLAS countries, if such ships are within the waters of Hong Kong due to stress of weather, or any other circumstances that could not have been prevented or forestalled by the owner or the master of the ship; and
- (i) cargo ships of less than 500 gross tonnage.

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

12. The requirements of SOLAS and MARPOL are technical in nature and are updated from time to time by the IMO. In line with the established practice in incorporating the requirements of other marine-related international conventions into our local legislation, we have adopted a direct reference approach where appropriate to allow our local legislation to remain up-to-date as far as practicable<sup>7</sup>.

## **LEGISLATIVE TIMETABLE**

13. The six Amendment Regulations will be published in the Gazette on 13 August 2021 and introduced into the Legislative Council on 18 August 2021 for negative vetting.

## **IMPLICATIONS OF THE PROPOSAL**

14. The proposal will contribute to environmental protection and sustainable development. It is in conformity with the Basic Law, including provisions concerning human rights. It will not affect the current binding effect of the Safety Ordinance and Pollution Ordinance and the existing regulations. The proposal has no economic, financial, civil service, productivity, gender or family implications.

## **PUBLIC CONSULTATION**

15. We consulted the Hong Kong Fleet Operation Advisory Committee of the Marine Department (“MD”) in November 2019 and September 2020 on the legislative proposals relating to SOLAS. The Hong Kong Fleet Operation Advisory Committee and the Local Vessels Advisory Committee of MD were consulted in November 2020 on the legislative proposal relating to MARPOL. The Legislative Council Panel on Economic Development was also consulted in December 2019 and January 2021. Members supported the proposal.

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<sup>7</sup> Section 112B of the Safety Ordinance and Sections 3 and 3A of the Pollution Ordinance respectively empower the STH to make regulations to give effect to provisions of any international agreements applicable to Hong Kong as in force from time to time by setting out or referring to those provisions in the regulations.

## **PUBLICITY**

16. A press release will be issued on 13 August 2021. A spokesperson will be available to answer enquiries.

## **ENQUIRIES**

17. Any enquiries on this brief can be addressed to Ms Joanne Chu, Principal Assistant Secretary for Transport and Housing (Transport) (Tel: 3509 8162), or Mr Liu Chiu Fai, Barry, Assistant Director of Marine (Multi-lateral Policy), Marine Department (Tel: 2852 4408).

**Transport and Housing Bureau**  
**Marine Department**  
**August 2021**



## Merchant Shipping (Safety) (Construction and Survey) (Amendment) Regulation 2021

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

1. **Commencement**  
This Regulation comes into operation on 15 October 2021.
2. **Merchant Shipping (Safety) (Construction and Survey) Regulation amended**  
The Merchant Shipping (Safety) (Construction and Survey) Regulation (Cap. 369 sub. leg. BD) is amended as set out in sections 3 to 6.
3. **Section 19 substituted**  
Section 19—  
**Repeal the section**  
**Substitute**  
“19. **Requirement on operational information after flooding casualty**  
(1) The owner of a passenger ship constructed before 1 January 2014 must ensure that the requirement on the operational information after a flooding casualty specified in regulation 8-1.3.1 of Chapter II-1 is complied with in relation to the ship not later than the completion date of the first renewal survey of the ship that falls after 1 January 2025.

- (2) The owner of a passenger ship constructed on or after 1 January 2014 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.
- (3) In this section—  
*renewal survey* (換證檢驗) means a survey carried out in accordance with section 66.”.
4. **Section 59 amended (duration of Safety Certificates after early completion of certain surveys of cargo ships)**
  - (1) Section 59, heading—  
**Repeal**  
“Duration of Safety Certificates after early completion of certain surveys”  
**Substitute**  
“New date on Safety Certificates”.
  - (2) Section 59(1)—  
**Repeal**  
everything after “if”  
**Substitute**  
“a new date (*new date*) is endorsed by a Government surveyor on a Safety Certificate issued in respect of a cargo ship to be the date for ascertaining subsequent anniversary dates in accordance with regulation 14(h) of Chapter I.”.
  - (3) Section 59—  
**Repeal subsection (2).**
  - (4) Section 59(3)—

**Repeal**

“anniversary”.

**5. Section 70 amended (intermediate surveys for cargo ships)**

(1) Section 70—

**Renumber subsection (1) as subsection (1A).**

(2) Before section 70(1A)—

**Add**

“(1) An intermediate survey of a cargo ship is to be carried out by a Government surveyor within the period commencing 3 months before the second anniversary date of the Safety Certificate issued in respect of the ship and ending 3 months after the third anniversary date of the Certificate.”.

(3) Section 70(1A)—

**Repeal everything before paragraph (a)**

**Substitute**

“(1A) If the intermediate survey of a cargo ship is completed—”.

(4) Section 70(1A)(a) and (b)—

**Repeal**

“Cargo Ship Safety Certificate or Cargo Ship Safety Construction”

**Substitute**

“Safety”.

(5) Section 70(1A)—

**Repeal**

“ship.”

**Substitute**

“ship,

it is to take the place of an annual survey to be carried out under section 71 in the same year in which the intermediate survey is carried out.”.

**6. Section 71 amended (annual surveys for cargo ships)**

(1) Section 71(1)—

**Repeal**

“subsection (2)”

**Substitute**

“section 70(1A)”.

(2) Section 71(1)—

**Repeal**


“Cargo Ship Safety Certificate or Cargo Ship Safety Construction”

**Substitute**

“Safety”.

(3) Section 71—

**Repeal subsection (2).**



Secretary for Transport and Housing

4 August 2021

### Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Construction and Survey) Regulation (Cap. 369 sub. leg. BD).

2. The main purpose of the Regulation is to give effect to certain revisions to—
  - (a) Chapter XI-1 of the Annex to the International Convention for the Safety of Life at Sea, 1974 (*Annex*) that were adopted by the International Maritime Organization by Resolution MSC.409(97) on 25 November 2016; and
  - (b) Chapter II-1 of the Annex that were adopted by the International Maritime Organization by Resolution MSC.436(99) on 24 May 2018.
3. The major amendments are to provide that—
  - (a) the owner of a passenger ship constructed before 1 January 2014 must ensure that the requirement on the operational information after a flooding casualty specified in regulation 8-1.3.1 of Chapter II-1 of the Annex is complied with in relation to the ship not later than the completion date of the first renewal survey of the ship that falls after 1 January 2025; and
  - (b) an intermediate survey of a cargo ship in respect of which a Cargo Ship Safety Certificate or Cargo Ship Safety Construction Certificate has been issued is to be carried out within the period commencing 3 months before the second anniversary date of the Certificate and ending 3 months after the third anniversary date of the Certificate.

## Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) (Amendment) Regulation 2021

(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 15 October 2021.

### 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 6.

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

- (1) Regulation 1(4)(a)—

#### Repeal

“, 34”.

- (2) Regulation 1—

#### Repeal subregulation (8).

### 4. Regulations repealed

Regulations 34, 39, 40, 71, 72, 73 and 74—

#### Repeal the regulations.

### 5. Regulation 74C amended (intermediate surveys)

- (1) Regulation 74C(1)—

#### Repeal

“3 months before or after the second anniversary date or within 3 months before or after the third anniversary date of the certificate, which shall”

#### Substitute

“the period commencing 3 months before the second anniversary date of the certificate and ending 3 months after the third anniversary date of the certificate, and if the intermediate survey is completed within the period commencing 3 months before, and ending 3 months after, the second anniversary date or the third anniversary date of the certificate, it is to”.

- (2) Regulation 74C(3)—

#### Repeal

“an intermediate survey is completed before the period specified in subregulation (1) then”

#### Substitute

“a new date (*new date*) is endorsed by the surveyor on the cargo ship safety construction certificate to be the date for ascertaining subsequent anniversary dates in accordance with regulation 14(h) of Chapter I”.

- (3) Regulation 74C(3)—

#### Repeal paragraph (a).

- (4) Regulation 74C(3)(b)—

#### Repeal

“in paragraph (a)”.

- (5) After regulation 74C(4)—

**Add**

“(5) In this regulation—

*Chapter I* (《附件第 I 章》) means Chapter I of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as from time to time revised or amended by any revision or amendment that applies to Hong Kong.”.

**6. Part V repealed (no provision)**

Part V—

**Repeal the Part.**



Secretary for Transport and Housing

4 August 2021

**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) (*principal Regulations*).

2. The main purpose of the Regulation is to implement regulation 2-1 of Chapter XI-1 of the Annex to the International Convention for the Safety of Life at Sea, 1974, as amended, that was adopted by the International Maritime Organization by Resolution MSC.409(97) on 25 November 2016.
3. An intermediate survey of a cargo ship in respect of which a cargo ship safety construction certificate (*Certificate*) has been issued is to be carried out within the period commencing 3 months before the second anniversary date of the Certificate and ending 3 months after the third anniversary date of the Certificate.
4. Also, the Regulation repeals certain provisions of the principal Regulations which are without content.

**Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2021**

(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 15 October 2021.

**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 and 4.

**3. Regulation 58 amended (intermediate surveys)**

(1) Regulation 58(1)—

**Repeal**

“3 months before or after the second anniversary date or within 3 months before or after the third anniversary date of the certificate, which shall”

**Substitute**

“the period commencing 3 months before the second anniversary date of the certificate and ending 3 months after the third anniversary date of the certificate, and if the intermediate survey is completed within the period commencing 3 months

before, and ending 3 months after, the second anniversary date or the third anniversary date of the certificate, it is to”.

(2) Regulation 58(3)—

**Repeal**

“an intermediate survey is completed before the period specified in subregulation (1) then”

**Substitute**

“a new date (*new date*) is endorsed by the surveyor on the cargo ship safety construction certificate to be the date for ascertaining subsequent anniversary dates in accordance with regulation 14(h) of Chapter I”.

(3) Regulation 58(3)—

**Repeal paragraph (a).**

(4) Regulation 58(3)(b)—

**Repeal**

“in paragraph (a)”.

(5) After regulation 58(4)—

**Add**

“(5) In this regulation—

*Chapter I* (《附件第 I 章》) means Chapter I of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as from time to time revised or amended by any revision or amendment that applies to Hong Kong.”.

**4. Regulation 65 repealed**

Regulation 65—

**Repeal the regulation.**



Secretary for Transport and Housing

4 August 2021

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### Explanatory Note

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

2. The main purpose of the Regulation is to implement regulation 2-1 of Chapter XI-1 of the Annex to the International Convention for the Safety of Life at Sea, 1974, as amended, that was adopted by the International Maritime Organization by Resolution MSC.409(97) on 25 November 2016.
3. An intermediate survey of a cargo ship in respect of which a cargo ship safety construction certificate (*Certificate*) has been issued is to be carried out within the period commencing 3 months before the second anniversary date of the Certificate and ending 3 months after the third anniversary date of the Certificate.
4. Also, the Regulation repeals regulation 65 of the principal Regulations which is without content.

Merchant Shipping (Safety) (Fire-fighting Appliances and Fire Protection)  
(Amendment) Regulation 2021

Section 1

1

**Merchant Shipping (Safety) (Fire-fighting Appliances  
and Fire Protection) (Amendment) Regulation 2021**

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

**1. Commencement**

This Regulation comes into operation on 15 October 2021.

**2. Merchant Shipping (Safety) (Fire-fighting Appliances and Fire  
Protection) Regulation amended**

The Merchant Shipping (Safety) (Fire-fighting Appliances and Fire  
Protection) Regulation (Cap. 369 sub. leg. BE) is amended as set out  
in sections 3 to 8.

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

(1) Section 2(1), English text, definition of *passenger ship*—

**Repeal the full stop**

**Substitute a semicolon.**

(2) Section 2(1)—

**Add in alphabetical order**

*“cargo spaces* (貨艙) has the meaning given by regulation 3 of  
Chapter II-2;

*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;

Merchant Shipping (Safety) (Fire-fighting Appliances and Fire Protection)  
(Amendment) Regulation 2021

Section 4

2

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

**4. Part 5 heading substituted**

Part 5, heading—

**Repeal the heading**

**Substitute**

**“Part 5**

**Dangerous Goods, Certain Spaces and Motor  
Vehicles with Fuel”.**

**5. Section 14 amended (carriage of dangerous goods)**

(1) Section 14(6), Chinese text, definition of 《海運危險貨物規  
則》—

**Repeal**

“準；”

**Substitute**

“準。”.

(2) Section 14(6)—

**Repeal the definition of *cargo space*.**

**6. Section 15 amended (ships having vehicle spaces etc.)**

(1) Section 15(4), English text, definition of *compressed gas  
fuelled vehicle spaces*—

**Repeal the semicolon**

**Substitute a full stop.**



- (2) Section 15(4)—
- (a) definition of *ro-ro spaces*;
  - (b) definition of *special category spaces*;
  - (c) definition of *vehicle spaces*—

**Repeal the definitions.**

**7. Section 15A added**

Part 5, after section 15—

**Add**

**“15A. Carrying motor vehicles with fuel in tanks for own propulsion**

- (1) A ship must not carry in its cargo spaces (other than ro-ro spaces, special category spaces or vehicle spaces) motor vehicles with fuel in their tanks for their own propulsion unless the conditions specified in regulation 20.2.1.2 of Chapter II-2 are satisfied.
- (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 on conviction to a fine at level 4 and to imprisonment for 2 years.”.

**8. Section 16 amended (helicopter operations)**

- (1) Section 16(2), after “18.2.2”—

**Add**

“, 18.2.3”.

- (2) After section 16(4)—

**Add**

- “(4A) A ship constructed on or after 1 January 2020 that has a helicopter landing area must comply with the requirement specified in regulation 18.2.3 of Chapter II-2.”.

- (3) Section 16(6)—

**Repeal**

“and (4)”

**Substitute**

“, (4) and (4A)”.

- (4) Section 16(7), English text, definition of *helicopter facility*—

**Repeal the full stop**

**Substitute a semicolon.**

- (5) Section 16(7)—

**Add in alphabetical order**

“*helicopter landing area* (直升機降落區域) has the meaning given by regulation 3 of Chapter II-2.”.



Secretary for Transport and Housing

4 August 2021

### Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Fire-fighting Appliances and Fire Protection) Regulation (Cap. 369 sub. leg. BE) (*principal Regulation*).

2. The main purpose of the Regulation is to give effect to certain revisions to Chapter II-2 of the Annex to the International Convention for the Safety of Life at Sea, 1974 (*Chapter II-2*) that were adopted by the International Maritime Organization by Resolutions MSC.404(96) and MSC.421(98) on 19 May 2016 and 15 June 2017 respectively.
3. A new section 15A is added to the principal Regulation to provide that a ship must not carry in its cargo spaces (other than ro-ro spaces, special category spaces or vehicle spaces) motor vehicles with fuel in their tanks for their own propulsion unless the conditions specified in regulation 20.2.1.2 of Chapter II-2 are satisfied.
4. Section 16 of the principal Regulation is amended to provide that a ship constructed on or after 1 January 2020 that has a helicopter landing area must comply with the requirement specified in regulation 18.2.3 of Chapter II-2.
5. If a provision mentioned in paragraph 3 or 4 is contravened in relation to a ship, the owner and the master of the ship each commits an offence.

**Merchant Shipping (Safety) (Life-Saving Appliances and Arrangements, Musters and Training) (Amendment) Regulation 2021**

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

**1. Commencement**

This Regulation comes into operation on 15 October 2021.

**2. Merchant Shipping (Safety) (Life-Saving Appliances and Arrangements, Musters and Training) Regulation amended**

The Merchant Shipping (Safety) (Life-Saving Appliances and Arrangements, Musters and Training) Regulation (Cap. 369 sub. leg. AY) is amended as set out in sections 3, 4 and 5.

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

Section 2(1)—

**Add in alphabetical order**

“*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;”.

**4. Section 4B amended (application of 1996 Chapter III: muster list, emergency instructions, emergency training and drills)**

(1) Section 4B, heading, after “III”—

**Add**

“and Chapter II-1”.

(2) Section 4B(5)(a), after “30”—

**Add**

“(except Regulation 30.3)”.

(3) Before section 4B(6)—

**Add**

“(5A) The master of a passenger ship must ensure that—

(a) the damage control drills mentioned in Regulation 19-1 of Chapter II-1 (*Regulation 19-1*) and Regulation 30.3 of 1996 Chapter III are conducted on the passenger ship in the manner and at the frequency set out in Regulation 19-1; and

(b) a record of the drills is maintained in accordance with Regulation 19-1.”.

(4) Section 4B(7), before “commits”—

**Add**

“or (5A)”.

**5. Section 9 amended (reference to life-saving appliances regulation)**

Section 9, before “(6)—

**Add**

“(5A),”.



Secretary for Transport and Housing

4 August 2021

### Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Life-Saving Appliances and Arrangements, Musters and Training) Regulation (Cap. 369 sub. leg. AY) (*principal Regulation*).

2. The purpose of the Regulation is to implement the latest requirements for conducting damage control drills on passenger ships (*Requirement*) provided for in Regulation 19-1 of Chapter II-1, and Regulation 30.3 of Chapter III, of the International Convention for the Safety of Life at Sea, 1974, as amended, that were adopted by the International Maritime Organization by Resolution MSC.421(98) on 15 June 2017.
3. A new subsection (5A) is added to section 4B of the principal Regulation to require the master of a passenger ship to comply with the Requirement. A master who contravenes that new subsection (5A) commits an offence and is liable to a fine of \$10,000 and to imprisonment for 6 months.

## Merchant Shipping (Prevention of Air Pollution) (Amendment) Regulation 2021

(Made by the Secretary for Transport and Housing under sections 3 and 3A  
of the Merchant Shipping (Prevention and Control of Pollution) Ordinance  
(Cap. 413))

### 1. Commencement

This Regulation comes into operation on 1 April 2022.

### 2. Merchant Shipping (Prevention of Air Pollution) Regulation amended

The Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413 sub. leg. P) is amended as set out in sections 3 to 7.

### 3. Section 17 amended (sulphur content of fuel oil)

After section 17(2)—

#### Add

“(3) The owner and the master of a ship of 400 gross tonnage or above must ensure that the requirements on in-use fuel oil sampling point set out in Regulation 14 of Annex VI are complied with in relation to the ship.”

### 4. Section 31 amended (offences and penalties)

Section 31(1)—

#### Repeal

“17(1) or (2)”

#### Substitute

“17(1), (2) or (3)”.

### 5. Section 46 amended (sulphur content of fuel oil)

(1) Section 46—

**Renumber the section as section 46(1).**

(2) After section 46(1)—

#### Add

“(2) The owner and the master of a ship of 400 gross tonnage or above must ensure that the requirements on in-use fuel oil sampling point set out in Regulation 14 of Annex VI are complied with in relation to the ship.”

### 6. Section 56 amended (offences and penalties)

Section 56(1)—

#### Repeal

“46”

#### Substitute

“46(1) or (2)”.

### 7. Section 90 amended (power to inspect bunker delivery notes, etc.)

Section 90(1)(a), English text—

#### Repeal

everything after “the ship”

#### Substitute

“to—

- (i) provide for inspection any bunker delivery note of the fuel oil required to be kept under section 87; and
- (ii) provide for examination any representative sample of the fuel oil required to be retained under section 87;”.



Secretary for Transport and Housing

4 August 2021

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### Explanatory Note

This Regulation amends the Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413 sub. leg. P) (*principal Regulation*) to give effect to the amendments made to Annex VI to the International Convention for the Prevention of Pollution from Ships, 1973 (*Annex VI*) by the International Maritime Organization Resolution MEPC.324(75).

2. The Regulation imposes new requirements in relation to the use of fuel oil for ships of 400 gross tonnage or above, whether engaged in an international voyage or a non-international voyage as respectively defined in the principal Regulation.
3. Sections 3 and 5 amend sections 17 and 46 of the principal Regulation respectively so that owners and masters of those ships must ensure that the “in-use fuel oil sampling point” requirements set out in Annex VI are complied with.
4. Sections 4 and 6 respectively amend the offence provisions under sections 31 and 56 of the principal Regulation accordingly.
5. Section 7 makes a minor textual amendment to the English text of section 90 of the principal Regulation.